
A BILL FOR AN ACT

RELATING TO MOPEDES.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by amending the title of part II to read as follows:

3 "PART II. INSPECTION OF VEHICLES OR MOPEDES"

4 SECTION 2. Section 286-21, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§286-21 Vehicles and mopeds without required equipment or
7 in unsafe condition. No person shall drive or cause to move on
8 any highway any motor vehicle, moped, trailer, semitrailer, or
9 pole trailer, or any combination thereof, unless the equipment
10 thereon is in good working order and adjustment as required in
11 this part [~~se as not to~~] and does not endanger the driver or
12 other occupant or any person [~~upon~~] on the highway."

13 SECTION 3. Section 286-22, Hawaii Revised Statutes, is
14 amended by amending subsections (a) to (c) to read as follows:

15 "(a) [~~The chief of police or any police officer of any~~
16 ~~county may, at~~] At any time when the chief of police or police
17 officer has reasonable cause to believe that a vehicle or moped
18 is unsafe or not equipped as required by law, the chief of



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1 police or any police officer of any county may require the owner
2 or driver of the vehicle or moped to submit the vehicle or moped
3 to an inspection or make the necessary corrections or repairs.

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

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



1 vehicle under this part, the owner of the vehicle shall
2 immediately surrender and forward to the director of finance the
3 certificate of registration and the license plates last issued
4 upon registration of the vehicle for the current year."

5 SECTION 4. Section 286-23, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read:

7 "(b) No person shall operate any vehicle or moped after
8 receiving a citation with reference thereto as provided in
9 section 286-22(b), except that if the driver is authorized to do
10 so by the police officer, the driver may return the vehicle or
11 moped to the driver's residence or place of business or the
12 residence or place of business of the owner of the vehicle [7] or
13 moped, or to an automotive repair shop, if within a distance of
14 twenty miles, until a certificate of inspection is obtained or
15 the necessary corrections or repairs are made."

16 SECTION 5. Section 286-24, Hawaii Revised Statutes, is
17 amended to read as follows:

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

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1 responsible for the unsafe condition of the vehicle[~~-~~] or moped,
2 or of the failure to equip the vehicle or moped as required by
3 law."

4 SECTION 6. Section 286-25, Hawaii Revised Statutes, is
5 amended to read as follows:

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

12 SECTION 7. Section 286-26, Hawaii Revised Statutes, is
13 amended as follows:

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

15 "(b) [~~All other~~] Mopeds and vehicles[~~-~~] other than those
16 under subsection (a), including motorcycles, trailers,
17 semitrailers, and pole trailers having a gross vehicle weight
18 rating of [~~±0,000~~] ten thousand pounds or less, and antique
19 motor vehicles as defined in section 249-1, except those in
20 subsections (c) and (d), shall be certified as provided in
21 subsection (e) every twelve months; provided that any vehicle or
22 moped to which this subsection applies shall not require



1 inspection within two years of the date on which the vehicle was
2 first sold.

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

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

9 (2) It is rebuilt or restored."

10 2. By amending subsections (e) through (g) to read:

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



1 431:10G-106. A sticker, authorized by the director, shall be
2 affixed to the vehicle or moped at the time a certificate of
3 inspection is issued. An inspection sticker [~~which~~] that has
4 been lost, stolen, or destroyed shall be replaced without
5 reinspection by the inspection station that issued the original
6 inspection sticker upon presentation of the [~~vehicle's~~] current
7 certificate of inspection[+] for the vehicle or moped; provided
8 that the current certificate of inspection and inspection
9 sticker shall not have expired at the time the replacement is
10 requested. The director shall adopt rules to determine the fee
11 for replacement of lost, stolen, or destroyed inspection
12 stickers.

13 (f) The operator of an official inspection station shall
14 pay, from the fee in subsection (e), an amount to be determined
15 by rules adopted pursuant to chapter 91 to the director of
16 transportation. This amount shall be expended only for
17 administration and enforcement of the periodic motor vehicle and
18 moped inspection program. The funds collected pursuant to this
19 subsection shall be deposited into the highway special fund.

20 (g) The director of transportation shall adopt necessary
21 rules for the administration of inspections and the issuance of
22 certificates of inspection[-]; provided that the rules regarding



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1 inspection of mopeds shall be limited to implementing the
2 requirement that mopeds be operated only with an exhaust system
3 that meets original manufacturer specifications."

4 SECTION 8. Section 286-30, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§286-30 False certificates. Any person who makes,
7 issues, or knowingly uses any imitation or counterfeit of an
8 official certificate of inspection, or any person who displays
9 or causes or permits to be displayed upon any vehicle or moped
10 any certificate of inspection knowing the same to be issued for
11 another vehicle or issued without an inspection having been made
12 or issued without authority as provided herein shall be fined
13 [~~not more than~~] up to \$1,000 or imprisoned not more than thirty
14 days, or both."

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

20 SECTION 11. This Act shall take effect upon its approval.

21

INTRODUCED BY: 05612



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.

