
A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1 SECTION 1. Section 249-14, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Bicycles having two tandem wheels that are twenty
4 inches or more in diameter [~~and all mopeds~~] are required to be
5 registered and shall be subject to a permanent registration fee
6 of \$15, to be paid by the owners thereof to the director of
7 finance. All mopeds are required to be registered every year
8 and shall be subject to an annual registration fee of \$15, to be
9 paid by the owners thereof to the director of finance. The
10 owner of the moped shall submit a current official certificate
11 of inspection, issued under section 286-26, as part of the
12 registration process."

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

15 **"PART II. INSPECTION OF VEHICLES AND MOPEDS"**

16 SECTION 3. Section 286-21, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "§286-21 Vehicles and mopeds without required equipment or
2 in unsafe condition. No person shall drive or cause to move on
3 any highway any motor vehicle, moped, trailer, semitrailer, or
4 pole trailer, or any combination thereof, unless the equipment
5 thereon is in good working order and adjustment as required in
6 this part [~~so as not to~~] and does not endanger the driver or
7 other occupant or any person [~~upon~~] on the highway."

8 SECTION 4. Section 286-22, Hawaii Revised Statutes, is
9 amended by amending subsections (a) to (c) to read as follows:

10 "(a) [~~The chief of police or any police officer of any~~
11 ~~county may, at~~] At any time when the chief of police or police
12 officer has reasonable cause to believe that a vehicle or moped
13 is unsafe or not equipped as required by law, the chief of
14 police or any police officer of any county may require the owner
15 or driver of the vehicle or moped to submit the vehicle or moped
16 to an inspection or make the necessary corrections or repairs.

17 (b) If the vehicle or moped is found to be in an unsafe
18 condition or if any required part or equipment is not present or
19 if any required part or equipment is present but not in proper
20 repair, the officer shall issue a citation to the owner or
21 driver stating the reasons that the vehicle or moped is deemed
22 unsafe or not equipped as required and shall require that a new



1 certificate of inspection as provided in section 286-26 be
2 obtained within five days or that the defect be cured.

3 (c) If upon inspection, the chief of police or any police
4 officer determines that any vehicle or moped is in such unsafe
5 condition as to constitute a menace to the public or is not
6 equipped as required in this part and cannot reasonably be
7 restored to a safe condition or equipped as required in this
8 part, the chief of police or police officer shall remove the
9 sticker [~~which~~] that signifies the certificate of inspection
10 and, with regard to vehicles, inform the director of finance,
11 who shall [~~forthwith~~] immediately suspend the registration of
12 the vehicle and give notice of the suspension to its owner.
13 Whenever the director of finance has suspended the registration
14 of any vehicle under this part, the owner of the vehicle shall
15 immediately surrender and forward to the director of finance the
16 certificate of registration and the license plates last issued
17 upon registration of the vehicle for the current year."

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

20 "(b) No person shall operate any vehicle or moped after
21 receiving a citation with reference thereto as provided in
22 section 286-22(b), except that if the driver is authorized to do



1 so by the police officer, the driver may return the vehicle or
2 moped to the driver's residence or place of business or the
3 residence or place of business of the owner of the vehicle[7] or
4 moped, or to an automotive repair shop, if within a distance of
5 twenty miles, until a certificate of inspection is obtained or
6 the necessary corrections or repairs are made."

7 SECTION 6. Section 286-24, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§286-24 [Registered owner's responsibility; registration~~
10 ~~plates as prima facie evidence as to the fault of the registered~~
11 ~~owner.]~~ Responsibility of owner or operator for violation. In
12 any proceeding for violation of this part, the registered owner
13 of a vehicle or the owner or operator of a moped shall be deemed
14 responsible for the unsafe condition of the vehicle[-] or moped,
15 or of the failure to equip the vehicle or moped as required by
16 law."

17 SECTION 7. Section 286-25, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "~~§286-25~~ Operation of a vehicle or moped without a
20 certificate of inspection. Whoever operates, permits the
21 operation of, causes to be operated, or parks any vehicle or
22 moped on a public highway without a current official certificate



1 of inspection, issued under section 286-26, shall be fined not
2 more than \$100."

