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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 249-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding two new definitions to be appropriately  
4 inserted and to read:

5 "Motorcycle" means every motor vehicle or vehicle having a  
6 seat or saddle for use of the rider and designed to travel on  
7 not more than three wheels in contact with the ground, but  
8 excludes an antique motor vehicle or moped.

9 "Motor scooter" means every motorcycle with a motor which  
10 produces not more than five horsepower, but excludes an antique  
11 vehicle or moped."

12 2. By amending the definitions of "motor vehicle" and  
13 "vehicle" to read:

14 "Motor vehicle" means every vehicle which is self-  
15 propelled and every vehicle which is propelled by electric power  
16 but which is not operated upon rails, but excludes mopeds[-] and  
17 motor scooters.



1 "Vehicle" means every device in, upon, or which any person  
2 or property is or may be transported or drawn upon a highway,  
3 but excludes devices moved by human power or devices used  
4 exclusively upon station rails or tracks [~~and~~], mopeds, and  
5 motor scooters."

6 SECTION 2. Section 249-13, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§249-13 Determination of rate.** (a) The council shall  
9 determine the rate and the minimum tax at which all vehicles,  
10 [~~and~~] motor vehicles, motor scooters, and mopeds, in each  
11 respective county shall be taxed as provided by section 249-2.  
12 In making the determination, the rate and minimum tax on trucks  
13 or noncommercial motor vehicles shall be in accordance with  
14 subsection (b) [~~-~~] and the rate and minimum tax on motorcycles,  
15 motor scooters, and mopeds shall be in accordance with  
16 subsection (c). The rate and minimum tax shall be established  
17 by ordinance, provided that prior to final action thereon a  
18 public hearing shall be held on the proposed rate. Public  
19 notice of the time and place of the hearing shall be given at  
20 least ten days prior to the hearing in the county. After the  
21 public hearing the council may fix the rate and the minimum tax  
22 at any amount deemed necessary, but the rate and the minimum



1 shall not be higher than that originally proposed when the  
2 notice of public hearing was given. Any rate and minimum tax so  
3 established shall be effective as of January 1 of the year  
4 following the date of enactment of the ordinance.

5 (b) The rate and minimum tax for a truck or noncommercial  
6 motor vehicle shall be the same as provided for a passenger  
7 vehicle if:

8 (1) The truck or noncommercial motor vehicle has a net  
9 weight of six thousand five hundred pounds or less;  
10 and

11 (2) The owner submits proof to the director of finance  
12 that the truck or noncommercial motor vehicle is not  
13 being operated for compensation or commercial  
14 purposes.

15 (c) The rate and minimum tax for a motor scooter, moped,  
16 or motorcycle shall be:

17 (1) The same as provided for a passenger vehicle if the  
18 owner submits proof to the director of finance that  
19 the owner elected to wear a safety helmet pursuant to  
20 section 286-111(d); or

21 (2) Double the amount as provided in subsection (c)(1) if  
22 the owner does not submit proof to the director of



1           finance that the owner elected to wear a safety helmet  
2           pursuant to section 286-111(d).

3           [~~(e)~~] (d) Any person who submits proof under [~~subsection~~]  
4 subsections (b) and (c) to the director of finance knowing that  
5 it is false shall be guilty of a petty misdemeanor."

6           SECTION 3. Section 286-81, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "**§286-81 Motorcycle, motor scooter, moped, etc.;**  
9 **protective devices.** (a) No person shall:

10           (1) Operate a motorcycle or motor scooter, on any highway  
11           in the State unless the person and any passenger the  
12           person carries on the motorcycle or motor scooter  
13           wears:

14           (A) Safety glasses, goggles, or a face shield, in the  
15           case of a motorcycle or motor scooter that is not  
16           equipped with windscreens or windshields; and

17           (B) Any other protective devices, other than a safety  
18           helmet, required by rules adopted by the  
19           director.

20           For the purpose of meeting the requirements of this  
21           paragraph, a required device shall meet the



1 specifications and requirements established by rules  
2 adopted by the director;

3 (2) Lease or rent a motorcycle or motor scooter to another  
4 person unless the person furnishes:

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

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

16 For the purposes of meeting the requirements of this  
17 paragraph, a required device shall meet the  
18 specifications and requirements established by rules  
19 adopted by the director; or

20 (3) Sell or offer for sale or furnish any safety helmet,  
21 safety glasses, goggles, face shield, windscreen,  
22 windshield, or other protective devices represented to



1 meet the requirements of this part unless the device  
2 meets the specifications and requirements established  
3 by rules adopted by the director.

4 (b) No person less than eighteen years of age shall  
5 operate or ride as a passenger on a motorcycle or motor scooter  
6 on any highway in the State unless the person wears a safety  
7 helmet securely fastened with a chin strap.

8 (c) A safety helmet shall not be required for any person  
9 who operates or rides as a passenger on a motorcycle or motor  
10 scooter; provided that the motorcycle or motor scooter:

- 11 (1) Has three wheels;
- 12 (2) Is powered by an electric motor;
- 13 (3) Has a full body enclosed cab; and
- 14 (4) Has a seat belt assembly or a child restraint system  
15 for the driver and passenger;

16 and the operator and passenger uses the seat belt or child  
17 restraint system pursuant to sections 291-11.5 and 291-11.6.

