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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 249-2, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3       "**§249-2 Imposition of tax.** Except as otherwise provided  
4 in sections 249-1 to 249-13, and except in the case of antique  
5 motor vehicles which shall be subject to an annual tax of \$10 in  
6 lieu of the annual tax otherwise imposed by this section, all  
7 vehicles, mopeds, and motor vehicles as defined in section 249-  
8 1, shall be subject to an annual tax, computed, except for the  
9 minimum tax provided for in section 249-13 according to the net  
10 weight of each vehicle at a rate determined as hereinafter  
11 provided in section 249-13. The tax shall be paid by the owner  
12 of each vehicle in the county in which the vehicle is located at  
13 the time of registration, whether the original registration or  
14 any subsequent registration, and shall be collected by the  
15 director of finance of such county; provided that if a vehicle  
16 is transported to another county after the payment of the tax,  
17 no additional tax shall be imposed on the vehicle for the  
18 remaining period of the year for which the tax has been paid."



1 SECTION 2. Section 249-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§249-4 Exemptions for new vehicles and official vehicles.**

4 All new vehicles and mopeds, otherwise taxable under sections  
5 249-1 to 249-13, in stock for purposes of sale, shall be exempt  
6 from the tax herein provided, and number plates for all these  
7 vehicles and mopeds may be issued as now and hereafter provided  
8 by ordinance of the county. All motor vehicles owned or leased  
9 for twelve months or longer by the State or any county and all  
10 motor vehicles and motorcycles owned or leased for twelve months  
11 or longer by police officers of the State or any county that  
12 actually are used by them in their travel on official business  
13 shall be exempt from the tax herein provided, and number plates  
14 for all these vehicles may be issued as provided by ordinance of  
15 the county; provided that the director of finance may charge the  
16 State an amount equal to the cost to the county of the number  
17 plates issued to the State."

18 SECTION 3. Section 249-5.5, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§249-5.5 Stored vehicles.** (a) All vehicles and mopeds  
21 taxable under sections 249-1, 249-2, 249-4 and 249-6 to 249-13,  
22 which are stored so that they are not used for transportation,



1 or for the other purposes covered by section 249-2, shall be  
2 exempt from the tax for the period of storage; provided that the  
3 owner of each vehicle shall first present to the director of  
4 finance a signed statement of the fact of the storage, together  
5 with other relevant facts as may be required by the director of  
6 finance and shall surrender the last issued certificate of  
7 registration, license plates, and emblem for the vehicle and  
8 mopeds. If the affidavit, certificate of registration, license  
9 plates, and emblem are presented to the director of finance  
10 after the expiration of the vehicle's registration period, then  
11 the unpaid tax for each month the license plates could have been  
12 validated with an emblem plus the fee for the currently issued  
13 license plates and emblem shall be paid in full upon presenting  
14 the affidavit.

15 (b) The director of finance may dispose of the license  
16 plates for any vehicle or moped whose registration has expired  
17 and the owner shall be required to purchase new license plates  
18 and a new emblem upon removing the vehicle or moped from  
19 storage.

20 (c) As a condition precedent to the removal of the vehicle  
21 or moped from storage, the owner of the vehicle or moped shall  
22 present to the director of finance a certificate of inspection



1 that was issued after the recording of the storage with the  
2 director of finance if the certificate of inspection expired  
3 during the period of storage."

4 SECTION 4. Section 249-7, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§249-7 Number plates.** (a) Upon receipt of the tax the  
7 director of finance shall number and register the vehicle or  
8 moped in the owner's name in a permanent record or book to be  
9 kept by the director for this purpose, and shall furnish the  
10 owner thereof with a receipt showing upon its face the license  
11 number issued for the vehicle or moped and the fact that the  
12 license tax has been paid thereon for the whole or the remainder  
13 of the current year in which the receipt is issued. The  
14 director of finance shall also furnish the owner, upon the  
15 original registration of the vehicle or moped, two number plates  
16 for the vehicle or one plate in the case of trailers,  
17 semitrailers, mopeds, or motorcycles with the registration  
18 number marked thereon. Upon the payment of the tax for each  
19 year a tag or emblem bearing a serial number and the month and  
20 year of expiration shall be provided to the owner. Transfer of  
21 current number plates, tag, or emblem, except as authorized by



1 this chapter or by chapter 286, is punishable by a fine of not  
2 more than \$50 for each offense.