3 SECTION 8. Section 286-26, Hawaii Revised Statutes, is
4 amended as follows:

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

6 "(b) [~~All other~~] Mopeds and vehicles[~~7~~] other than those
7 under subsection (a), including motorcycles, trailers,
8 semitrailers, and pole trailers having a gross vehicle weight
9 rating of [~~10,000~~] ten thousand pounds or less, and antique
10 motor vehicles as defined in section 249-1, except those in
11 subsections (c) and (d), shall be certified as provided in
12 subsection (e) every twelve months; provided that any vehicle or
13 moped to which this subsection applies shall not require
14 inspection within two years of the date on which the vehicle was
15 first sold[~~-~~]; provided further that the inspection for a moped
16 shall include a test confirming that the power capacity of the
17 motor is two horsepower or less.

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



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

4 (2) It is rebuilt or restored."

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

6 "(e) Upon application for a certificate of inspection to
7 be issued for a vehicle[~~7~~] or moped, an inspection as prescribed
8 by the director under subsection (g) shall be conducted on the
9 vehicle[~~7~~] or moped, and if the vehicle or moped is found to be
10 in a safe operating condition, a certificate of inspection shall
11 be issued upon payment of a fee to be determined by the
12 director. The certificate for a motor vehicle shall state the
13 effective date, the termination date, the name of the issuing
14 insurance carrier, and the policy number of the motor vehicle
15 insurance identification card for the inspected motor vehicle as
16 specified by section 431:10C-107 or state the information
17 contained in the proof of insurance card as specified by section
18 431:10G-106. A sticker, authorized by the director, shall be
19 affixed to the vehicle or moped at the time a certificate of
20 inspection is issued. An inspection sticker [~~which~~] that has
21 been lost, stolen, or destroyed shall be replaced without
22 reinspection by the inspection station that issued the original



1 inspection sticker upon presentation of the [~~vehicle's~~] current
2 certificate of inspection[+] for the vehicle or moped; provided
3 that the current certificate of inspection and inspection
4 sticker shall not have expired at the time the replacement is
5 requested. The director shall adopt rules to determine the fee
6 for replacement of lost, stolen, or destroyed inspection
7 stickers.

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

15 (g) The director of transportation shall adopt necessary
16 rules for the administration of inspections and the issuance of
17 certificates of inspection[-]; provided that the rules regarding
18 inspection of mopeds shall be limited to implementing the
19 requirement that mopeds be operated only with an exhaust system
20 that meets original manufacturer specifications."

21 SECTION 9. Section 286-30, Hawaii Revised Statutes, is
22 amended to read as follows:



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

10 SECTION 10. Section 291C-194, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§291C-194 Driver's license required.** (a) No person
13 shall drive a moped unless the person:

- 14 (1) Possesses a valid driver's license of any category
15 listed in section 286-102 or 286-239; [~~and~~]
16 (2) Meets the requirements of section 286-105(3) [~~-~~]; and
17 (3) Has taken and passed a moped education course approved
18 by the department of transportation.

19 (b) The driver of a moped shall, upon the demand of a
20 police officer, exhibit the driver's driver's license or
21 instruction permit.



1 (c) Any person who is convicted of violating this section
2 shall be subject to penalties as provided under section 291C-
3 161(b) and [†](f) [†]."

4 SECTION 11. Section 291C-206, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) Any person who violates this section shall be fined
7 not more than [~~\$500.~~] \$1,000."

8 SECTION 12. This Act does not affect rights and duties
9 that matured, penalties that were incurred, and proceedings that
10 were begun before its effective date.