18 (d) Category (1) and (2) drivers who have indicated their  
19 election to wear a safety helmet pursuant to 286-111(d) shall be  
20 required to wear a safety helmet that meets the specifications  
21 and requirements established by rules adopted by the director.



1 The exceptions provided under subsection (c) shall not apply to  
2 the requirements of this subsection.

3 SECTION 4. Section 286-82, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§286-82 Penalty.** [~~Whoever~~] (a) Except as provided in  
6 subsection (b), whoever violates this part shall be fined not  
7 more than \$1,000.

8 (b) Any person who violates section 286-81(d) shall be  
9 fined not less than \$100 nor more than \$1,000 or imprisoned not  
10 more than thirty days, or both. Pursuant to procedures  
11 complying with chapter 91, the examiner of drivers may suspend  
12 for one year the license of a person who has violated section  
13 286-81(d).

14 (c) Any person cited under subsection (b) shall have an  
15 opportunity to present a good faith defense, including but not  
16 limited to lack of knowledge."

17 SECTION 5. Section 286-111, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§286-111 Application for license, provisional license, or**  
20 **instruction permit; fees.** (a) Every application for an  
21 instruction permit, provisional license, or driver's license  
22 shall be made upon a form furnished by the examiner of drivers



1 and shall be verified by the applicant before a person  
2 authorized to administer oaths. The examiner of drivers and  
3 officers serving under the examiner may administer the oaths  
4 without charge. Each application for an instruction permit for  
5 a category (1), (2), (3), or (4) license shall be accompanied by  
6 a fee to be determined by the council of each county, and each  
7 application for a provisional license or driver's license shall  
8 be accompanied by the fee, unless the applicant has already paid  
9 the fee upon application for an instruction permit in the same  
10 county, in which event no fee shall be charged. An additional  
11 fee to be determined by the council of each county shall be  
12 charged and collected upon the issuance of a provisional license  
13 or driver's license. For category (1) and (2) provisional  
14 licenses or driver's license, the additional fee shall be at  
15 least double the amount of the current fee to be collected if  
16 the applicant does not elect on their application to wear a  
17 safety helmet that meets the specifications and requirements  
18 established by rules adopted by the director. All of the  
19 foregoing fees shall become county realizations.

20 (b) The director shall establish by rule a standard fee  
21 for all driver's license applicants who require verification  
22 through the federal system that their presence in the United





1 States is authorized by federal law. The fees collected shall  
2 become state realizations and be deposited into the state  
3 highway fund. The State shall reimburse the counties all costs  
4 of verification through the federal system. The amount of  
5 reimbursement shall be determined by the director of  
6 transportation.

7 (c) The director of transportation shall establish a fee  
8 schedule for all commercial driver's licensing examinations.  
9 The fees collected for a commercial driver's license shall  
10 become state realizations and shall be deposited in the state  
11 highway fund. The State shall reimburse the counties all costs  
12 for administering the commercial driver's licensing program.  
13 The amount of reimbursement shall be determined by the director  
14 of transportation.

15 (d) Every application shall state the full name, date of  
16 birth, sex, occupation, social security number if the applicant  
17 is eligible for a social security number, the residence address,  
18 and business address, if any, of the applicant, shall briefly  
19 describe the applicant, and shall state whether the applicant  
20 has theretofore been licensed as a driver, and, if so, when and  
21 in what state or country, and whether any such license has ever  
22 been suspended or revoked, or whether an application has ever



1 been refused, and if so, the date of and reason for the  
2 suspension, revocation, or refusal. In addition to the above,  
3 every application for a category (1) and (2) license shall state  
4 whether the applicant agrees to elect to wear a safety helmet  
5 meeting specifications and requirements established by rules  
6 adopted by the director at all times when operating a moped,  
7 motorcycle, or motor scooter.

8 (e) If the applicant is not eligible to receive a social  
9 security number, the applicant shall submit, in lieu of  
10 providing proof of social security number pursuant to subsection

11 (d):

12 (1) A United States Social Security Administration letter  
13 stating that the applicant is ineligible to obtain a  
14 social security number; and

15 (2) Either:

16 (A) A government-issued photo identification  
17 document; or

18 (B) Other identification documents as deemed  
19 acceptable by the director.


20 (f) The examiner of drivers shall adopt rules in  
21 accordance with chapter 91 as may be necessary to carry out the  
22 purposes of this section."



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY: 

*Allen A. Berti*

JAN 23 2013



# H.B. NO. 1105

**Report Title:**

Safety Helmets; License Requirements; Mopeds; Motorcycles; Motor Scooters; County Vehicle Taxes

**Description:**

Requires applications for moped, motorcycle, and motor scooter licenses to include information on planned safety helmet usage. Creates penalties for those electing to use helmets but failing to do so. Applies county vehicle taxes under chapter 249, Hawaii Revised Statutes, to mopeds, motorcycles, and motor scooters.

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

