

JAN 24 2013

A BILL FOR AN ACT

RELATING TO TRAUMATIC BRAIN INJURIES.

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

1 SECTION 1. Section 286-2, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "All-terrain vehicle" means a motorized flotation-tired
5 vehicle of not less than three low pressure tires, but not more
6 than six tires, that is limited in engine displacement of less
7 than 960 cubic centimeters, and that has a net weight of not
8 more than 1,800 pounds.

9 "Safety helmet" means a helmet that:

- 10 (1) Meets the requirements of the Federal Motor Vehicle
11 Safety Standard 218, title 49 Code of Federal
12 Regulations section 571.218;
13 (2) Is worn on the person's head and is fastened with
14 helmet or chin straps; and
15 (3) Is of a size that fits the person's head securely
16 without excessive lateral or vertical movement."



1 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§286- Operation of all-terrain vehicles; safety helmet.

5 (a) No person under the age of eighteen shall operate, ride, or
6 otherwise be propelled on an all-terrain vehicle unless the
7 person wears a safety helmet.

8 (b) Each person engaged in the business of leasing or
9 renting an all-terrain vehicle shall furnish a safety helmet to
10 each lessee or renter under the age of eighteen who will operate
11 or ride in the all-terrain vehicle.

12 (c) A person who violates this section shall be subject to
13 penalties under section 286-82."

14 SECTION 3. Section 286-81, Hawaii Revised Statutes, is
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) No person shall:

17 (1) Operate a motorcycle or motor scooter, on any highway
18 in the State unless the person and any passenger the
19 person carries on the motorcycle or motor scooter
20 wears:



- 1 (A) Safety glasses, goggles, or a face shield, in the
- 2 case of a motorcycle or motor scooter that is not
- 3 equipped with windscreens or windshields; and
- 4 (B) Any other protective devices [~~other than a~~
- 5 ~~safety helmet,~~] required by law and rules adopted
- 6 by the director.

7 For the purpose of meeting the requirements of this

8 paragraph, a required device shall meet the

9 specifications and requirements established by law and

10 rules adopted by the director;

- 11 (2) Lease or rent a motorcycle or motor scooter to another
- 12 person unless the person furnishes:

- 13 (A) Safety glasses, goggles, or a face shield, in the
- 14 case of a motorcycle or motor scooter that is not
- 15 equipped with windscreens or windshields; and
- 16 (B) Any other protective devices required by law and
- 17 the rules adopted by the director for the use of
- 18 the person or persons intending to operate or
- 19 ride as a passenger on the motorcycle or motor
- 20 scooter; provided that any person to whom a
- 21 motorcycle or motor scooter is leased or rented



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may furnish for the person's own use the
protective devices required by this part.

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

(3) Sell or offer for sale or furnish any safety helmet,
safety glasses, goggles, face shield, windscreen,
windshield, or other protective devices represented to
meet the requirements of this part unless the device
meets the specifications and requirements established
by law and rules adopted by the director.

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

SECTION 4. Section 291C-152, Hawaii Revised Statutes, is
amended to read as follows:

"[+]§291C-152[+] **Riding on motorcycles.** (a) A person
operating a motorcycle shall ride only upon the permanent and
regular seat attached thereto, and such operator shall not carry
any other person nor shall any other person ride on a motorcycle

1 unless the motorcycle is designed to carry more than one person,
2 in which event a passenger may ride upon the permanent and
3 regular seat if designed for two persons, or upon another seat
4 firmly attached to the motorcycle at the rear or side of the
5 operator.

6 (b) A person shall ride upon a motorcycle only while
7 sitting astride the seat, facing forward, with one leg on each
8 side of the motorcycle.

9 (c) No person shall operate a motorcycle while carrying
10 any package, bundle, or other article which prevents the person
11 from keeping both hands on the handlebars.

12 (d) No operator shall carry any person, nor shall any
13 person ride, in a position that will interfere with the
14 operation or control of the motorcycle or the view of the
15 operator.

16 (e) No person under the age of eighteen shall operate a
17 motorcycle or ride as a passenger on a motorcycle upon any
18 highway of the State, unless that person is wearing a safety
19 helmet pursuant to section 286-81."

20 SECTION 5. Section 291C-195, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 (a) No person less than fifteen years of age shall drive
2 a moped on a highway, street, roadway, or any other public
3 property in the State. No person less than eighteen years of
4 age shall drive a moped or ride on a moped as a passenger unless
5 the person wears a safety helmet [~~securely fastened with a chin~~
6 ~~strap. The safety helmet shall meet the specifications and~~
7 ~~requirements established by rules adopted by the director.~~], as
8 defined in section 286.2."

9 SECTION 6. Section 291C-201, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~§~~291C-201~~§~~ **Renting or selling mopeds.** (a) Every
12 person engaged in the retail business of selling or renting
13 mopeds shall provide the person renting or purchasing a moped
14 with a copy of the rules for mopeds as approved by the director
15 of transportation.

16 (b) Every person renting a moped to another shall keep a
17 record for two years of the registration number of the moped so
18 rented, the name and address of the person to whom the moped is
19 rented, the number of the driver's license of the latter person,
20 and the date and place when and where the driver's license was
21 issued. This record shall be open to inspection by any police



1 officer or the examiner of drivers or the examiner of drivers'
2 representative.

3 (c) Each person engaging in the business of renting a
4 moped shall furnish a safety helmet, as defined in section
5 286.2, to each renter under the age of eighteen who will drive
6 or ride on the moped."

7 SECTION 7. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 8. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 9. This Act shall take effect upon its approval.

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INTRODUCED BY: John Doe MD

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S.B. NO. 1309

Report Title:

Traumatic Brain Injuries; Helmets; All-terrain Vehicles;
Motorcycles; Mopeds; Motor Scooters

Description:

Requires helmet use for individuals under the age of eighteen operating or riding motorcycles, motor scooters, mopeds, and all-terrain vehicles. Requires persons engaging in the business of renting these vehicles to furnish a safety helmet to renters, under the age of eighteen for motorcycles, motor scooters, mopeds, and all-terrain vehicles, who will drive or ride on these vehicles.

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

