

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. MCCAULEY  
DEPUTY CHIEFS

OUR REFERENCE **KK-LC**

February 10, 2014

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

Dear Chair Yamane and Members:

Subject: House Bill No. 2393, Relating to Mopeds

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

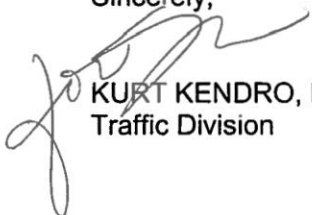
The HPD supports the passage of House Bill No. 2393, Relating to Mopeds. Passage of this bill would require an annual inspection and registration of mopeds, require operators to enroll in an operator's safety course, and increase the fine for modifying a moped.

In 2013, on the island of Oahu, there were six moped deaths. Passage of this bill would better regulate mopeds and mandate operators to attend a safety course. It would also provide insurance coverage for moped operators as in many crashes, there are serious injuries.

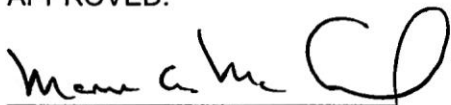
The HPD urges you to pass House Bill No. 2393, Relating to Mopeds.

Thank you for the opportunity to testify.

Sincerely,

  
KURT KENDRO, Major  
Traffic Division

APPROVED:

  
LOUIS M. KEALOHA  
Chief of Police

DEPARTMENT OF CUSTOMER SERVICES  
**CITY AND 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

PRESTON P. H. K. KO  
ACTING LICENSING ADMINISTRATOR

TESTIMONY OF PRESTON KO, ACTING LICENSING ADMINISTRATOR  
CITY AND COUNTY OF HONOLULU, DEPARTMENT OF CUSTOMER SERVICES  
Monday, February 10, 2014, 10:00 a.m., Conference Room 309

HOUSE Bill 2393, "RELATING TO Mopeds"  
Position: Comments

TO: The Honorable Ryan I. Yamane, Chair  
and Members of the Committee on Transportation

The City and County of Honolulu has no objections to H.B. No. 2393 which will require the staggered annual registration and safety inspection of mopeds.

Since there is no statewide moped computer file, similar to motor vehicles, we recommend that \$97,500 be appropriated for the development of a statewide moped computer file for the purpose of law enforcement inquiries, registration renewals and recording ownership transfers. The Department of Information Technology has determined that this is a major project and estimates that development and testing will take approximately one year before the system may be placed into production.

We recommend that the bill be amended to include an appropriation of \$97,500 and an effective date of July 1, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Preston Ko".

Preston P. H. K. Ko  
Acting Licensing Administrator



February 8, 2014

Street Bikers United Hawaii (SBU) Submissions:

Bill HB No. 2393 (“Mopeds; Registration; Safety Inspections; Safety Courses; Fines.”)

SBU Recommendation:

SBU supports Bill HB No. 2329 in principle but feels it just does not go far enough.

Moped owners are only required to register Moped once like a bicycle. Upon registration they pay a one-time \$15.00 fee. Mopeds do not carry insurance. Moped operators are not required to take any form of two-wheeled vehicle training such as the Motorcycle Safety Education Program (“MSEP”).<sup>1</sup> Studies indicate most Moped operators’ lack of any “**Motorcycle Skills**”<sup>2</sup>, which has resulted in a serious increase in Moped fatalities and serious injuries (including traumatic brain injuries “TBI”). As a result it is led to significant increase in health care and medical costs at both private and public’s expense. Mopeds are clearly different from Motorcycles and Motor Scooters (only Mopeds can legally ride in bicycle lanes, on bicycle paths and must stay to furthestmost travelled portion of the roadway the extent possible), and for that part Mopeds ought to have their own special classification. However, they are also motorized two-wheeled vehicles (for the most part, although there are actually some three-wheeled and even four-wheeled Mopeds as well), and have substantially the same handling characteristics, risks, dangers and safety concerns as Motorcycles and Motor Scooters in that regard. The solution in SBU’s submission is to treat Mopeds more like Motorcycles and Motor Scooters and thereby make Moped owners and operators: (a) responsible for annual vehicle license and registration fees, including vehicle weight taxes; (b) annual safety inspections; (c) a driver’s license testing program under the Category (1) Driver’s License similar to the Category (2) Driver’s License requirements and include a mandatory MSEP Certificate of Completion requirement; (d) a mandatory insurance policy requirement similar to those required for Motorcycles and Motor Scooters and also similarly provide an insurance premium reduction of fifteen (15%) per cent for Mopeds under legislation compatible to the Motorcycle and Motor Scooter Insurance Laws

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<sup>1</sup> The Motorcycle Safety Education Course (“MSEC”) is offered through the Motorcycle Safety Foundation (“MSF”) as part of the Hawaii Department of Transportation (“HDOP”) sponsored Motorcycle Safety Education Program (“MSEP”) offered through the Leeward Community College). The MSEP is integrated with Category (2) Driver’s License program, but not mandatory. Instead it is offered as Motorcycle Skills training tool that allows participants to automatically be deemed to have passed the Category (2) Driver’s License road test upon the applicant satisfactorily completing the MSEC-Beginners Course. In Hawaii, motorcycle driver’s license Youth applicants (i.e. under 18 years of age), must undergo a graduate licensing program (the “**Category (2) GLD Program**”); which includes a combination of motorcycle exam exams, supervision, and formal skills testing. The road-test portion Category (2) Driver’s License program (called the “**Drivers Performance Test**”), can be avoided by successfully completing the Motorcycle Safety Education Program course called the Beginner Motorcycle Rider Course: Riding and Street Skills (the “**MSEC-Beginners Course**”). For Adult applicants over 18 years with a Category (3) license (or equivalent) they must pass a specialized motorcycle exam and a skills test, but they can also avoid the Drivers Performance Test by taking a formal MSEC-Beginners Course. There is no mandatory Motorcycle Training Program requirement to obtain a Category (2) Driver’s License in Hawaii for those Adult applicants.

