
A BILL FOR AN ACT

RELATING TO HELMETS.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new section to Part IV to be appropriately
3 designated and to read as follows:
4 "§286-A Safety helmets; rules. The director shall adopt
5 rules, subject to the requirements of chapter 91, establishing
6 specifications and standards for safety helmets offered for
7 sale, or sold, for use by drivers and passengers of motorcycles,
8 motor scooters, mopeds, and bicycles as the director determines
9 are necessary for the safety of those drivers and passengers.
10 The rules shall include, but are not limited to, the
11 requirements imposed by Federal Motor Vehicle Safety Standard
12 No. 218 (49 C.F.R. Sec. 571.218) and may include compliance with
13 that federal standard by incorporation of its requirements by
14 reference. Each helmet sold or offered for sale for use by
15 drivers and passengers of motorcycles, motor scooters, mopeds,
16 and bicycles, shall be conspicuously labeled in accordance with
17 the federal standard which shall constitute the manufacturer's



1 certification that the helmet conforms to the applicable federal
2 motor vehicle safety standards."

3 SECTION 2. Section 286-81, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "PART IV. SAFETY EQUIPMENT

6 §286-81 Motorcycle, motor scooter, moped, etc.; protective
7 devices. (a) No person shall:

8 (1) Operate a motorcycle [~~or~~], motor scooter, or moped on
9 any highway in the State unless the person and any
10 passenger the person carries on the motorcycle [~~or~~],
11 motor scooter, or moped wears:

12 (A) Safety glasses, goggles, or a face shield, in the
13 case of a motorcycle or motor scooter that is not
14 equipped with windscreens or windshields; [~~and~~]

15 (B) A safety helmet; and

16 [~~(B)~~] (C) Any other protective devices [~~, other than a~~
17 ~~safety helmet,~~] required by rules adopted by the
18 director.

19 For the purpose of meeting the requirements of this
20 paragraph, a required device shall meet the
21 specifications and requirements established by rules
22 adopted by the director;



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- 1 (2) Lease or rent a motorcycle [~~or~~], motor scooter, or
2 moped to another person unless the person furnishes:
- 3 (A) Safety glasses, goggles, or a face shield, in the
4 case of a motorcycle [~~or~~], motor scooter, or
5 moped that is not equipped with windscreens or
6 windshields; [~~and~~]
- 7 (B) A safety helmet for the operator and for any
8 passenger the operator carries on the motorcycle,
9 motor scooter, or moped; and
- 10 [~~(B)~~] (C) Any other protective devices required by the
11 rules adopted by the director for the use of the
12 person or persons intending to operate or ride as
13 a passenger on the motorcycle or motor scooter;
14 provided that any person to whom a motorcycle or
15 motor scooter is leased or rented may furnish for
16 the person's own use the protective devices
17 required by this part.
- 18 For the purposes of meeting the requirements of this
19 paragraph, a required device shall meet the
20 specifications and requirements established by rules
21 adopted by the director; [~~or~~]



1 (3) Sell or offer for sale for use by a driver or
2 passenger of a motorcycle, motor scooter, or moped,
3 any safety helmet which is not of a type meeting
4 requirements established by the rules adopted by the
5 director; or

6 (4) Sell or offer for sale or furnish any [safety helmet,]
7 safety glasses, goggles, face shield, windscreen,
8 windshield, or other protective devices represented to
9 meet the requirements of this part unless the device
10 meets the specifications and requirements established
11 by rules adopted by the director.

12 ~~[(b) No person less than eighteen years of age shall~~
13 ~~operate or ride as a passenger on a motorcycle or motor scooter~~
14 ~~on any highway in the State unless the person wears a safety~~
15 ~~helmet securely fastened with a chin strap.~~

16 ~~(c) A safety helmet shall not be required for any person~~
17 ~~who operates or rides as a passenger on a motorcycle or motor~~
18 ~~scooter; provided that the motorcycle or motor scooter:~~

- 19 ~~(1) Has three wheels;~~
20 ~~(2) Is powered by an electric motor;~~
21 ~~(3) Has a full body enclosed cab; and~~



1 ~~(4) Has a seat belt assembly or a child restraint system~~
2 ~~for the driver and passenger;~~
3 ~~and the operator and passenger uses the seat belt or child~~
4 ~~restraint system pursuant to sections 291-11.5 and 291-11.6.]~~

5 (b) For the purposes of this section, "wear a safety
6 helmet" means having a safety helmet meeting the requirements of
7 section 286- on the person's head that is fastened with the
8 helmet straps and that is of a size that fits the person's head
9 securely without excessive lateral or vertical movement.

10 (c) This section does not apply to a person operating, or
11 riding as a passenger in, a fully enclosed three-wheeled motor
12 vehicle that is not less than seven feet in length and not less
13 than four feet in width, and has an unladen weight of 900 pounds
14 or more, if the vehicle meets or exceeds all of the requirements
15 of the Federal Motor Vehicle Safety Standards, and the rules and
16 regulations adopted by the United States Department of
17 Transportation and the National Highway Traffic Safety
18 Administration, and if the vehicle has a seat belt assembly or a
19 child restraint system for the driver and passenger, and the
20 operator and any passengers use the seat belt or child restraint
21 system pursuant to sections 291-11.5 and 291-11.6. "



1 SECTION 3. Section 291C-150, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§291C-150~~] **Bicycle helmets.** (a) No person [~~under~~
4 ~~sixteen years of age~~] shall operate a bicycle upon a street,
5 bikeway, highway, or any other public property unless that
6 person is wearing a properly fitted and fastened bicycle helmet
7 that has been tested by a nationally recognized agency such as
8 the National Highway Traffic Safety Administration, the National
9 Safety Council, or the Children's Safety Network, and is
10 designed to fit the user and protect against head trauma. This
11 requirement also applies to a person who rides upon a bicycle
12 while in a restraining seat that is attached to the bicycle or
13 who rides in a trailer towed by the bicycle.

14 (b) A person who provides bicycles for hire shall not rent
15 a bicycle to any person unless every person [~~who is under age~~
16 ~~sixteen~~] is wearing a bicycle helmet, as required in subsection
17 (a), while operating the rented bicycle, occupying a restraining
18 seat that is attached to the rented bicycle, or riding in a
19 trailer towed by the rented bicycle.

20 (c) A violation of this section is punishable by a fine of
21 not more than \$25. The parent or legal guardian having control
22 or custody of an unemancipated minor whose conduct violates this



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1 section shall be liable for the amount of the fine imposed
2 pursuant to this section.

3 (d) Notwithstanding any law to the contrary, the fines
4 collected for a violation of this section shall be paid into the
5 state treasury to the credit of the state general fund."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: *Samara Marimata*

JAN 21 2009



Report Title:

Safety

Description:

Mandates adoption of rules for safety helmets for motorcycles, motor scooters, mopeds, and bicycles. Prohibits the operation or riding on a motorcycle, motor scooter, moped, or bicycle without a safety helmet. Prohibits the sale, rental, or lease of a motorcycle, motor scooter, or moped without provision of safety helmet.