3 (b) Upon an original registration the director of finance  
4 shall fix, and shall charge to the owner, a fee equal to the  
5 cost of the number plate and tag or emblem plus the  
6 administrative cost of furnishing the plate and tag or emblem  
7 and effecting the registration. Upon the issuance of a new  
8 series of number plates as determined by the directors of  
9 finance of each county through majority consent, the director of  
10 finance shall charge the owner a fee equal to the costs of the  
11 number plate plus the administrative cost of furnishing the  
12 plates. Upon issuing a tag or emblem, the director of finance  
13 shall charge the owner a fee of 50 cents. The owner shall  
14 securely fasten the number plates on the vehicle, one on the  
15 front and the other on the rear, at a location provided by the  
16 manufacturer or in the absence of such a location upon the  
17 bumpers of the vehicle and in conformance with section 291-31,  
18 in such a manner as to prevent the plates from swinging. Number  
19 plates shall at all times be displayed entirely unobscured and  
20 be kept reasonably clean. In the case of trailers,  
21 semitrailers, mopeds, or motorcycles, one plate shall be used  
22 and it shall be fastened to the rear thereof at a location



1 provided by the manufacturer or in the absence of such a  
2 location at the rear thereof, and in the case of motorcycles in  
3 conformance with section 291-31.

4 (c) Upon the issuance of the tag or emblem the owner shall  
5 affix the tag or emblem to the top right portion of the rear  
6 number plate, except that all vehicles owned by the State, any  
7 county government, any board of water supply, and official  
8 representatives of any foreign governments shall be issued  
9 registrations which need be renewed only in the new plate issue  
10 year.

11 (d) After the initial payment of the tax and the original  
12 registration of a vehicle or moped as herein specified, a motor  
13 vehicle shall not be required to be reweighed in any succeeding  
14 year unless it has been so altered or changed as to increase or  
15 diminish its weight. No new number plates shall, however, be  
16 issued to a new owner except as provided in sections 249-7.5 and  
17 249-8.

18 (e) If an owner of a vehicle or moped registered in any  
19 county, upon the disposition of the vehicle or moped, requests  
20 that the license plates furnished to the owner with respect to  
21 the registration of the vehicle or moped be assigned to another  
22 vehicle or moped subsequently acquired by the owner, the



1 assignment may be made by the director of finance at the  
2 director's discretion. To defray additional administrative  
3 costs incurred by acceding to those requests, the director of  
4 finance shall charge a fee of \$5 for each reassignment of  
5 license plates, in addition to the fee for registration. The  
6 procedure for registering the vehicles shall otherwise be  
7 identical with that provided by this section."

8 SECTION 5. Section 249-8, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§249-8 Replacements for lost or damaged plates, tags, or**  
11 **emblems.** Upon the loss, defacement, or destruction of a number  
12 plate or plates, tag or emblem issued upon any vehicle or moped,  
13 or where the number plate, tag, or emblem has become illegible  
14 or is in such condition as to be difficult to read, the owner of  
15 the vehicle shall make application for a new number plate or  
16 plates, tag, or emblem upon such form as shall be prescribed by  
17 the county director of finance. The owner shall be required, in  
18 addition to other requirements, to make a complete statement as  
19 to the cause of the loss, defacement, or destruction of the  
20 original number plate or plates, tag, or emblem. Upon the  
21 filing of such form, the director of finance shall issue a new  
22 number plate or plates, tag, or emblem and shall charge the



1 owner a fee to be fixed by the director of finance equal to the  
2 costs of the number plate, tag, or emblem, plus the  
3 administrative cost of furnishing the plate, tag, or emblem and  
4 effecting the replacement."

5 SECTION 6. Section 249-9, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "**§249-9 Number plates; purchase.** (a) The number plates  
8 hereinabove referred to shall be used upon all vehicles or  
9 mopeds for which a tax has been paid pursuant to sections 249-1  
10 to 249-13. All such plates shall:

- 11 (1) Bear the word "Hawaii" along the upper portion of the  
12 plate and the words "Aloha State" along the lower  
13 portion of the plate;
- 14 (2) Have a distinct contrast between the color of the  
15 plate and the numerals and letters thereon; and
- 16 (3) Be of such shape, size, and color, and with such  
17 arrangements of letters and numbers as may, subject to  
18 sections 249-1 to 249-13, be determined by the  
19 directors of finance of each county through majority  
20 consent.

21 The numerals on all such plates shall be not less than three  
22 inches in height and the strokes thereof not less than three-





1 eighths inch in width, except in the case of motorcycles, in  
2 which case the numerals shall not be less than one inch in  
3 height and the strokes thereof not less than one-eighth inch in  
4 width.

5       The director of finance of the city and county of Honolulu  
6 shall contract annually on behalf of the counties for the  
7 purchase of all number plates, tags, or emblems required. The  
8 council of each county shall appropriate and cause to be paid  
9 over to the party with whom the director of finance of the city  
10 and county of Honolulu shall contract, or to the director of  
11 finance of the city and county of Honolulu as the director may  
12 direct, such sum or sums as the director of finance of the city  
13 and county of Honolulu shall determine to be the county's  
14 proportionate share of the expense of such contract and the  
15 charges connected therewith. The contract shall be made by the  
16 director of finance of the city and county of Honolulu as agent  
17 of the several counties, and the proportionate liability of each  
18 county shall be stated in the contract. Notwithstanding any  
19 other provision of the law, the contract shall constitute a  
20 valid obligation of each county for its proportionate share."