See also the UofH Leeward Community College Website: <http://www.leeward.hawaii.edu/ocewd/>. The Motorcycle Safety Education Program (MSEP) is offered in a number of locations around the state (e.g. Oahu, Maui, and Hawaii). On Oahu, it is offered through the University Of Hawaii, Leeward Community College Campus, in Pearl City. The MSEP is offered in conjunction with and under the coordination of the **Motorcycle Safety Foundation®** (also called the “**MSF**”) which is an internationally recognized developer of the comprehensive, research-based, Rider Education and Training System (MSF RETS). RETS curricula promotes lifelong-learning for motorcyclists and continuous professional development for certified Rider Coaches and other trainers. MSF also actively participates in government relations, safety research, public awareness campaigns and the provision of technical assistance to state training and licensing programs.

<sup>2</sup> Although we describe them as “**Motorcycle Skills**”, they apply equally to Mopeds, in that all motorized two wheeled motorized vehicles have the same or similar handling, collision avoidance and accident involvement characteristics which relate generally to the nature, size, dimensions, profile and mechanics of a motorized two wheeled vehicles. The Hurt Report Ibid fn 5 (at pages Sections 5, 6, 7, 9,10,and 11; pages 35-161 and 229-414; spends considerable time discussing these matters which is beyond the scope of these submissions) as well as other similar reports and materials on Motorcycle safety focus on developing Motorcycle Skills to avoid accidents.. The motorcycle safety training courses (MSEP’s) offered privately and state sponsored courses and clinics teach riders about the nature of these special characteristics and how they must be understood and employed in safe Motorcycle (and Moped) riding to minimize the risk and consequences of Motorcycle accidents.



at HRS Ch. 431 Article 10G-201(c).<sup>3</sup> These measure would have two-fold benefits: (1) they would, according to statistics, significantly reduce the number of fatal and non-fatal injuries (including TBI) resulting from Moped accidents; and, (2) significantly increase the incidence of voluntary safety Helmet use among Moped riders.<sup>4</sup> For safety reasons a Category (1) Moped Driver's License should be mandatory for Moped Operators, with all the above requirements met. There is no room for untrained, inexperienced operators of Mopeds to be endangering their own lives and safety, as well as that of motorists and pedestrians on Hawaii's streets, roads and highways.

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## SBU Submissions:

### (I) Mandatory Motorized Two-Wheeled Vehicle Skills Testing Requirement For Moped Operating License in the Form of a Category (1) Driver's License

Policy planners should be focused upon is Mopeds and Moped operators. Although Youth<sup>5</sup> Class (1) Driver's License Applicants, may be subject to the graduated driver's license ("GDL Program")<sup>6</sup> applicable to all Youth Driver's License applicants including the Category (1) Driver's License. There is statistical evidence indicating

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<sup>3</sup> A further relevant provision for the purposes of these Submissions is HRS Subsection §431:10G-201(c), which provides a fifteen (15%) percent Motorcycle Education Course Insurance Premium Deduction ("**MECIP Deduction**") in regard to Motorcycle (including Motor Scooter) insurance premium rates:

*"(c) After June 7, 1989, each insurer of a motorcycle or motor scooter shall provide a fifteen per cent reduction off premium charges each insurer assesses for each new and renewal policy for liability coverage issued pursuant to this article if the applicant has successfully completed a motorcycle education course approved by the department of transportation."*

Clearly there is considerable scope for encouraging Moped Operators of all levels of experience to take at least one Motorcycle Training Program Course (MTP) such those described under: (i) the **MSEP Beginner Motorcycle Rider Course: Riding and Street Skills**; or (ii) the more advanced **Experienced Rider Course**. Both of which are approved by the HDOT. The language in Subsection §431:10G-201(c) is mandatory in that the insurer "shall" provide a fifteen (15%) premium deduction on the Hawaii MC/MS Insurance Policy. Depending on a Motorcyclists liability policy the \$200 course tuition may be saved in a matter of a year or two. The Motorcycle and Motor Scooters education fund (the "**M&MSE Fund**") should be used to help fund the cost of the mandatory MSEP-Beginner Course which should be required to be completed by all Category (1) Driver's License applicants. All new Motorcyclists (and Motor Scooter) Riders taking a MSEP-Beginner Course as part of their Category (2) Driver's License program mandatory requirements, should have the cost of the MSEP-Beginner Course fully or partially subsidized from the M&MSE Fund. In order to achieve this an actuary can calculate the required contribution per policy from the Insurance Carriers to the M&MSE Fund (i.e. instead of \$2.00 it could be \$15.00-\$25.00). This would inevitably be passed on to the Riders in higher insurance premiums. However, it would make the MSEP-Beginner Course even more affordable for lower income and financially challenged Motorcycle Riders, Motor Scooter Riders and Moped Operators. The statistical evidence suggests that all forms of Motorcycle, Motor Scooter and Moped accident fatalities and serious injuries (including TBI), would be reduced significantly by increasing the Motorcycle (and Motor Scooter) and Moped communities' participation in formal Motorcycle Skills Training Courses and Programs ("**MTPs**" for short). The costs associated with fully or partially subsidizing the MSEP-Beginner Course would be trivial by comparison to the savings in Social Costs by the dramatic reduction in fatal and non-fatal injuries (including TBI) prevented by the Category (1) Driver's License and Category (2) Driver's License programs incorporating a mandatory MSEP-Beginner Course. The two most direct benefits of the Category (1) Driver's License Mandatory MSEP-Beginner Course Requirement based on the study statistics are (i) better trained Moped Riders being involved in less accidents and (ii) that successful graduates are more likely to wear Helmets when they ride.(See also fn 4 below).

