

JAN 18 2008

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. Section 286-21, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§286-21 Vehicles or mopeds without required equipment or**
4 **in unsafe condition.** No person shall drive or cause to move on
5 any highway any motor vehicle, moped, trailer, semitrailer, or
6 pole trailer, or any combination thereof, unless the equipment
7 thereon is in good working order and [~~adjustment~~] adjusted as
8 required in this part so as not to endanger the driver or other
9 occupant or any person upon the highway."

10 SECTION 2. Section 286-22, Hawaii Revised Statutes, is
11 amended by amending subsections (a), (b), and (c) to read as
12 follows:

13 "(a) The chief of police or any police officer of any
14 county may, at any time when the chief of police or police
15 officer has reasonable cause to believe that a vehicle or moped
16 is unsafe or not equipped as required by law, require the owner



1 or driver of the vehicle or moped to submit the vehicle or moped
2 to an inspection or make the necessary corrections or repairs.

3 (b) If the vehicle or moped is found to be in an unsafe
4 condition or if any required part or equipment is not present or
5 if any required part or equipment is present but not in proper
6 repair, the officer shall issue a citation to the owner or
7 driver stating the reasons that the vehicle or moped is deemed
8 unsafe and shall require that a new certificate of inspection as
9 provided in section 286-26 be obtained within five days or that
10 the defect be cured.

11 (c) If upon inspection, the chief of police or any police
12 officer determines that any vehicle or moped is in such unsafe
13 condition as to constitute a menace to the public and cannot
14 reasonably be restored to a safe condition as required in this
15 part, the chief of police or police officer shall remove the
16 sticker which signifies the certificate of inspection and inform
17 the director of finance who shall forthwith suspend the
18 registration of the vehicle or moped and give notice of the
19 suspension to its owner. Whenever the director of finance has
20 suspended the registration of any vehicle or moped under this
21 part, the owner of the vehicle or moped shall immediately
22 surrender and forward to the director of finance the certificate

1 of registration and the license plates last issued upon
2 registration of the vehicle or moped for the current year."

3 SECTION 3. Section 286-23, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) No person shall operate any vehicle or moped after
6 receiving a citation with reference thereto as provided in
7 section 286-22(b), except that if the driver is authorized to do
8 so by the police officer, the driver may return the vehicle or
9 moped to the driver's residence or place of business or the
10 residence or place of business of the owner of the vehicle or
11 moped, or to an automotive repair shop, if within a distance of
12 twenty miles, until a certificate of inspection is obtained or
13 the necessary corrections or repairs are made."

14 SECTION 4. Section 286-25, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§286-25 Operation of a vehicle or moped without a**
17 **certificate of inspection.** Whoever operates, permits the
18 operation of, causes to be operated, or parks any vehicle or
19 moped on a public highway without a current official certificate
20 of inspection, issued under section 286-26, shall be fined not
21 more than \$100."



1 SECTION 5. Section 286-26, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) The director of transportation shall adopt necessary
4 rules for the administration of inspections and the issuance of
5 certificates of inspection[-]; provided that the rules regarding
6 inspections of mopeds shall be limited to implementing the
7 requirement that mopeds be operated only with an exhaust system
8 that meets original manufacturer specifications."

9 SECTION 6. Section 286-85, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) No person shall operate a reconstructed vehicle or
12 moped upon a public highway unless it has been inspected and
13 certified by the designated county agency as meeting the
14 specifications and requirements established in rules and
15 regulations adopted by the state director of transportation."

16 SECTION 7. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Highway Safety; Mopeds

Description:

Amends Hawaii law to make it clear that mopeds shall be required to operate only with an exhaust system that meets original manufacturing specifications.

