

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**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-    Designation of protective devices. On the  
5 application for any driver's license or license renewal, the  
6 examiner of drivers shall ask all category (2) applicants to  
7 designate whether the applicant elects to wear a safety helmet  
8 securely fastened with a chin strap at all times when operating  
9 a motorcycle or motor scooter. The examiner of drivers shall  
10 issue or renew a license bearing the indication of the  
11 applicant's election to wear a safety helmet."

12           SECTION 2. Section 249-13, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "§249-13 Determination of rate. (a) The council shall  
15 determine the rate and the minimum tax at which all vehicles and  
16 motor vehicles in each respective county shall be taxed as  
17 provided by section 249-2. In making the determination, the  
18 rate and minimum tax on trucks or noncommercial motor vehicles



1 shall be in accordance with subsection (b) [~~-~~], and the rate and  
2 minimum tax on motorcycles and motor scooters shall be in  
3 accordance with subsection (c). The rate and minimum tax shall  
4 be established by ordinance, provided that prior to final action  
5 thereon a public hearing shall be held on the proposed rate.  
6 Public notice of the time and place of the hearing shall be  
7 given at least ten days prior to the hearing in the county.  
8 After the public hearing the council may fix the rate and the  
9 minimum tax at any amount deemed necessary, but the rate and the  
10 minimum shall not be higher than that originally proposed when  
11 the notice of public hearing was given. Any rate and minimum  
12 tax so established shall be effective as of January 1 of the  
13 year following the date of enactment of the ordinance.

14 (b) The rate and minimum tax for a truck or noncommercial  
15 motor vehicle shall be the same as provided for a passenger  
16 vehicle if:

17 (1) The truck or noncommercial motor vehicle has a net  
18 weight of six thousand five hundred pounds or less;  
19 and

20 (2) The owner submits proof to the director of finance  
21 that the truck or noncommercial motor vehicle is not



1 being operated for compensation or commercial  
2 purposes.

3 (c) The rate and minimum tax for a motorcycle or motor  
4 scooter shall be:

5 (1) The same as provided for a passenger vehicle if the  
6 owner submits proof to the director of finance that  
7 the owner has elected to wear a safety helmet,  
8 pursuant to section 286- ; or

9 (2) Double the amount prescribed under subsection (a) for  
10 motor vehicles if the owner cannot submit proof to the  
11 director of finance that the owner has elected to wear  
12 a safety helmet, pursuant to section 286- .

13 [~~e~~] (d) Any person who submits proof under subsection  
14 (b) or (c) to the director of finance knowing that it is false  
15 shall be guilty of a petty misdemeanor."

16 SECTION 3. Section 286-81, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18 "(a) No person shall:

19 (1) Operate a motorcycle or motor scooter, on any highway  
20 in the State unless the person and any passenger the  
21 person carries on the motorcycle or motor scooter  
22 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 safety
- 5 helmet, required by rules adopted by the
- 6 director[-]i;

7 provided that a category (2) licensed driver who has

8 indicated the election to wear a safety helmet,

9 pursuant to section 286- , shall be required to wear

10 a safety helmet at all times when operating a

11 motorcycle or motor scooter. For the purposes of

12 meeting the requirements of this paragraph, a required

13 device shall meet the specifications and requirements

14 established by rules adopted by the director;

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

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



1 a passenger on the motorcycle or motor scooter;  
2 provided that any person to whom a motorcycle or  
3 motor scooter is leased or rented may furnish for  
4 the person's own use the protective devices  
5 required by this part.

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

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

16 SECTION 4. Section 286-82, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§286-82 Penalty.** (a) Whoever violates this part shall  
19 be fined not more than \$1,000[-], except as provided in  
20 subsection (b).

21 (b) Any person who violates section 286-81(a)(1) shall be  
22 subject to a citation by the police and shall be subject to a



1 fine of not less than \$100 nor more than \$1,000, thirty days'  
2 imprisonment, a one year driver's license suspension, or any  
3 combination thereof, for each violation."

4 SECTION 5. Section 286-111, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) Every application for an instruction permit,  
7 provisional license, or driver's license shall be made upon a  
8 form furnished by the examiner of drivers and shall be verified  
9 by the applicant before a person authorized to administer oaths.  
10 The examiner of drivers and officers serving under the examiner  
11 may administer the oaths without charge. Each application for  
12 an instruction permit for a category (1), (2), (3), or (4)  
13 license shall be accompanied by a fee to be determined by the  
14 council of each county, and each application for a provisional  
15 license or driver's license shall be accompanied by the fee,  
16 unless the applicant has already paid the fee upon application  
17 for an instruction permit in the same county, in which event no  
18 fee shall be charged. An additional fee to be determined by the  
19 council of each county shall be charged and collected upon the  
20 issuance of a provisional license or driver's license. The  
21 council of each county shall determine an additional fee, which  
22 shall be double the amount prescribed under this subsection for



1 an application for a driver's license, if the applicant does not  
 2 elect, on the application, to wear a safety helmet securely  
 3 fastened with a chin strap at all times when operating a  
 4 motorcycle or motor scooter. All of the foregoing fees shall  
 5 become county realizations."

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

8 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: J. Qui Egg

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**Report Title:**

Motorcycle Helmets; Motor Scooter Helmets; License

**Description:**

Requires applicants for category 2 (motorcycle and motor scooter) licenses to designate whether the applicant elects to wear a safety helmet with a chin strap at all times when operating the vehicle. Requires licenses to bear the indication of the election. Clarifies rate and minimum rate of tax on motorcycles and motor scooters for owners of motorcycles and motor scooters who elect to wear safety helmets. Requires category 2 licensed drivers who elect to wear safety helmets to wear safety helmets at all times. Clarifies penalties for failure to wear safety helmet for drivers electing to wear safety helmet. Specifies that motor vehicle weight tax shall be double the prescribed amount of the motor vehicle weight tax if driver does not indicate election to wear safety helmet on application. Specifies that the council shall determine an additional fee to the license application fee that shall be double the amount of the prescribed license application fee if driver does not indicate election to wear safety helmet on application.

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