<sup>4</sup> Hurt Report Ibid fn 8 at pages 233-236 and Table 9.1.6, Where the Hurt study indicated that 50% of the Motorcyclists voluntarily wore helmets, 40% of the accidents involved helmeted motorcyclists, but only 20% of those fatally injured were helmeted. However, at page 250-253 the results also showed that only 5.1% of those motorcyclists involved in an accident had undergone a formal motorcycle training program (MTP). Of those MTP graduates involved in an accident, a very high proportion (68%) wore a Helmet. At page 372, the Hurt report indicated beginner Motorcyclists had the lowest rates of Helmet use (38%), which increased to (50%) by the time they gained over three (4) years' experience.

Hurt Report at pgs. 129-30 and Table 7.9.4. The Hurt Report authors were skeptical about the reporting of experience and suggested that accident victims likely over estimates or over stated there actual Motorcycle experience. The authors therefore suggested that "time on the accident involved Motorcycle", was the best estimate of a Rider's likely actual experience. If that assumption is accepted then it would suggest that that 57.4% of Riders involved in accidents had less than six (6) months experience, 86.4% had less than two (2) years' experience, and 96.8% had less than four years' experience.

<sup>5</sup> "Youth" applicants means applicants under eighteen years of age applying for a Moped driver's license),

<sup>6</sup> City & County of Honolulu Website Motor Vehicles, Licensing and Permits Division. Graduated Driver License Program (GDL).

#### **Effective January 9, 2006:**

- *The minimum age to obtain an Instruction Permit remains at 15 ½ years of age.*
- *A Provisional License may be issued at 16 years of age.*
- *A Driver License may be issued at 17 years of age.*
- *Applicants between the ages of 15 ½ through 17 years of age must possess a valid Hawaii Instruction Permit for a period of 180 days, and, while operating a motor vehicle be seated next to a person who is at least 21 years of age and licensed to operate the same type of motor vehicle. However, between the hours of 11:00 p.m. and 5:00 a.m., the supervising parent or guardian must be seated next to the minor driver.*
- *Applicants must not have any pending violations that may result in suspension or revocation of either the Instruction Permit or Provisional License.*
- *To obtain a Driver License at 17 years of age, you must have held a Provisional License for a period of six months.*

*Upon reaching the age of 18 years, you have until your 19<sup>th</sup> birthday in which to convert your Provisional License to a Driver License. Failure to do so will subject you to be processed as a new applicant.*



that a significant number (26%) of Youth Moped operators have no driver's license.<sup>7</sup> Therefore, the lack of regulation of Mopeds breeds a disregard for any licensing compliance by Youth Moped operators. Statistics also indicate Adult Moped operators are generally unlicensed or only possess a Category (3) Driver's License. This does not offer them any skills training or license testing for proficiency with motorized two-wheeled vehicle special handling characteristics (called "**Motorcycle Skills**" in these submissions). Adult Moped operators presently do not require any specialized Motorcycle Skills training to obtain a Category (1) Driver's License or to operate a Moped under a Category (3) Driver's License. Notwithstanding Mopeds have all the same handling characteristics as a Motorcycle or Motor Scooter, and Moped operators face most if not all of the same risks and hazards as Motorcycle and Motor Scooter Riders, they do not have the training, experience, testing or licensing requirements that are demanded of Motorcycle and Motor Scooter Riders. Moped operators are often young, inexperienced in handling any motorized two-wheeled vehicles, and are subject to minimal if any Motorcycle Skills training or licensing requirements.

(II) Mandatory Annual Safety Inspections, Annual Registration, Annual Vehicle Licensing Requirements for Mopeds

Despite the fact that Mopeds are legally limited in power and speed, they still ride in the same traffic (except Freeways) as Motorcycles and Motor Scooters. The Hurt Report indicated that (64.9%) of all Motorcycle accidents occurred within the "home, work and shopping-errand transportation plans". The Hurt Report statistics indicated that the median crash speed was 21.5 mph (only 1/1,000 accidents had a crash speed over 86 mph), (66.6%) of the accidents occurred in an intersection and over (50%) of the accidents involved trips of less than five (5) miles from leaving home.<sup>8</sup> These Hurt Report statistics also apply generally to Mopeds; since that is the speeds and locations, where the Mopeds are primarily operated. As for legal speed and power limitations on Mopeds, the evidence suggests many modified mopeds (called "**Outlaw Mopeds**" in these submissions)<sup>9</sup> have similar speed capabilities to small Motorcycles and Motor Scooters. Outlaw Mopeds although legally are subject to the annual vehicle licensing requirements, safety inspections, insurance requirements, drivers licensing or training requirements that Motorcycles and Motor Scooters are subject to, the Outlaw Moped Operators hide behind a blanket of obscurity by passing their Outlaw Mopeds as legitimate Mopeds and themselves off legally authorized Moped Operators.<sup>10</sup> There are laws that effectively classify Outlaw Mopeds as Motorcycles and as such require their owners and operators to comply with the same requirements as

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<sup>7</sup> IPCP-HIDOH Study. Dan Galanis of the Injury Prevention and Control Program, Hawaii Department of Health Presentation (the "**IPCP-HIDOH Study**") to the TIA Committee Hearing February 6, 2013 filed Testimony. The IPCP-HIDOH Study was conducted between 2001-05 and considered a very small sample set of fatal and non-fatal injured Motorcycle Operators and Moped Operators. There were 106 fatal crashes and 718 non-fatal Motorcycle and Moped crashes studied during the period. IPCP-HIDOH Study statistics indicated that forty-eight (48%) percent of Motorcyclists involved in accidents did not have a valid Category (2) Motorcycle License (3% had no license and 45 % did not have a valid Category (2) Driver's License). Moreover, 26% of the Moped Riders had no driver's license at all as compared with only 3% of Motorcycles Riders. In 2005, the number of Moped fatalities (6) was fifty (50%) percent of the number of Motorcycle fatalities (12) on Oahu. Given the higher proportion of Motorcycles (including Motor Scooters) compared to Mopeds in Hawaii, such a the high fatality rates among Moped operators' may be explained primarily due to inexperience and a lack of proper training regarding the special characteristics and handling of a motorized two-wheeled vehicles, rather than merely the failure of Moped operators to wear a Helmet.

