

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. Section 286-81, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§286-81 Motorcycle, motor scooter, etc.; protective  
4 devices. (a) No person shall:

5           (1) Operate a motorcycle, moped, or motor scooter, on any  
6 highway in the State unless the person and any  
7 passenger the person carries on the motorcycle, moped,  
8 or motor scooter wears:

9           (A) Safety glasses, goggles, or a face shield, in the  
10 case of a motorcycle, moped, or motor scooter  
11 that is not equipped with windscreens or  
12 windshields; and

13           (B) Any other protective devices, ~~other than a safety~~  
14 ~~helmet,~~] required by rules adopted by the  
15 director[-] for the use of the person intending  
16 to operate the motorcycle, moped, or motor  
17 scooter.



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For the [~~purposes~~] purpose of meeting the requirements of this paragraph, a required device shall meet the specifications and requirements established by rules adopted by the director;

(2) Lease or rent a motorcycle, moped, or motor scooter to another person unless the person furnishes:

(A) Safety glasses, goggles, or a face shield, in the case of a motorcycle, moped, or motor scooter that is not equipped with windscreens or windshields; and

(B) Any other protective devices required by the rules adopted by the director for the use of the person or persons intending to operate or ride as a passenger on the motorcycle, moped, or motor scooter; provided that any person to whom a motorcycle, moped, or motor scooter is leased or rented may furnish for the person's own use the protective devices required by this part.

For the [~~purposes~~] purpose of meeting the requirements of this paragraph, a required device shall meet the



1 specifications and requirements established by rules  
2 adopted by the director; or

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

9 (b) No person [~~less than eighteen years of age~~] shall  
10 operate or ride as a passenger on a [~~motereycle~~] moped or motor  
11 scooter on any highway in the State unless the person wears a  
12 safety helmet securely fastened with a chin strap[-] that  
13 complies with the United States Department of Transportation's  
14 Federal Motor Vehicle Safety Standard No. 218 (FMVSS 218).

15 (c) A safety helmet shall not be required for any person  
16 who operates a motorcycle or rides as a passenger on a  
17 motorcycle, moped, or motor scooter; provided that the  
18 motorcycle, moped, 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~~] use the seat belt or child  
4 restraint system pursuant to sections 291-11.5 and 291-11.6."

5 SECTION 2. Section 291C-197, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§291C-197 Driving mopeds on bicycle lanes and paths.** (a)  
8 Wherever bicycle lanes are provided on the roadway, two-wheeled  
9 moped drivers shall use [~~such~~] the bicycle lanes. A  
10 three-wheeled moped shall not be driven in a bicycle lane.

11 (b) The director of transportation by rule and the  
12 counties by ordinance may with respect to bicycle paths under  
13 their respective jurisdictions restrict or prohibit the use of  
14 [~~such~~] bicycle paths by mopeds. Signs clearly visible to an  
15 ordinarily observant person indicating the restriction or  
16 prohibition shall be placed along bicycle paths so designated  
17 and every moped driver shall obey the directions thereof. A  
18 three-wheeled moped shall not be driven in a bicycle path.

19 [~~(c) This section shall not apply to a three wheeled~~  
20 ~~moped.~~] "



# S.B. NO. 1630

1 SECTION 3. This Act does not affect rights and duties that  
 2 matured, penalties that were incurred, and proceedings that were  
 3 begun, before its effective date.

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

6 SECTION 5. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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**Report Title:**

Moped & Motor Scooter Helmet Requirements; Bike Lane and Path Restrictions

**Description:**

Makes it mandatory that persons operating or riding a moped or motor scooter on any highway shall wear a safety helmet with a chin strap. Prohibits three-wheeled mopeds from using bike lanes and bike paths.

