
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 under
7 section 286-102(b) (2) to designate whether the applicant elects
8 to wear a safety helmet securely fastened with a chin strap at
9 all times when operating a motorcycle or motor scooter. The
10 examiner of drivers shall issue or renew a license bearing the
11 indication of the 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 \$50 less than the rate and minimum tax for a
5 passenger vehicle, if the owner submits proof to the director of
6 finance that the owner has elected to wear a safety helmet,
7 pursuant to section 286- .

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

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

13 "(a) No person shall:

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

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



1 (B) Any other protective devices, other than a safety
2 helmet, required by rules adopted by the
3 director[-];

4 provided that a category (2) licensed driver under
5 section 286-102(b)(2) who has indicated the election
6 to wear a safety helmet, pursuant to section 286- ,
7 shall be required to wear a safety helmet at all times
8 when operating a motorcycle or motor scooter. For the
9 purposes of meeting the requirements of this
10 paragraph, a required device shall meet the
11 specifications and requirements established by rules
12 adopted by the director;

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

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

18 (B) Any other protective devices required by the
19 rules adopted by the director for the use of the
20 person or persons intending to operate or ride as
21 a passenger on the motorcycle or motor scooter;
22 provided that any person to whom a motorcycle or



1 motor scooter is leased or rented may furnish for
2 the person's own use the protective devices
3 required by this part.

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

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

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

16 "**§286-82 Penalty.** (a) Whoever violates this part shall
17 be fined not more than \$1,000 [:-], except as provided in
18 subsection (b).

19 (b) Any person who violates section 286-81(a)(1) shall be
20 subject to a citation by the police and shall be subject to a
21 fine of not less than \$100 nor more than \$1,000, thirty days'



1 imprisonment, a one year driver's license suspension, or any
2 combination thereof, for each violation."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

6



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 county vehicle weight tax on motorcycles and motor scooters for owners of motorcycles and motor scooters who elect to wear safety helmets shall be discounted by \$50. (SD1)

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