<sup>8</sup> The Hurt Report. "Motorcycle Accident Cause Factors and Identification of Countermeasures", January 1981. H.H. Hurt, Jr. J.V. Ouellet and D.R. Thorn. Traffic Safety Centre, University of Southern California, Los Angeles, California 90007, Contract No. DOT HS-5-01160 (Final Report) Funded by National Highway Traffic Safety Administration, U.S. Department of Transportation. The Hurt Report study involved accidents for the period from 1975 to 1980, and reported in 1981. The Hurt Report studied 900 motorcycle accidents on site and 3600 police accident reports involving motorcycles and conducted interviews of 2310 motorcyclists who were involved in those accidents during the period 1975-80. The study comprises 435 pages and generated 55 conclusions. The Hurt Report is outdated in some ways, but it was and remains the most comprehensive Motorcycle statistical and scientific study ever conducted. See pages 51-54, 84 and 255.

<sup>9</sup> "Outlaw Mopeds" means Mopeds that do not comply with the definition of "Mopeds" under to HRS Ch. 286 Section 286-2 Definitions.

There is considerable evidence that Moped owners "cheat" the system by modifying their Mopeds with larger engines, which while illegal is virtually impossible to detect under present law enforcement procedures, because regulations do not require Mopeds to submit to annual registration as do Motorcycles or annual safety inspections as do Motorcycles. There is clear documented and anecdotal evidence that many Moped owners modify their motors capacity to make them much faster and more powerful than the regulations permit, therefore making them fall into the category "Motor Scooters" or "Motorcycles" by definition. Although these "**Outlaw Mopeds**" are still treated like bicycles by law enforcement and the motor vehicle registration and insurance systems as they look like legal Mopeds, and therefore exist undetected and uncontrolled. See "*Mopeds Under Pressure in Hawaii*" by Robin Lofton, March 12, 2010. (See <http://www.examiner.com/article/mopeds-are-under-pressure-hawaii>.) One of the great problems with Mopeds in Hawaii is they are so completely unregulated there is virtually no reliable statistics on the number of Mopeds operating on Hawaii's roads.

<sup>10</sup> See "*Mopeds Under Pressure in Hawaii*" by Robin Lofton, March 12, 2010. (<http://www.examiner.com/article/mopeds-are-under-pressure-hawaii>.)

Motorcycles and Motor Scooters.<sup>11</sup> These Outlaw Mopeds are usually unregistered, uninsured, cheap, fast, and potentially dangerous forms of transportation for the inexperienced and usually unlicensed Youths and the untrained adults that ride them. There are even Moped vendors who advertise they can modify the Mopeds (i.e. increasing engine capacity and speed), but many Mopeds are also modified by the Moped owners themselves. These modifications tend to make the Mopeds loud, fast, and dangerous, because the braking, drive train and suspension are usually not modified to accommodate the additional horsepower and speed these Outlaw Mopeds are capable of. Most of the Outlaw Moped operators are not formally trained on the specialized handling characteristics of motorized two-wheeled vehicles, let alone high-speed two-wheeled vehicle handling characteristics.

The problem of Outlaw Mopeds, is one of enforcement. The Police could enforce the laws against Outlaw Mopeds and force them to comply with motorcycle and motor scooter laws requiring registration, insurance, safety checks and registration, but it is very difficult for the Police to identify, which of the mopeds are actually “Outlaw Mopeds” and which are not. The police just do not have the time, resources, training and equipment to enforce the existing Moped laws to control the Outlaw Moped problem. Annual safety checks, annual registration, annual vehicle licensing programs are the only reasonable mechanism for enforcing the current moped regulations, which are generally aimed at safety considerations.<sup>12</sup>

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<sup>11</sup> Moped is expressly excluded from the definitions of Motorcycle and Motor Scooter in the statutory definitions

**§286-2 Definitions.** *The following terms whenever used and referred to in this chapter shall have the following meanings unless a different meaning is clearly apparent from the context:*

*"Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the moped, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.*

*"Motorcycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excludes a farm tractor and a moped.*

*"Motor scooter" means every motorcycle with a motor, which produces not more than five horsepower, but excludes a moped.*

For a general discussion about mopeds see <http://www.pacificmopeds.com/info-for-moped-owners-and-drivers> on the Pacific Moped web-site which provides a good general discussion about mopeds and the licensing, registration, insurance and traffic rules.

“Mopeds” are defined above and are a statutorily different classification than Motorcycles and Motor Scooters. In particular Mopeds generally are different from Motorcycles many ways including the following non-exhaustive list:

- (i) Mopeds are legally restricted to have 2 horsepower (50 cc) motors and cannot exceed 30 mph on flat roads.
- (ii) Mopeds have automatic transmissions and are designed and restricted to carry only the operator (no passenger).
- (iii) Under HRS §249-14 for some purposes Mopeds are treated the same in law as a bicycle under the registration provisions and therefore is permanently registered once by its owner for a \$15.00 fee and once registered as with a bicycle it does not have an annual registration fee (as with Motorcycles and automobiles).
- (iv) Mopeds are required to obey some traffic rules, but are also required/permitted to use bicycle lanes and paths (unlike Motorcycles). Under HRS §291C-198 Mopeds are not permitted on Freeways or allowed to exceed 35 mph at any time.
- (v) Under HRS §291C-194 any valid learner’s permit HRS §286-110 or driver’s license HRS §286-102 qualifies a person to operate a Moped. Therefore in most cases there is no special training required to operate a Moped and any Category of Hawaii Driver’s license qualifies the operator (provided they are over 15 ½ years old have a driver’s instruction permit and person’s under 18 years old have completed a driver education program).
- (vi) Under HRS §291-202 there is potential for the Director of Transportation could require Mopeds to undergo annual safety inspections just like automobiles and Motorcycles, however that has never been required in Honolulu County.
- (vii) As with Motorcycles, Moped operators under 18 years of age are subject to mandatory helmet requirements HRS §291-195(a)
- (viii) Although anyone applying for a driver’s license must show the vehicle they intend to drive is duly insured under HRS §286-108(c) once a person over 18 years of age has a valid driver’s license under any license category of HRS §286-102(b)(1)-(4) there is no special skills training or testing for Mopeds, unlike Motorcycles.
- (ix) §291C-206 Modifying Moped motor is strictly prohibited and if detected (which is unlikely without annual registration and safety inspections mandatorily required by law) would result in a \$500.00 fine and reclassifies the Moped to be a Motorcycle as it causes the motor to exceed the 2 hp/50cc limitation under §286-2 Definitions. This would cause the Modified Moped to be licensed, insured, registers and inspected as a Motorcycle instead of enjoying the exemptions of a Moped.
- (x) §291C-206 only three wheeled Mopeds are required to carry insurance.

