
A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1 SECTION 1. Mopeds are a cheaper alternative to driving a
2 vehicle. As the cost of gasoline increases, moped sales and the
3 use of mopeds also increases. According to the City and County
4 of Honolulu, the number of registered mopeds in Honolulu
5 increased every year between 2006 and 2012. Additionally, there
6 were three hundred fifty-four mopeds involved in major traffic
7 accidents on public roadways in 2012.

8 The legislature finds that public safety is a state
9 priority. Accordingly, the purpose of this Act is to increase
10 public safety by, among other things:

- 11 (1) Requiring all mopeds to be registered on a staggered
12 basis, as established by each county;
- 13 (2) Prohibiting the use of a moped that is not in good
14 working order on public roadways;
- 15 (3) Extending certain police powers dealing with vehicle
16 inspections to include mopeds;
- 17 (4) Requiring a certificate of inspection for all mopeds;



- 1 (5) Including a penalty for a false certificate of
- 2 inspection for mopeds;
- 3 (6) Requiring moped operators to enroll in a safety course
- 4 to operate their mopeds; and
- 5 (7) Increasing the fine for modifying a moped.

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

8 "(a) Bicycles having two tandem wheels that are twenty
9 inches or more in diameter [~~and all mopeds are required to~~]
10 shall be registered and shall be subject to a permanent
11 registration fee of \$15, to be paid by the owners thereof to the
12 director of finance.

13 All mopeds shall be registered on a staggered basis, as
14 established by each county and based upon the month of initial
15 registration, and shall be subject to an annual registration fee
16 of \$15, to be paid by the owners thereof to the director of
17 finance. The owner of the moped shall submit a current official
18 certificate of inspection issued under section 286-26 as part of
19 the registration."

20 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
21 amended by amending the title of part II to read as follows:



1 "PART II. INSPECTION OF VEHICLES AND MOPEDS"

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

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

11 SECTION 5. Section 286-22, Hawaii Revised Statutes, is
12 amended by amending subsections (a) through (c) to read as
13 follows:

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

21 (b) If the vehicle or moped is found to be in an unsafe
22 condition or if any required part or equipment is not present or

1 if any required part or equipment is present but not in proper
2 repair, the officer shall issue a citation to the owner or
3 driver stating the reasons that the vehicle is deemed unsafe or
4 the moped is deemed unsafe or not equipped as required and shall
5 require that a new certificate of inspection as provided in
6 section 286-26 be obtained within five days or that the defect
7 be cured.

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



1 registration and the license plates last issued upon
2 registration of the vehicle for the current year."

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

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

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

16 "\$286-24 [~~Registered owner's responsibility; registration~~
17 ~~plates as prima facie evidence as to the fault of the registered~~
18 ~~owner.] Responsibility of owner or operator for violation. In
19 any proceeding for violation of this part, the registered owner
20 of a vehicle or the owner or operator of a moped shall be deemed
21 responsible for the unsafe condition of the vehicle[-] or moped,
22 or of the failure to equip the moped as required by law."~~



1 SECTION 8. Section 286-25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§286-25 Operation of a vehicle or moped without a
4 certificate of inspection. Whoever operates, permits the
5 operation of, causes to be operated, or parks any vehicle or
6 moped on a public highway without a current official certificate
7 of inspection, issued under section 286-26, shall be fined not
8 more than \$100."

9 SECTION 9. Section 286-26, Hawaii Revised Statutes, is
10 amended as follows:

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

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



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

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

8 (2) It is rebuilt or restored."

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

10 "(e) Upon application for a certificate of inspection to
11 be issued for a vehicle[7] or moped, an inspection as prescribed
12 by the director under subsection (g) shall be conducted on the
13 vehicle[7] or moped, and if the vehicle or moped is found to be
14 in a safe operating condition, a certificate of inspection shall
15 be issued upon payment of a fee to be determined by the
16 director. The certificate for a motor vehicle shall state the
17 effective date, the termination date, the name of the issuing
18 insurance carrier, and the policy number of the motor vehicle
19 insurance identification card for the inspected motor vehicle as
20 specified by section 431:10C-107 or state the information
21 contained in the proof of insurance card as specified by section
22 431:10G-106.. A sticker, authorized by the director, shall be



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

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

19 (g) The director of transportation shall adopt necessary
20 rules for the administration of inspections and the issuance of
21 certificates of inspection[-]; provided that mopeds manufactured
22 after December 31, 2014, shall be issued a certificate of



1 inspection only if the exhaust system of the moped meets the
2 specifications of the original manufacturer, and all other
3 applicable requirements for the issuance of a certificate of
4 inspection are satisfied."

5 SECTION 10. Section 286-30, Hawaii Revised Statutes, is
6 amended to read as follows:

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

16 SECTION 11. Section 291C-194, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending subsection (a) to read:

19 "(a) No person shall drive a moped unless the person:

20 (1) Possesses a valid driver's license of any category
21 listed in section 286-102 or 286-239; [~~and~~]

22 (2) Meets the requirements of section 286-105(3) [~~-~~]; and



1 (3) Has taken and passed a moped education course approved
2 by the department of transportation."

3 2. By amending subsection (c) to read:

4 "(c) Any person who is convicted of violating this section
5 shall be subject to penalties as provided under section 291C-
6 161(b) and [f] (f) [f]."

7 SECTION 12. Section 291C-206, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

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

11 SECTION 13. This Act does not affect rights and duties
12 that matured, penalties that were incurred, and proceedings that
13 were begun before its effective date.

14 SECTION 14. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 15. This Act shall take effect on January 1, 2015.

17

INTRODUCED BY:

<u>Linda Achiame</u>	<u>J. J. K. Cull</u>
<u>Bruce Wilson</u>	<u>[Signature]</u>
<u>Richard [Signature]</u>	<u>[Signature]</u>
	<u>Beth Fukunob</u>
	<u>Nicole E. Loven</u>
	<u>[Signature]</u>

H.B. NO. 2393

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 to operate their mopeds. Increases the fine for modifying a moped to \$1,000. Effective January 1, 2015.

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

