

JAN 15 2014

A BILL FOR AN ACT

RELATING TO HEALTH.

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

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

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

5 (a) No person under the age of twenty-one shall operate, ride,
6 or 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 twenty-one who will
11 operate 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 2. Section 286-2, Hawaii Revised Statutes, is
15 amended by adding two new definitions to be appropriately
16 inserted and to read as follows:

17 "All-terrain vehicle" means a motorized flotation-tired
18 vehicle of not less than three low pressure tires, but not more



1 than six tires, that is limited in engine displacement of less
2 than 960 cubic centimeters, and that has a net weight of not
3 more than 1,800 pounds.

4 "Safety helmet" means a helmet that:

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

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

14 "(a) No person shall:

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

- 19 (A) Safety glasses, goggles, or a face shield, in the
20 case of a motorcycle or motor scooter that is not
21 equipped with windscreens or windshields; and



1 (B) Any other protective devices [~~other than a~~
2 ~~safety helmet,~~] required by law and rules adopted
3 by the director.

4 For the purpose of meeting the requirements of this
5 paragraph, a required device shall meet the
6 specifications and requirements established by law and
7 rules adopted by the director;

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

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

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

21 For the purposes of meeting the requirements of this
22 paragraph, a required device shall meet the



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

9 (b) No person less than [~~eighteen~~] twenty-one years of age
10 shall operate or ride as a passenger on a motorcycle or motor
11 scooter on any highway in the State unless the person wears a
12 safety helmet securely fastened with a helmet or chin strap."

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

15 "~~{}~~§291C-152~~{}~~ **Riding on motorcycles.** (a) A person
16 operating a motorcycle shall ride only upon the permanent and
17 regular seat attached thereto, and such operator shall not carry
18 any other person nor shall any other person ride on a motorcycle
19 unless the motorcycle is designed to carry more than one person,
20 in which event a passenger may ride upon the permanent and
21 regular seat if designed for two persons, or upon another seat



1 firmly attached to the motorcycle at the rear or side of the
2 operator.

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

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

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

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

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

19 "(a) No person less than fifteen years of age shall drive
20 a moped on a highway, street, roadway, or any other public
21 property in the State. No person less than [~~eighteen~~] twenty-
22 one years of age shall drive a moped or ride on a moped as a



1 passenger unless the person wears a safety helmet [~~securely~~
2 ~~fastened with a chin strap. The safety helmet shall meet the~~
3 ~~specifications and requirements established by rules adopted by~~
4 ~~the director.], as defined in section 286-2."~~

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

7 "~~[+]§291C-201[+]~~ **Renting or selling mopeds.** (a) Every
8 person engaged in the retail business of selling or renting
9 mopeds shall provide the person renting or purchasing a moped
10 with a copy of the rules for mopeds as approved by the director
11 of transportation.

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

20 (c) Each person engaging in the business of renting a
21 moped shall furnish a safety helmet, as defined in section



1 286-2, to each renter under the age of twenty-one who will drive
2 or ride on the moped."

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

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9

INTRODUCED BY:

Gov. Dennis

Russell Fuder



S.B. NO. 2071

Report Title:

Helmets; All-terrain Vehicles; Motorcycles; Mopeds; Motor Scooters

Description:

Requires helmet use for individuals under the age of twenty-one who are operating or riding motorcycles, motor scooters, mopeds, and all-terrain vehicles. Requires persons engaging in the business of renting motorcycles, motor scooters, mopeds, and all-terrain vehicles to furnish a safety helmet to renters under the age of twenty-one 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.

