

JAN 25 2006

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## A BILL FOR AN ACT

RELATING TO THE USE OF SAFETY HELMETS BY MINORS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 286-81, Hawaii Revised Statutes,  
2 requires minors who operate motorcycles or motor scooters to  
3 wear safety helmets. However, safety helmets are not required  
4 for minors who are operators of mopeds. The legislature finds  
5 that the use of mopeds, which can have a maximum power of up to  
6 thirty miles per hour, poses a serious safety hazard for minors  
7 who ride them without safety helmets. During 2004 there were  
8 13,706 mopeds registered in the city and county of Honolulu  
9 alone. Between 1998 and 2002, there were 1,222 moped accidents  
10 in the city and county of Honolulu that resulted in injury.  
11 During the same period there were fifteen moped fatalities on  
12 Oahu. Moped riders who are involved in serious traffic  
13 accidents are likely to suffer severe head injuries when they do  
14 not wear safety helmets.

15           Although nationwide statistics on moped operator fatalities  
16 are not available, national data indicate that unhelmeted  
17 motorcycle riders are forty per cent more likely to sustain a  
18 fatal head injury than helmeted riders. The legislature



1 believes unhelmeted moped riders are subject to a similar risk  
2 ratio.

3 The legislature also recognizes that the following negative  
4 effects are associated with moped drivers who ride without  
5 safety helmets:

6 (1) Higher health care costs for unhelmeted accident  
7 victims, particularly those who suffer traumatic head  
8 injuries;

9 (2) Additional taxpayer moneys used for programs that help  
10 unhelmeted accident survivors, such as the neurotrauma  
11 special fund and advisory board established by Act  
12 160, Session Laws of Hawaii 2002;

13 (3) Time delays experienced and economic losses incurred  
14 by businesses, residents, and visitors to Hawaii when  
15 roads are shut down due to a traffic fatality, which  
16 is a statistically higher probability when the  
17 accident involves an unhelmeted rider; and

18 (4) Grief and tragedy experienced by families when a  
19 child's death is due to a moped accident that may have  
20 been prevented by the use of a safety helmet.

21 The purpose of this Act is to mandate the use of safety  
22 helmets for moped operators who are under the age of eighteen.



1 SECTION 2. Section 291C-195, Hawaii Revised Statutes, is  
2 amended by amending its title and subsection (a) to read as  
3 follows:

4 "[+]§291C-195[+] **Driving of mopeds.** (a) No person less  
5 than fifteen years of age shall drive a moped[-] on a highway,  
6 street, or any other public property in the State. No person  
7 less than the age of eighteen shall drive a moped unless the  
8 person wears a safety helmet securely fastened with a chin  
9 strap. The safety helmet shall meet federally approved  
10 standards and be of the type designed for use by motorcyclists  
11 and other motor vehicle users. The safety helmet shall conform  
12 to Federal Motor Vehicle Safety Standards, Title 49, Part 571,  
13 Standard No. 218, Code of Federal Regulations, which outline  
14 minimum performance requirements for impact, penetration and  
15 retention systems for motorcycle helmets."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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SB2217

**Report Title:**

Transportation; Safety Helmet; Moped

**Description:**

Mandates safety helmet use for moped drivers under the age of 18 years.