21       SECTION 7. Section 249-11, Hawaii Revised Statutes, is  
22 amended by amending subsection (a) to read as follows:



1           "§249-11   **Fraudulent use of plates, tags, or emblems and**  
2 **other misdemeanors; penalties.**   (a)   Any person who  
3 manufactures, sells, or distributes vehicle or moped number  
4 plates, tags, or emblems of a design and size similar to the  
5 currently issued series of number plates, tags, or emblems  
6 authorized by the director of finance, or who attaches to and  
7 uses on any vehicle or moped plates, tags, or emblems not  
8 furnished in accordance with sections 249-1 to 249-13 or 286-53,  
9 or who fraudulently uses such number plates, tags, or emblems  
10 upon any vehicle other than the one for which the number plates,  
11 tags, or emblems were issued, or who molests or disturbs any  
12 vehicle which has been seized pursuant to sections 249-1 to 249-  
13 13, or any person who knowingly uses a motor vehicle or moped,  
14 the tax upon which is delinquent, upon public highways of this  
15 State, or any director of finance who issues a certificate of  
16 registration or number plates, tags, or emblems to any person  
17 who has not paid the tax required by sections 249-1 to 249-13,  
18 or any person who violates any of the provisions of such  
19 sections, shall be fined not more than \$500."

20           SECTION 8.   Section 249-13, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "§249-13 Determination of rate. (a) The council shall  
2 determine the rate and the minimum tax at which all vehicles,  
3 mopeds, and motor vehicles in each respective county shall be  
4 taxed as provided by section 249-2. In making the  
5 determination, the rate and minimum tax on trucks or  
6 noncommercial motor vehicles shall be in accordance with  
7 subsection (b). The rate and minimum tax shall be established  
8 by ordinance, provided that prior to final action thereon a  
9 public hearing shall be held on the proposed rate. Public  
10 notice of the time and place of the hearing shall be given at  
11 least ten days prior to the hearing in the county. After the  
12 public hearing the council may fix the rate and the minimum tax  
13 at any amount deemed necessary, but the rate and the minimum  
14 shall not be higher than that originally proposed when the  
15 notice of public hearing was given. Any rate and minimum tax so  
16 established shall be effective as of January 1 of the year  
17 following the date of enactment of the ordinance."

18           SECTION 9. Section 249-14, Hawaii Revised Statutes, is  
19 amended by amending subsection (b) to read as follows:

20           "(b) An owner of a bicycle having two tandem wheels that  
21 are less than twenty inches in diameter is not required to  
22 register such bicycle, but may do so to facilitate the return of



1 recovered stolen bicycles by payment of the registration fee.  
2 The fee collected shall not be refunded or prorated. Upon  
3 receipt of the fee, the director of finance shall number and  
4 register each bicycle and moped for which the fee is paid, in  
5 the owner's name and furnish the owner with a metallic tag or  
6 decal for each bicycle or moped which shall be attached to the  
7 bicycle or moped. On bicycles the decal shall be affixed to the  
8 upright post attached to the sprocket facing in the forward  
9 direction. [~~On mopeds the decal shall be affixed to the lower~~  
10 ~~portion of the rear fender facing rearward.~~] Upon initial  
11 registration by an owner or transferee, the director of finance  
12 shall require proof of ownership and require the owner to  
13 furnish verification of the serial number and description  
14 contained in the proof of ownership and application for  
15 registration. The metallic tags or decals shall be in a form as  
16 the director of finance shall from time to time prescribe. It  
17 shall be the duty of the director of finance of each county to  
18 purchase a sufficient number of these tags or decals."

19 SECTION 10. Section 249-14.5, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "**§249-14.5 New bicycles and mopeds.** All new bicycles and  
22 mopeds, otherwise requiring the payment of fees under section



1 249-14, held in stock for purposes of sale shall be exempt from  
2 the fee. At the time of first sale, the dealer selling the new  
3 bicycle or moped shall:

4 (1) Require the buyer to complete a license application  
5 form furnished by the director of finance;

6 (2) Issue a copy of the completed form to the buyer; and

7 (3) Transmit a copy of the completed form to the director  
8 of finance with the required fees which the dealer has  
9 collected from the buyer.

