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## A BILL FOR AN ACT

RELATING TO MOPEDS.

**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 and 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 as required in  
8 this part [~~so as not to~~] and does not endanger the driver or  
9 other occupant or any person [~~upon~~] on the highway."

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

12 "(a) [~~The chief of police or any police officer of any~~  
13 ~~county may, at~~] At any time when the chief of police or police  
14 officer has reasonable cause to believe that a vehicle or moped  
15 is unsafe or not equipped as required by law, the chief of  
16 police or any police officer of any county may require the owner  
17 or driver of the vehicle or moped to submit the vehicle or moped  
18 to an inspection or make the necessary corrections or repairs.



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

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



1 registration and the license plates last issued upon  
2 registration of the vehicle 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 [7] 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 286-24, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§286-24 [~~Registered owner's responsibility; registration~~  
17 ~~plates as prima facie evidence as to the fault of the registered~~  
18 ~~owner.] Responsibility of owner or operator for violation. In any  
19 proceeding for violation of this part, the registered owner of a  
20 vehicle or the operator of a moped shall be deemed responsible for  
21 the unsafe condition of the vehicle [-] or moped, or the failure to  
22 equip the moped as required by law."~~



1 SECTION 5. Section 286-25, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§286-25 Operation of a vehicle or moped without a  
4 certificate of inspection. Whoever operates, permits the  
5 operation of, causes to be operated, or parks any vehicle or  
6 moped on a public highway without a current official certificate  
7 of inspection, issued under section 286-26, shall be fined [~~not~~  
8 ~~more than~~] up to \$100."

9 SECTION 6. Section 286-26, Hawaii Revised Statutes, is amended  
10 as follows:

11 1. By amending subsections (b) and (c) to read:

12 "(b) [~~All other~~] Mopeds and vehicles [~~7~~] other than those  
13 under subsection (a), including motorcycles, trailers,  
14 semitrailers, and pole trailers having a gross vehicle weight  
15 rating of [~~10,000~~] ten thousand pounds or less, and antique  
16 motor vehicles as defined in section 249-1, except those in  
17 subsections (c) and (d), shall be certified as provided in  
18 subsection (e) every twelve months; provided that any vehicle or  
19 moped to which this subsection applies shall not require  
20 inspection within two years of the date on which the vehicle was  
21 first sold.



1 (c) Any vehicle or moped that has been involved in an  
2 accident shall be certified as provided in subsection (e) before  
3 it is operated again if:

4 (1) It is determined by a police officer or an insurer  
5 that the vehicle's equipment has been damaged so as to  
6 render the vehicle unsafe; or

7 (2) It is rebuilt or restored."

8 2. By amending subsection (e) to read:

9 "(e) Upon application for a certificate of inspection to  
10 be issued for a vehicle[~~7~~] or moped, an inspection as prescribed  
11 by the director under subsection (g) shall be conducted on the  
12 vehicle[~~7~~] or moped, and if the vehicle or moped is found to be  
13 in a safe operating condition, a certificate of inspection shall  
14 be issued upon payment of a fee to be determined by the  
15 director. The certificate for a motor vehicle shall state the  
16 effective date, the termination date, the name of the issuing  
17 insurance carrier, and the policy number of the motor vehicle  
18 insurance identification card for the inspected motor vehicle as  
19 specified by section 431:10C-107 or state the information  
20 contained in the proof of insurance card as specified by section  
21 431:10G-106. A sticker, authorized by the director, shall be  
22 affixed to the vehicle or moped at the time a certificate of



1 inspection is issued. An inspection sticker [~~which~~] that has  
2 been lost, stolen, or destroyed shall be replaced without  
3 reinspection by the inspection station that issued the original  
4 inspection sticker upon presentation of the [~~vehicle's~~] current  
5 certificate of inspection[~~7~~] for the vehicle or moped; provided  
6 that the current certificate of inspection and inspection  
7 sticker shall not have expired at the time the replacement is  
8 requested. The director shall adopt rules to determine the fee  
9 for replacement of lost, stolen, or destroyed inspection  
10 stickers."

11 3. By amending subsection (g) to read:

12 "(g) The director of transportation shall adopt necessary  
13 rules for the administration of inspections and the issuance of  
14 certificates of inspection[~~-~~]; provided that the rules regarding  
15 inspection of mopeds shall be limited to implementing the  
16 requirement that mopeds be operated only with an exhaust system  
17 that meets original manufacturer specifications."

18 SECTION 7. Section 286-30, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§286-30 False certificates. Any person who makes,  
21 issues, or knowingly uses any imitation or counterfeit of an  
22 official certificate of inspection, or any person who displays



1 or causes or permits to be displayed upon any vehicle or moped  
2 any certificate of inspection knowing the same to be issued for  
3 another vehicle or issued without an inspection having been made  
4 or issued without authority as provided herein shall be fined  
5 [~~not more than~~] up to \$1,000 or imprisoned [~~not more than~~] up to  
6 thirty days, or both."

7 SECTION 8. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun, before its effective date.

10 SECTION 9. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 10. This Act shall take effect upon its approval.

13

INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'P. H. R.', written over a horizontal line.

JAN 20 2010



**Report Title:**

Mopeds; Inspection

**Description:**

Requires mopeds to be inspected annually, to display a certificate of inspection, and to be operated only with an exhaust system that meets original manufacturer specifications.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