<sup>12</sup> Much has been made in some circles about Outlaw Mopeds being the vehicle of choice for street level drug traffickers in Hawaii and especially in Honolulu, because they are cheap, easy to maneuver around crowded streets and alleys in and among heavy traffic and because they have not have a license plate, no annual registration sticker and no annual safety checks sticker. They are the least likely vehicle a police officer would stop since vehicle license,

### (III) Recognized Two-Wheeled Vehicle Training Course Should be Mandatory for all New Category (1) Driver's License Applicants

An absence of formal motorcycle skills testing as part of the licensing prerequisite was prominent for crash victims. In California as in Hawaii, there is special testing for Motorcycle Skills knowledge and proficiency as part of licensing programs. However, in Hawaii adult Moped Riders generally require no specific Motorcycle Skills training or proficiency testing for licensing requirements and do not even have to obtain a Category (1) License to operate a Moped. SBU suggests this is a very important factor for explaining the very high incidence of fatalities and severe injuries sustained by Moped operators as suggested by a number of studies.<sup>13</sup>

The IPCP-HIDOH Study statistics, when considering the non-fatal traffic crashes involving motorcycles and mopeds for the period 2001-05 of the 718 crashes, 61% were Motorcycles and 39% were mopeds. The fatal injured data indicated that of the 106 fatally injured Motorcycle Operators almost half (44%) wore helmets, but of the 19 fatal injured Moped Operators **all (100%) did not wear helmets**. The peak age for crashes was 20-24 years old and 61% of the crashes involved persons between the ages of 15 to 34 years of age. Of the non-fatal crash victims 44% of all Motorcyclists were wearing helmets, but only 8% of moped operators wore helmets. Speed was a factor in only 17% of Motorcycle crashes, and not surprisingly in only 5% of Moped crashes. Alcohol was a factor in less than 4% of the crashes. The predominant accident related causal factors were inattention and misjudgment accounting for 38% of all crashes. This is also consistent with the Hurt Report findings, which found inattention and misjudgment (due particularly to an absence of Motorcycle Skills training and experience), were the most prevalent factors contributing to Motorcycle accidents.<sup>14</sup>

The Hurt Report statistics indicated that usually, the accident was the fault of a motorist (64.9%) due to a failure to see, recognize, or notice the oncoming Motorcycle (i.e. called lack of "**Motorcycle Conspicuity**"), even though most of those accidents (75%) occurred in broad daylight under clear visibility conditions (86.3%) of the time. Of the single vehicle accidents involving Motorcycles, only 64.3% were the Rider's fault (i.e. inattention, misjudgment, or carelessness). Another 10.9% of the single vehicle accidents were caused by a motorist, although no contact with the Motorcycle was made. The rest of the single vehicle Motorcycle accidents resulted from other factors such as animals, uneven road surfaces, etc.<sup>15</sup> Most of the accidents (68.9%), involve the Motorcyclist's hesitation and failure to initiate any form of evasive maneuver (in these submissions called "**Collision Avoidance Skills**")<sup>16</sup>. The Motorcyclist failed to initiate any evasive action when presented with the imminent threat of collision, due to a lack of formal training, inexperience, improper or ineffectively braking and an absence of collision avoidance skills.<sup>17</sup> Only 5.1% of Motorcyclists involved in accidents had any formal Motorcycle Safety Skills training course, while 92% of those involved in accidents had absolutely no training at all.<sup>18</sup> Riders with over four (4) years' experience comprised 38.5% of the accident victims while

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registration and safety check stops are never made on mopeds. Since the mopeds so completely unregulated there is no actual record how often mopeds are identified as being involved in street crime. However, if there is any truth to these claims then annual registration, safety inspections and licensing may also indirectly make mopeds, especially Outlaw mopeds less attractive to those who apparently enjoy their present advantageous for some kinds of criminal activity.

<sup>13</sup> IPCP-HIDOH Study Ibid fn 7. The fatal injured data indicated that of a total of 106 fatally injured Motorcycle Operators almost half (44%) wore helmets, but of the 19 fatal injured Moped Operators **all (100%) did not wear helmets**. All Moped accident fatalities occurred at low speeds and that is where wearing a Helmet could make a significant difference to reducing head injuries and head injury ("**TBI**") related fatalities.

The Hurt Report Ibid fn 34 (Sections 5, 6, 7, 9,10,and 11; pages 35-161 and 229-414; spends considerable time discussing these matters which is beyond the scope of this paper) as well as other similar reports and materials on Motorcycle safety focus on developing Motorcycle Skills to avoid accidents.. The motorcycle safety training courses (MSEP's) offered privately and state sponsored courses and clinics teach riders about the nature of these special characteristics and how they must be understood and employed in safe Motorcycle (and Moped) riding to minimize the risk and consequences of Motorcycle accidents.

