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A BILL FOR AN ACT

RELATING TO MOPED INSTRUCTION PERMITS.

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

1 SECTION 1. Section 286-110, Hawaii Revised Statutes, is  
2 amended by amending subsections (d) and (e) to read as follows:

3 "(d) Except when operating a [~~motor scooter~~] moped, motor  
4 scooter, or motorcycle, the holder of an instruction permit  
5 shall be accompanied by a person who is twenty-one years of age  
6 or older and licensed to operate the category of motor vehicles  
7 in which the motor vehicle that is being operated belongs. The  
8 licensed person shall occupy a passenger seat beside the permit  
9 holder while the motor vehicle is being operated; provided that  
10 if the holder of the instruction permit is under the age of  
11 eighteen years and is driving between the hours of 11:00 p.m.  
12 and 5:00 a.m.:

13 (1) A licensed driver who is the permit holder's parent or  
14 guardian shall occupy a passenger seat beside the  
15 driver while the motor vehicle is operated, unless the  
16 permit holder is an emancipated minor;

17 (2) The licensed driver shall be licensed to operate the  
18 same category of motor vehicles as the motor vehicle

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1 being operated by the holder of the instruction  
2 permit; and

3 (3) All occupants of the motor vehicle shall be restrained  
4 by a seat belt assembly or a child passenger safety  
5 restraint system as required under sections 291-11.5  
6 and 291-11.6, notwithstanding any other law to the  
7 contrary.

8 (e) No holder of a temporary instruction permit shall  
9 operate a [~~motorcycle or a motor scooter~~] moped, motor scooter,  
10 or motorcycle during hours of darkness or carry any passengers."

11 SECTION 2. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: AS.TK.

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BY REQUEST

**Report Title:**

Moped; Motor Scooter; Motorcycle; Instruction Permits

**Description:**

Clarify laws relating to operating a moped, motor scooter, or motorcycle with an instruction permit.

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO INSTRUCTION PERMITS.

PURPOSE: Clarify that moped instruction permit holders may practice riding their mopeds without being accompanied by a person who is twenty-one years of age or older and licensed to operate a moped.

MEANS: Amend section 286-110(d) and (e), Hawaii Revised Statutes.

JUSTIFICATION: The current law allows a permit holder to operate a motor scooter or motorcycle without being accompanied by a person who is 21 years old or older but due to a lack of an exemption, requires this accompaniment for permit holders who operate a moped. The reason an exception is necessary is that carrying a passenger on a two-wheeled vehicle is more challenging and therefore more dangerous than riding alone. Carrying a passenger on a moped would be even more challenging, because a moped is lighter and less powerful. Also, current law prohibits passengers on two-wheeled mopeds. The law must be amended so it is practical and logical.

Impact on the public: Persons with an instruction permit will be able to legally practice riding their mopeds.

Impact on the department and other agencies: There will be no impact on the Department of Transportation. It will save the police departments the frustration of trying to enforce a law that does not make sense.

GENERAL FUND: None.

OTHER FUNDS: None.

PBS PROGRAM  
DESIGNATION: TRN 597.

OTHER AFFECTED  
AGENCIES: HPD.

EFFECTIVE DATE: Upon approval.