



**GOV. MSG. NO. 1302**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 5, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 5, 2016, the following bill was signed into law:

HB1753 HD3 SD2 CD1

RELATING TO MOPEDS  
**ACT 200 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

# A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1 SECTION 1. Chapter 249, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§249- Number plates for mopeds; registration. (a) The  
5 director of finance shall cause to be produced number plates and  
6 tags or emblems for the registration of mopeds operated in the  
7 State.

8 (b) The director of finance shall number and register the  
9 moped in the owner's name in a permanent record or book to be  
10 kept by the director of finance for this purpose, and shall  
11 furnish the owner thereof with a receipt showing upon its face  
12 the license number issued for the moped. The registration of  
13 mopeds shall occur on a staggered basis as agreed upon by the  
14 counties' director of finance. The registration fee shall be  
15 \$27 per year. The director of finance shall also furnish the  
16 owner, upon the original registration of the moped, one plate  
17 with the registration number marked thereon. Upon the payment  
18 of a registration fee for each year, a tag or emblem bearing a



1 serial number and the month and year of expiration shall be  
2 provided to the owner. Transfer of current number plates, tag,  
3 or emblem, except as authorized by this chapter, is punishable  
4 by a fine of not more than \$50 for each offense.

5 (c) Upon an original registration the director of finance  
6 shall fix, and shall charge to the owner, a fee equal to the  
7 cost of the number plate and tag or emblem plus the  
8 administrative cost of furnishing the plate and tag or emblem  
9 and effecting the registration. Upon the issuance of a new  
10 series of number plates, the director of finance shall charge  
11 the owner a fee equal to the costs of the number plate plus the  
12 administrative cost of furnishing the plate. Upon issuing a tag  
13 or emblem, the director of finance shall charge the owner a fee  
14 of 50 cents. The owner shall securely fasten the number plate  
15 on the rear of the moped at a location provided by the  
16 manufacturer or in the absence of such a location upon the  
17 bumper of the moped and in conformance with section 291-31, in  
18 such a manner as to prevent the plate from swinging. The number  
19 plate shall at all times be displayed entirely unobscured and be  
20 kept reasonably clean.



1        (d) Upon the issuance of the tag or emblem, the owner  
2 shall affix the tag or emblem to the top right portion of the  
3 rear number plate."

4        SECTION 2. Section 249-14, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "§249-14 Bicycle [~~and moped~~] fee. (a) Bicycles having  
7 two tandem wheels that are twenty inches or more in diameter  
8 [~~and all mopeds~~] are required to be registered and shall be  
9 subject to a permanent registration fee of \$15, to be paid by  
10 the owners thereof to the director of finance.

11        (b) An owner of a bicycle having two tandem wheels that  
12 are less than twenty inches in diameter is not required to  
13 register such bicycle, but may do so to facilitate the return of  
14 recovered stolen bicycles by payment of the registration fee.  
15 The fee collected shall not be refunded or prorated. Upon  
16 receipt of the fee, the director of finance shall number and  
17 register each bicycle [~~and moped~~] for which the fee is paid, in  
18 the owner's name and furnish the owner with a metallic tag or  
19 decal for each bicycle [~~or moped~~] which shall be attached to the  
20 bicycle or moped. On bicycles the decal shall be affixed to the  
21 upright post attached to the sprocket facing in the forward



1 direction. [~~On mopeds the decal shall be affixed to the lower~~  
2 ~~portion of the rear fender facing rearward.~~] Upon initial  
3 registration by an owner or transferee, the director of finance  
4 shall require proof of ownership and require the owner to  
5 furnish verification of the serial number and description  
6 contained in the proof of ownership and application for  
7 registration. The metallic tags or decals shall be in a form as  
8 the director of finance shall from time to time prescribe. It  
9 shall be the duty of the director of finance of each county to  
10 purchase a sufficient number of these tags or decals.

11 (c) All fees collected under this section shall be  
12 deposited into the bikeway fund and shall be expended in the  
13 county in which the fees are collected as provided in section  
14 249-17.5."