<sup>14</sup> Ibid fn 7 IPCP-HIDOH Study at slide #10. Also see Hurt Report Ibid fn 8 at pages 137, where motorcyclists were found to be inattentive or distracted in 40.9% of the pre-accident accidents events. The accidents were involving motor vehicles 75% of the time and the motorist was at fault 66% of the time, but the motorcyclist's inattention prevented them from taking Collision Avoidance Measures to avoid the accident as well. See also page 417 of the Hurt Report summary.

<sup>15</sup> Ibid fn 8 Hurt Report at pgs 44, 45, 49, 50 and 54. (See also Tables 5.4.1, 5.4.2 and 5.4.3.)

<sup>16</sup> Collision Avoidance Skills are a very important subset of Motorcycle Skills.

<sup>17</sup> Ibid fn 8 Hurt Report at pgs 140-47.

<sup>18</sup> Ibid fn 8 Hurt Report at page 126 at Table 7.7.1 and page 250. Formally Trained Motorcyclists were (5.1%) of the total number of Riders involved in accidents and showed very high rates of helmet use by comparison to untrained Riders.



42.3% had less than two years experience riding a motorcycle.<sup>19</sup> The Hurt Report authors went on to state that the Hurt Report investigators suspected that most motorcyclists involved in the accidents generally over-estimated or over-state the amount of experience they had. Therefore, the most reliable measure of actual riding experience was the time operating the Motorcycle actually involve in the accident. On that basis, the study found that 57.4% of Riders involved in accidents had less than six (6) months experience, 86.4% had less than two (2) years' experience, and 96.8% had less than four years' experience.<sup>20</sup> Clearly, experience riding a Motorcycle was an extremely significant indicator of a Riders likelihood of being involved in an accident.

The IPCP-HIDOH Study statistics suggest that although almost half (44%) the Motorcyclists involved all fatal and non-fatal crashes wore helmets, while only 8% of moped riders did and none of the 19 Moped fatalities wore helmets.<sup>21</sup> With Moped riders possessing no special skills, training, or driver's license requirements related to operating motorized two-wheeled vehicles, there is a logical connection between the relatively high incidence of Moped crashes and the operator's absence of driving skills. It also suggests that the crash victims were generally young males (over 61 % between 15-34 years of age) and the most prevalent causation factor was not speed or alcohol, but rather "inattention and misjudgment"<sup>22</sup>. This points to the fact that crashes were most highly correlated with a lack of **Motorcycle Skills** and formal training. Motorcycle Skills are developed through formal Motorcycle Skills training as an "alternative to hands on experience". The Hurt Report statistics suggest that by the time the Motorcyclist, Motor Scooter or Moped Operator gets four years' experience their Motorcycle Skills development reduces their chances of being injured or killed in an accident declines to as low as four (4%) percent.<sup>23</sup> Therefore, the absence of formal Motorcycle Skills training, education and testing as part of the licensing prerequisites constitutes the predominant contributory factors for the majority of Motorcycle, Motor Scooter crash victims generally and especially Moped Operators. As an added benefit, statistics appear indicate that there was a high correlation between helmet use and both: (a) Motorcycle Riders' experience; and (b) especially formal Motorcycle Skills training<sup>24</sup>.

For all the forgoing reasons SBU supports Bill HB No. 2329 as a first step toward a more comprehensive policy program for regulating Mopeds.

Submitted by:

***Bruce Paige***

Bruce Paige  
SBU State Director

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<sup>19</sup> Ibid fn 8 Hurt Report at pg 133.

<sup>20</sup> Ibid fn 8 Hurt Report at pgs 129-30 and Tables 7.9.4. Note that the Hurt Report did not specifically designate the age group as 15-34 years and therefore the writer aggregated the table data to conform to that designation. Therefore, it is close, but not a perfect breakdown of the age groupings. Similarly, females were not factored out of the age grouping and so there are a very few female Riders in the High Risk Young Male group ages 15-34 years and there are also only a very few females in the Female and Mature Male Riders group. The Hurt Report authors stated at page 130 that Riders were prone to overstate their experience for various reasons and concluded: "***For these reasons, the experience in the accident-involved motorcycle is the more realistic measure of street motorcycle riding experience.***"

<sup>21</sup> Ibid fn 7 IPCP-HIDOH Study at slide #8.

<sup>22</sup> Ibid fn 7 IPCP-HIDOH Study at slide #10.

<sup>23</sup> Ibid fn 4 at pgs. 129-30 and Table 7.9.4. The authors therefore suggested that "time on the accident involved Motorcycle", was the best estimate of a Rider's likely actual experience. If that assumption is accepted then it would suggest that that 57.4% of Riders involved in accidents had less than six (6) months experience, 86.4% had less than two (2) years' experience, and 96.8% had less than four years' experience.

<sup>24</sup> Ibid fns 4 and 16 Hurt Report at page 250-253 the results also showed that only 5.1% of those motorcyclists involved in an accident had undergone a formal motorcycle training program (MTP). Of those MTP graduates involved in an accident, a very high proportion (68%) wore a Helmet.

**takayama2 -Brandon**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 9:30 PM  
**To:** TRNtestimony  
**Cc:** icalkins@hawaii.rr.com  
**Subject:** Submitted testimony for HB2393 on Feb 10, 2014 10:00AM  
**Attachments:** .~lock.DEMOCRATIC PARTY LINE.odt#

**HB2393**

Submitted on: 2/7/2014

Testimony for TRN on Feb 10, 2014 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
IRA CALKINS	Individual	Support	No

Comments: IRA CALKINS GOVERNMENTAL RESEARCHER 730 Captain Cook Ave Unit 426 Honolulu, Hawaii 96813-2161 Your actions will prove my statements of the following to be a fact and true. The Democratic Party Line has taken away the voice of the people in the making of laws, taxation with out representation in the State of Hawaii. It appears the Hawaii State Legislators are being blackmailed in to voting the Democratic party line, or the Democratic Party will not support the State of Hawaii Legislator in the next state wide election. It does not matter what the people think, the Democratic Party has already decided for us on all bills before the State of Hawaii Legislature . The chairman's in all committee meetings has a script to follow that the Speaker of the House, and the Speaker of the Senate has given the Committee Chairs to follow, to instruct the committee how to vote on a any given measures, all Bills in all committees of the State of Hawaii Legislature. It is determined ahead of time by the Democratic Party members how a committee member will vote when staying with the party line on any given Bill in the State of Hawaii Legislature, Democracy has been taken away from the tax payers in the State of Hawaii. Ira Calkins Honolulu 4696434 or 3498667 FAX 808-545-4707 Washington D.C. 202-697-9782

