

S.B. NO. 2878

JAN 25 2012

A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1 SECTION 1. Section 291C-195, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§291C-195 Driving of mopeds. (a) No person less than  
4 fifteen years of age shall drive a moped on a highway, street,  
5 roadway, or any other public property in the State. No person  
6 less than eighteen years of age shall drive a moped unless the  
7 person wears a safety helmet securely fastened with a chin  
8 strap. The safety helmet shall meet the specifications and  
9 requirements established by rules adopted by the director.

10 (b) No person shall drive a moped except while sitting  
11 astride the seat, facing forward, with one leg on each side of  
12 the moped.

13 (c) No person shall drive a moped which is carrying any  
14 other person nor shall any person other than the driver ride  
15 upon a moped.

16 (d) Subsections (b) and (c) shall not apply to three-  
17 wheeled mopeds designed to carry a driver and passenger seated  
18 side by side.

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1 (e) Three-wheeled mopeds shall be insured for liability  
2 and property damage, excluding personal injury protection.

3 (f) It shall be unlawful for any driver of a three-wheeled  
4 moped to carry as a passenger or to permit to ride thereon any  
5 person under the age of sixteen years."


6 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Moped; Three-wheeled; Passengers; Age Requirement

**Description:**

Requires passengers on a three-wheeled moped to be at least sixteen years of age.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT:                   Transportation

TITLE:                         A BILL FOR AN ACT RELATING TO MOPEDS.

PURPOSE:                    Requires passengers on three-wheeled mopeds to be at least sixteen years of age.

MEANS:                      Amend section 291C-195, Hawaii Revised Statutes.

JUSTIFICATION:             When section 291C-195, Hawaii Revised Statutes was amended by Act 197 of Session Laws of Hawaii 2008, the focus of attention was on allowing a passenger to ride in a three-wheeled moped designed to carry two people seated side-by-side as in an automobile. The age of the passenger was not discussed. As a result, there are instances where people carry passengers less than seven years old in these vehicles that are nowhere near being as safe as a passenger car. Like motorcycles, three-wheeled mopeds are not crash tested for safety. A three-wheeled moped that is set up to carry a passenger seated beside the driver is an effort at making available to the public an inexpensive vehicle that is relatively fuel efficient. The seating arrangement and use of a steering wheel rather than handlebars make the vehicle appear to be similar to a car, but with only three wheels, it is far more susceptible to turning over than a car. In addition, the light weight and relative flimsy construction greatly enhance the vulnerability of the moped occupants in the event of a crash. Since the Legislature saw fit to restrict very young passengers on motorcycles by section 291-11, Hawaii Revised Statutes, it seems prudent to include an even greater restriction on three-wheeled mopeds.

Section 291-11(b), Hawaii Revised Statutes, is not addressed in this bill, because it was developed to address three-wheeled electric

motorcycles that have a full body covering of the occupants similar to cars.

Impact on the public: We have no crash data to support the proposed change, but intuitively the change would reduce the probability of injury to young children.

Impact on the department and other agencies: There will be no impact on the Department of Transportation. The businesses that rent three-wheeled mopeds will no longer be able to rent them to people who intend to carry a passenger younger than sixteen years of age.

GENERAL FUND: None.

OTHER FUNDS: None.

PBS PROGRAM  
DESIGNATION: TRN 597.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.