15 SECTION 3. Section 249-14.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§249-14.5 New bicycles and mopeds. All new bicycles and  
18 mopeds, otherwise requiring the payment of fees under section  
19 249-14, held in stock for purposes of sale shall be exempt from  
20 the fee. At the time of first sale, the dealer selling the new  
21 bicycle or moped shall:



1           (1)    Require the buyer to complete a license application  
2                    form furnished by the director of finance;  
3           (2)    Issue a copy of the completed form to the buyer; and  
4           (3)    Transmit a copy of the completed form to the director  
5                    of finance with the required fees which the dealer has  
6                    collected from the buyer.

7    Upon receipt of the fee and the completed license application  
8    form, the director of finance shall mail a license plate and  
9    tags or emblems for mopeds, or tag or decal for bicycles, and  
10   certificate of registration to the registered owner.  Until the  
11   license plate and tags or emblems for mopeds, or tag or decal  
12   for bicycles, is received, the bicycle or moped owner shall keep  
13   a copy of the completed application form upon the owner's person  
14   when riding the bicycle or moped on a public street."

15           SECTION 4.  Section 249-15, Hawaii Revised Statutes, is  
16   amended to read as follows:

17           "§249-15  Seizure and sale.  The directors of finance, any  
18   person authoritatively acting on behalf of the director of  
19   finance, or any member of a police force of the several counties  
20   of the State may seize any bicycle or moped liable for the  
21   payment of the required fees or which has no tag or decal



1 affixed as required by section 249-14 for bicycles, or license  
2 plate and tag or emblem affixed as required by section 249-  
3 for mopeds, and may hold the bicycle or moped for a period of  
4 ten days, during which time it shall be subject to redemption by  
5 its owner on payment of the fee due and a penalty of [~~\$1~~] \$25.  
6 All bicycles and mopeds not so redeemed shall be sold by the  
7 county chief of police or director of finance or their  
8 authorized representative, at public auction after first giving  
9 five days public notice of the time and place of sale in the  
10 county where the sale is to be held. Sale shall be made for the  
11 best price obtainable, which amount shall be forthwith paid over  
12 to the director of finance, accompanied by a statement  
13 containing a description of the bicycles or mopeds, their serial  
14 number, makes, and any other marks of identification. The  
15 director of finance, after deducting from the amount so received  
16 the amount of the fee and penalty due and costs of giving public  
17 notice, shall pay any surplus to the previous registered owners  
18 of the bicycles or mopeds. If at the expiration of ninety days  
19 the previous registered owners remain unknown, the surplus shall  
20 be paid into the treasury of the county, as a government



1 realization, and all claims to the sums shall be forever  
2 barred."

3 SECTION 5. Section 249-16, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§249-16 Duplicate bicycle [~~and moped tags~~] tag; duplicate  
6 moped license plate and tag; and duplicate certificates of  
7 registration. In the event that a bicycle [~~or moped~~] tag or  
8 certificate of registration furnished under section 249-14 or  
9 249-14.2 or moped license plate, tag, or certificate of  
10 registration furnished under section 249- is lost, stolen, or  
11 mutilated, or becomes illegible, the person to whom it was  
12 furnished may obtain a duplicate thereof by presenting to the  
13 county director of finance the number and registration of the  
14 bicycle or moped involved. There shall be a charge of \$2 for  
15 the duplicate tag, a fee as determined by the county director of  
16 finance for the duplicate license plate, and \$5 for the  
17 duplicate certificate of registration."

18 SECTION 6. Section 249-17, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§249-17 False tag, license plate, bicycle or moped,  
21 penalty. Any person who uses a tag, or license plate, not





1 furnished in accordance with section 249-14 or section 249- ,  
2 or who counterfeits any such tag, or license plate, or who  
3 fraudulently removes such a tag, or license plate, from any  
4 bicycle or moped, shall be fined not more than \$500."

5 SECTION 7. Section 286-21, Hawaii Revised Statutes, is  
6 amended to read as follows:

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

14 SECTION 8. Section 286-22, Hawaii Revised Statutes, is  
15 amended by amending subsections (a), (b), and (c) to read as  
16 follows:

17 "(a) The chief of police or any police officer of any  
18 county may, at any time when the chief of police or police  
19 officer has reasonable cause to believe that a vehicle or moped  
20 is unsafe or not equipped as required by law, require the owner



1 or driver of the vehicle or moped to submit the vehicle or moped  
2 to an inspection or make the necessary corrections or repairs.