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Joy Gold  
PO Box 88555  
Honolulu, Hawaii 96830

HB 2393, Relating to Mopeds  
TRN Hearing  
Monday, February 10, 2014  
10:00am – Room 309

Written Testimony: Support

Aloha Chair Yamane and Members of the TRN Committee:

My name is Joy Gold. I have been a resident of Waikiki for more than 20 years. The numbers of mopeds on the streets seem to increase every year, often driven by young people without helmets, and sometimes without regard to traffic safety. Some of the mopeds have very loud mufflers which is disturbing, particularly at night.

Please support HB 2393 which would require moped registration, as well as the moped driver passing a driver education course. Thank you for the opportunity to present testimony.



**takayama2 -Brandon**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 1:27 PM  
**To:** TRNtestimony  
**Cc:** hi0050@yahoo.com  
**Subject:** \*Submitted testimony for HB2393 on Feb 10, 2014 10:00AM\*

**HB2393**

Submitted on: 2/7/2014

Testimony for TRN on Feb 10, 2014 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Hirata	Individual	Support	No

Comments:

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**takayama2 -Brandon**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 2:56 PM  
**To:** TRNtestimony  
**Cc:** bp32@hawaii.edu  
**Subject:** Submitted testimony for HB2393 on Feb 10, 2014 10:00AM

**HB2393**

Submitted on: 2/7/2014

Testimony for TRN on Feb 10, 2014 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bret Polopolus-Meredith	Individual	Oppose	No

Comments: I object to requiring registration and inspection of mopeds. Many people who ride mopeds do so because it is an affordable means of transportation. These people don't need an additional burden and what is basically a tax on mopeds. Mopeds are not dangerous to operate. They are similar to bicycles. The danger on our roads is people driving cars. It is unsafe drivers of cars that hit moped riders and pedestrians and bicyclists and motorcycle riders. No amount of inspection or training for mopeds or motorcycles is going to protect them from how poorly people drive. The legislature should increase the training requirements for getting a driver license. The driver license renewal period should be decreased and the written test made more difficult. Also, a driving test or training course should be completed every couple years to continue driving a car. Daily I see people driving cars unsafely: tailgating mopeds, driving into oncoming traffic to get around a moped, not looking before they turn into a pedestrian or cyclist, and driving too fast. The speed limit on most streets is 25 mph but I frequently see cars zipping by at nearly 40mph. Finally, how would you decide what passes and doesn't pass for inspection? And how much is the inspection going to cost? On a side note, you should consider putting in red light cameras and speed monitors.

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**LATE**

NOTES

There are about the same amount of mopeds registered as motorcycles

Department of Health

According to Department of Health there are 8 x's more drownings than moped fatalities, 5 x's more pedestrian deaths than moped fatalities and 5 times more motorcycle fatalities than moped fatalities. The only anomaly is there are about 3 bicycle related deaths each year compared to a moped's 5 but overall a moped drivers has the lowest combined percentage of deaths and injuries than any person who operates a vehicle with 2 or more wheels.

Also according to the Department of Health in regards to emergency room visits there are 4'xs more ER visits for bicyclists than for moped riders and about 20% more ER visits for bicyclists than for motorcyclists

Also regarding moped related deaths approximately 45% of the deceased had alcohol or drugs in their system.

Approximately 50% of the moped fatalities were because the moped driver was hit by a car.

Dur research concluded that moped drivers have a stellar record when compared to bicyclists, car drivers or motorcyclists. Overall, when we researched the Dept of Health website they injury rate and death rate was well below the norm for any type of vehicle with 2 wheels or more.

There is an average of 67 drownings per year compared to an average 5 moped deaths per year

There are an average 25 pedestrian deaths per year compared to an average of 5 moped deaths per year

2008 - 2012 Drownings

Average near drownings per year 238

JEREMY NEAL  
MOPEDS DIRECT, INC.  
MANAGER  
732-3366  
mopedconnection@aol.com



Average drownings per year 67

[http://health.hawaii.gov/injuryprevention/files/2013/09/mvc\\_mcycle\\_Datachapter2007-11a-1.2MB.pdf](http://health.hawaii.gov/injuryprevention/files/2013/09/mvc_mcycle_Datachapter2007-11a-1.2MB.pdf)

2007 – 2011 MOPED DEATHS

27 TOTAL DEATHS –

12 deaths were people under the age of 24 – that is almost 50%

Deaths by Year

2007 – 3

2008 – 3

2009 – 5

2010 – 8

2011 – 8

- a. 7/3/2011 – Samu Gu – no license - killed moped driver Elixar Acorda (Makapuu crash caused by Nissan driver Gu) ;
- b. 5/28/2011 – Big Island accident caused by intoxicated van driver Keolaokalani W. Kailianu
- c. 2/7/2011 – Big Island - Walter Steiger moped driver 87 years old ran a stop sign
- d. 3/14/2011 – Oahu – 58 year old tourist near Sea Life Park drove into on coming traffic
- e. 8/10/2011 – Punchbowl - Erin Kalamau – Car turned in front of him

Almost 50% were deaths on Motorcycles were alcohol/Drug related so we can assume the same for mopeds.