11 SECTION 13. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 14. This Act shall take effect upon its approval.
14

INTRODUCED BY:

John N. Pappas
Calvin H. Aoy

Ch. J. K. Cull
Linda A. Chizama
R. H.
James
Harold
Myself

JAN 24 2013



H.B. NO. 1324

Report Title:

Mopeds; Registration; Safety Inspections; Safety Courses; Fines

Description:

Requires annual registration and inspection of mopeds. Requires operators of mopeds to enroll in safety courses in order to operate their mopeds. Increases the fine for modifying a moped to \$1,000.

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





STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 11, 2013
10:00 am
State Capitol, Room 309

H.B. 1324
RELATING TO MOPEDS

House Committee on Transportation

The DOT **supports** House Bill 1324 provided amendments are made to it.

The current effective date is upon approval. We request that the effective date be changed to January 1, 2014 to give the department time to get inspection stations approved for inspecting mopeds in the Counties of Honolulu and Kauai.

We recommend that the last portion of subsection (b) in section 8 not be added to the statutes, because measuring the horsepower will require inspection stations to purchase a dynamometer, which is expensive. There may be two of them on Oahu, but we do not know if any are on the neighbor islands. We are not sure of the cost for a dynamometer test, but estimate that it is around \$30.

The difficulty with an inspection program is that it provides only a "snapshot" of a portion of the life of a moped. People who are determined to circumvent the law can set their moped up to pass an inspection and then go home and change it back to an illegal setup. A joint effort of inspections and police enforcement is needed to effectively regulate mopeds. Rather than require all mopeds to have a dynamometer test, it may be more practical to require only moped drivers who have been cited for speeding to have a test.

We have concerns about the proposed amendment to the last portion of subsection (g) in section 8. There are aftermarket mufflers that do not have numbers on them, and there are mopeds that have the EPA certification label missing. Perhaps consideration should be given to grandfathering mopeds up to a certain year, and requiring mopeds after that year to have mufflers that meet the original manufacturer's specifications.

We have concerns about requiring moped rider education, because the intent of making the moped classification was to make a relatively fuel efficient form of transportation easily available to roadway users. Adding an education requirement will make it more difficult to enter the moped rider population. Since mopeds and bicycles supposedly

perform in a similar manner and since nearly everyone has experience riding a bicycle, the primary concern has been to ensure that moped riders have knowledge of traffic laws. This allows people with a class 2 license or higher to ride a moped with their existing license. Requiring moped education will probably reduce the number of people who use mopeds.

Thank you for the opportunity to provide testimony.



DEPARTMENT OF CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P.O. BOX 30300
HONOLULU, HAWAII 96820-0300

KIRK CALDWELL
MAYOR



SHERI T. KAJIWARA
DIRECTOR DESIGNATE

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

February 8, 2013

The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
State House of Representatives
Hawaii State Capitol
514 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamane and Committee Members:

Subject: H.B. No. 1324, Relating to Mopeds

The City and County of Honolulu, Counties of Hawaii, Kauai and Maui has an operational concern regarding H.B. No. 1324 which would require the annual registration of mopeds effective upon approval.

Currently, each county maintains their individual bicycle/moped registration file. In order to initiate a statewide annual moped registration program, all the individual county files must be merged into a statewide master file, similar to the motor vehicle registration computer file. As of December 31, 2012, Honolulu has 30,480 permanently registered mopeds.

We recommend that the effective date be amended to January 1, 2014 in order to merge all the counties' files, establish a decal that will indicate the moped's annual expiration date, and complete the programming of Honolulu's mainframe computer system.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Kamimura".

Dennis A. Kamimura
Licensing Administrator

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 2:47 PM
To: TRNtestimony
Cc: hi0050@yahoo.com
Subject: *Submitted testimony for HB1324 on Feb 11, 2013 10:00AM*

HB1324

Submitted on: 2/8/2013

Testimony for TRN on Feb 11, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Hirata	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 3:09 PM
To: TRNtestimony
Cc: kalaimokulele@yahoo.com
Subject: Submitted testimony for HB1324 on Feb 11, 2013 10:00AM

HB1324

Submitted on: 2/8/2013

Testimony for TRN on Feb 11, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
David Marshall	Individual	Support	No

Comments: Good Idea...

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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