10 Upon receipt of the fee and the completed license application  
11 form, the director of finance shall mail a tag or decal and  
12 certificate of registration to the registered owner of a  
13 bicycle. Until the tag or decal is received, the bicycle [~~or~~  
14 ~~moped~~] owner shall keep a copy of the completed application form  
15 upon the owner's person when riding the bicycle [~~or moped~~] on a  
16 public street."

17 SECTION 11. Section 249-15, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§249-15 Seizure and sale.** The directors of finance, any  
20 person authoritatively acting on behalf of the director of  
21 finance, or any member of a police force of the several counties  
22 of the State may seize any bicycle or moped liable for the



1 payment of the required fees or which has no tag or decal or  
2 license plate affixed as required by section 249-7 or 249-14,  
3 and may hold the bicycle or moped for a period of ten days,  
4 during which time it shall be subject to redemption by its owner  
5 on payment of the fee due and a penalty of \$1. All bicycles and  
6 mopeds not so redeemed shall be sold by the county chief of  
7 police or director of finance or their authorized  
8 representative, at public auction after first giving five days  
9 public notice of the time and place of sale in the county where  
10 the sale is to be held. Sale shall be made for the best price  
11 obtainable, which amount shall be forthwith paid over to the  
12 director of finance, accompanied by a statement containing a  
13 description of the bicycles or mopeds, their serial number,  
14 makes, and any other marks of identification. The director of  
15 finance, after deducting from the amount so received the amount  
16 of the fee and penalty due and costs of giving public notice,  
17 shall pay any surplus to the previous registered owners of the  
18 bicycles or mopeds. If at the expiration of ninety days the  
19 previous registered owners remain unknown, the surplus shall be  
20 paid into the treasury of the county, as a government  
21 realization, and all claims to the sums shall be forever  
22 barred."



1 SECTION 12. Section 249-16, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§249-16 Duplicate bicycle and moped tags and certificates**  
4 **of registration.** In the event that a bicycle [~~or moped~~] tag or  
5 certificate of registration furnished under section 249-14 or  
6 249-14.2 is lost, stolen, or mutilated, or becomes illegible,  
7 the person to whom it was furnished may obtain a duplicate  
8 thereof by presenting to the county director of finance the  
9 number and registration of the bicycle [~~or moped~~] involved.  
10 There shall be a charge of \$2 for the duplicate tag and \$5 for  
11 the duplicate certificate of registration."

12 SECTION 13. Section 249-17, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§249-17 False tag, bicycle or moped, penalty.** Any person  
15 who uses a tag not furnished in accordance with section 249-14,  
16 or who counterfeits any such tag or who fraudulently removes  
17 such a tag from any bicycle [~~or moped~~] shall be fined not more  
18 than \$500."

19 SECTION 14. Section 291C-195, Hawaii Revised Statutes, is  
20 amended by amending subsection (e) to read as follows:

21 "(e) [~~Three-wheeled mopeds~~] Mopeds, as defined in section  
22 286-2, shall be insured for liability and property damage,



1 excluding personal injury protection. The moped liability and  
2 property damage insurance shall have a coverage of not less than  
3 \$5,000 per occurrence."

4 SECTION 15. Section 291C-196, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) Every person driving a moped, [~~except a three-wheeled~~  
7 ~~moped,~~] as defined in section 286-2, upon a roadway at a speed  
8 less than the normal speed of traffic moving in the same  
9 direction at such time shall ride as near to the right side of  
10 the roadway as practicable, exercising due care when passing a  
11 standing vehicle or one proceeding in the same direction, except  
12 under any of the following situations:

13 (1) When preparing for a left turn at an intersection or  
14 into a private road or driveway, except where  
15 prohibited by official traffic-control devices;

16 (2) When reasonably necessary to avoid conditions  
17 (including, but not limited to fixed or moving  
18 objects, vehicles, bicycles, pedestrians, animals,  
19 surface hazards, or substandard width lanes) that make  
20 it unsafe to continue along the right-hand curb or  
21 edge; and





1 (3) When a roadway is designated and signposted to carry  
 2 traffic in one direction only and has two or more  
 3 marked traffic lanes, a person operating a moped may  
 4 ride as near to the left-hand side of the roadway as  
 5 practicable."

6 SECTION 16. Statutory material to be repealed is bracketed  
 7 and stricken. New statutory material is underscored.

8 SECTION 17. This Act shall take effect on January 1, 2012.

9  
 10

INTRODUCED BY:

*[Signature]*

*Ride Cabanilla*

*[Signature]*

*Darwin Mammola*

*On the  
 Calendar by  
 J. [Signature]  
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**Report Title:**

Mopeds

**Description:**

Requires mopeds to have license plates, similar to motorcycles, as opposed to tags. Treats mopeds like motor vehicles instead of bicycles for registration purposes. Provides for liability and property damage insurance for two-wheeled mopeds.

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