33% had no license

66% had drugs or alcohol in there system – in 2010 this peaked at 84%

Of traumatic injuries requiring hospital visits 46% of moped riders tested positive for drugs or 31% for alcohol

On average there are 300 moped riders treated by EMS personnel per year with an average mortality rate of 5 deaths in a 5 year period compared to drowning deaths of an average of 67 per year and 238 near drownings

	Mopeds	Motorcycle	Pedestrian	Drownings	Bicycles
<b>2007</b>					
ER VISITS	300	1125	507	143	1096
DEATHS	3	27	27	63	4
<b>2008</b>					
ER VISITS	300	1049	489	191	1048
DEATHS	3	20	21	59	2
<b>2009</b>					
ER VISITS		990	441	187	1091
DEATHS	5	32	16	69	3
<b>2010</b>					
ER VISITS		964	444	153	1168
DEATHS	8	28	31	62	3
<b>2011</b>					
ER VISITS	*150	1092	440	140	1260
DEATHS	8	28	25	79	3

54% of the above figures for motorcycles occurred on Oahu

Hawaii Dept of Health - pg. 74 of injury prevention files

66% of moped and motorcycle deaths were alcohol/drug related - Hawaii Dept. of Health - pg. 71 of injury prevention files

\*150 partial data set due to limited data July 2011 - Dec 2011 Hawaii Dept of Health - pg. 81 of injury prevention files

**takayama2 -Brandon**



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 09, 2014 5:53 PM  
**To:** TRNtestimony  
**Cc:** bconnors@hawaii.edu  
**Subject:** Submitted testimony for HB2393 on Feb 10, 2014 10:00AM

**HB2393**

Submitted on: 2/9/2014

Testimony for TRN on Feb 10, 2014 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Connors	Individual	Support	Yes

Comments: Aloha, I strongly support HB2393, which will increase safety for moped riders in Hawaii. I believe the nominal \$15 annual registration fee is appropriate when we consider that these are motor vehicles that operate on public streets. If mopeds are using the city/county/state streets, it is fair to assess a nominal \$15 annual registration fee for use of those streets. Cars and motorcycles pay much more than this, and \$15 a year is still a steal and incentivizes the use of mopeds over other forms of transportation. I also support requiring mopeds to be inspected for safety on a regular basis. As a citizen observer, I feel that I see too many mopeds running around the streets with non-functioning lights (e.g., headlights, brake lights, and turn signals), missing mirrors, malfunctioning horns, and other unsafe conditions. Moped riders are entrusting their lives in these mopeds when they are being operated. We need to ensure that the mopeds are reasonably safe, and an inspection requirement would do that. As for requiring individuals to take a safety course in order to operate a moped, I think a more appropriate measure would be requiring moped operators to hold a valid motorcycle license. This could encourage moped operators to take a Motorcycle Safety Foundation course as one means of obtaining the license, and I believe this would be the best safety course that could be taken. I make this recommendation because it would seem unfair to require moped operators to take a safety course but not motorcycle operators. I do recognize the implications this bill could have on moped rentals and visitors, and those certainly need to be considered. However, as a whole we need to improve safety for our moped riders and ensure their mopeds are reasonably safe. Many moped operators are younger individuals; they are people's sons, daughters, friends, and other loved ones. If this measure can help protect our youth from incurring a serious accident and protect their family and friends from having to suffering the ultimate loss of a loved one due to a preventable moped accident, this seems like a no brainer. Thank you for hearing my thoughts and voice in support of HB2393. Brian Connors

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**takayama2 -Brandon**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 10, 2014 7:50 AM  
**To:** TRNtestimony  
**Cc:** paul@na-hi.com  
**Subject:** Submitted testimony for HB2393 on Feb 10, 2014 10:00AM

**HB2393**

Submitted on: 2/10/2014

Testimony for TRN on Feb 10, 2014 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Noborikawa	Individual	Comments Only	No

Comments: I am in favor of this bill. I live next to Kahekili Hwy and the noise from mopeds is unbelievable. Having an annual safety check would keep unsafe mopeds and mopeds who violate the noise law off the streets. I see a lot of mopeds who have been modified to go much faster than the 30 mile limit. Please pass this bill.

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**takayama2 -Brandon**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 09, 2014 11:47 AM  
**To:** TRNtestimony  
**Cc:** kellensmith@placeshawaii.org  
**Subject:** Submitted testimony for HB2393 on Feb 10, 2014 10:00AM



**HB2393**

Submitted on: 2/9/2014

Testimony for TRN on Feb 10, 2014 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kellen Smith	Individual	Support	No

Comments: Aloha House Transportation Committee, I would greatly appreciate stricter laws on modifying mopeds. We also need stronger enforcement of these laws. I live in Makaha and take walks regularly with my wife and 2 year old daughter. If a moped with a modified exhaust drives by us, the stench from the fumes are nauseating and highly toxic to health. I must also mention, the sound of these mopeds is deafening. I would estimate that over 90% of the mopeds in my community are illegal. Please crack down on these illegal mopeds and grant us all some peace! Malama Pono, Kellen Smith

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**takayama2 -Brandon**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 09, 2014 8:56 PM  
**To:** TRNtestimony  
**Cc:** rustonu@gmail.com  
**Subject:** Submitted testimony for HB2393 on Feb 10, 2014 10:00AM

**HB2393**

Submitted on: 2/9/2014

Testimony for TRN on Feb 10, 2014 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ruston Utu	Individual	Support	No

Comments: I believe this measure is a good step in the right direction for our state and making our roadways safer for all users. By having the moped registered annually it will help police find stole mopeds. The safety check will also help with making sure the mopeds are safe. It will also stop people from modifying the mopeds with those LOUD mufflers. It will also stop those mopeds that go over 45mph, which I have seen personally. Please pass this bill.

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**takayama2 -Brandon**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 10, 2014 12:07 PM  
**To:** TRNtestimony  
**Cc:** ericbutler777@gmail.com  
**Subject:** Submitted testimony for HB2393 on Feb 10, 2014 10:00AM

**HB2393**

Submitted on: 2/10/2014

Testimony for TRN on Feb 10, 2014 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Butler	Individual	Comments Only	Yes

Comments: Training should be done by allowing mopeds made for two people to be ridden on by two people.

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