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

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



1 vehicle or moped shall immediately surrender and forward to the  
2 director of finance the certificate of registration and the  
3 license plates last issued upon registration of the vehicle for  
4 the current year."

5 SECTION 9. Section 286-23, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

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

16 SECTION 10. Section 286-25, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§286-25 Operation of a vehicle or moped without a  
19 certificate of inspection. Whoever operates, permits the  
20 operation of, causes to be operated, or parks any vehicle or  
21 moped on a public highway without a current official certificate



1 of inspection, issued under section 286-26, shall be fined not  
2 more than \$100."

3 SECTION 11. Section 286-26, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsections (a), (b), (c), (d), and (e) to  
6 read:

7 "(a) The following vehicles shall be certified as provided  
8 in subsection (e) once every year:

9 (1) Trucks, truck-tractors, semitrailers, and pole  
10 trailers having a gross vehicle weight rating of more  
11 than 10,000 pounds;

12 (2) Buses;

13 (3) Rental or U-drive motor vehicles two years of age or  
14 older; ~~and~~

15 (4) Taxicabs ~~[-]~~; and

16 (5) Mopeds.

17 Ambulances shall be certified as provided in subsection (e) once  
18 every six months.

19 (b) All other vehicles, including motorcycles, mopeds,  
20 trailers, semitrailers, and pole trailers having a gross vehicle  
21 weight rating of 10,000 pounds or less, and antique motor



1 vehicles as defined in section 249-1, except those in  
2 subsections (c) and (d), shall be certified as provided in  
3 subsection (e) every twelve months; provided that any vehicle to  
4 which this subsection applies, except a moped, shall not require  
5 inspection within two years of the date on which the vehicle was  
6 first sold.

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

10 (1) It is determined by a police officer or an insurer  
11 that the vehicle's or moped's equipment has been  
12 damaged so as to render the vehicle or moped unsafe;  
13 or

14 (2) It is rebuilt or restored.

15 (d) Every vehicle or moped shall be certified prior to the  
16 issuance of a temporary or permanent registration by the  
17 director of finance and prior to the transfer of any  
18 registration; provided that this requirement shall not apply to  
19 a subsequent transfer of registration in a vehicle or moped that  
20 carries a current certificate of inspection.



1 (e) Upon application for a certificate of inspection to be  
2 issued for a vehicle [7] or moped, an inspection as prescribed by  
3 the director under subsection (g) shall be conducted on the  
4 vehicle [7] or moped, and if the vehicle or moped is found to be  
5 in a safe operating condition, a certificate of inspection shall  
6 be issued upon payment of a fee to be determined by the  
7 director. The certificate shall state the effective date, the  
8 termination date, the name of the issuing insurance carrier, and  
9 the policy number of the motor vehicle insurance identification  
10 card for the inspected motor vehicle as specified by section  
11 431:10C-107 or state the information contained in the proof of  
12 insurance card as specified by section 431:10G-106. A sticker,  
13 authorized by the director, shall be affixed to the vehicle or  
14 moped at the time a certificate of inspection is issued. An  
15 inspection sticker which has been lost, stolen, or destroyed  
16 shall be replaced without reinspection by the inspection station  
17 that issued the original inspection sticker upon presentation of  
18 the [~~vehicle's~~] current certificate of inspection; provided that  
19 the current certificate of inspection and inspection sticker  
20 shall not have expired at the time the replacement is requested.



1 The director shall adopt rules to determine the fee for  
2 replacement of lost, stolen, or destroyed inspection stickers."

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

4 "(i) As part of the inspection required by this section,  
5 the owner of the vehicle to be inspected, except for mopeds,  
6 shall produce and display the motor vehicle insurance  
7 identification card for the inspected motor vehicle required by  
8 section 431:10C-107 or the proof of insurance card required by  
9 section 431:10G-106. If no card is displayed, then the sticker  
10 authorized by the director shall not be affixed to the vehicle  
11 and the certificate of inspection shall not be issued."

12 SECTION 12. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 13. This Act shall take effect on January 1, 2017;  
15 provided that the staggering of registration and issuance of  
16 license plates for the current permanent registered mopeds shall  
17 be completed by December 31, 2017.

APPROVED this 5 day of JUL , 2016



GOVERNOR OF THE STATE OF HAWAII

