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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, moped, motor scooter, etc.;**  
4 **protective devices.** (a) No person shall:

5           (1) Operate a motorcycle, moped, or motor scooter[~~7~~] on  
6 any highway in the State unless the person and any  
7 passenger the person carries on the motorcycle or  
8 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~~  
14 ~~safety helmet,~~] required by rules adopted by the  
15 director[~~7~~] for the use of the person intending  
16 to operate the motorcycle, moped, or motor  
17 scooter.

1 For the purpose of meeting the requirements of this  
2 paragraph, a required device shall meet the  
3 specifications and requirements established by rules  
4 adopted by the director;

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

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

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

20 For the [~~purposes~~] purpose of meeting the requirements  
21 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 motorcycle [~~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) No person shall operate a moped or motor scooter or  
16 ride as a passenger on a motor scooter on any highway in the  
17 State unless the person wears a safety helmet securely fastened  
18 with a chin strap that complies with the United States  
19 Department of Transportation's Federal Motor Vehicle Safety  
20 Standard No. 218 (FMVSS 218).

21 [~~e~~] (d) A safety helmet shall not be required for any  
22 person who operates a motorcycle, moped, or motor scooter or

1 rides as a passenger on a motorcycle or motor scooter; provided  
2 that the motorcycle, moped, or motor scooter:

3 (1) Has three wheels;

4 (2) Is powered by an electric motor;

5 (3) Has a full body enclosed cab; and

6 (4) Has a seat belt assembly or a child restraint system  
7 for the driver and passenger;

8 and the operator and passenger [~~uses~~] use the seat belt or child  
9 restraint system pursuant to sections 291-11.5 and 291-11.6."

10 SECTION 2. Section 291C-195, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) No person less than fifteen years of age shall drive  
13 a moped on a highway, street, roadway, or any other public  
14 property in the State. No person [~~less than eighteen years of~~  
15 ~~age~~] shall drive a moped unless the person wears a safety helmet  
16 securely fastened with a chin strap[~~-~~] that complies with the  
17 United States Department of Transportation's Federal Motor  
18 Vehicle Safety Standard No. 218 (FMVSS 218). The safety helmet  
19 shall meet the specifications and requirements established by  
20 rules adopted by the director."

21 SECTION 3. Section 291C-197, Hawaii Revised Statutes, is  
22 amended to read as follows:

SB1630 SD1.DOC

\*SB1630 SD1.DOC\*

\*SB1630 SD1.DOC\*

1           "**§291C-197 Driving mopeds on bicycle lanes and paths.** (a)

2           Wherever bicycle lanes are provided on the roadway, two-wheeled  
3           moped drivers shall use [~~such~~] the bicycle lanes. A three-  
4           wheeled moped shall not be driven in a bicycle lane.

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

13          ~~[(c) This section shall not apply to a three-wheeled~~  
14          ~~moped.]"~~

15          SECTION 4. This Act does not affect rights and duties that  
16          matured, penalties that were incurred, and proceedings that were  
17          begun, before its effective date.

18          SECTION 5. Statutory material to be repealed is bracketed  
19          and stricken. New statutory material in underscored.

20          SECTION 6. This Act shall take effect upon its approval.

**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. (SD1)