
A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1 SECTION 1. Section 249-14, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Bicycles having two tandem wheels that are twenty
4 inches or more in diameter [~~and all mopeds~~] are required to be
5 registered and shall be subject to a permanent registration fee
6 of \$15, to be paid by the owners thereof to the director of
7 finance. All mopeds are required to be registered on a
8 staggered basis based upon the month of initial registration and
9 shall be subject to an annual registration fee of \$15, to be
10 paid by the owners thereof to the director of finance. The
11 owner of the moped shall submit a current official certificate
12 of inspection, issued under section 286-26, as part of the
13 registration process."

14 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
15 amended by amending the title of part II to read as follows:



1 "PART II. INSPECTION OF VEHICLES AND MOPEDS"

2 SECTION 3. Section 286-21, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "§286-21 Vehicles and mopeds without required equipment or
5 in unsafe condition. No person shall drive or cause to move on
6 any highway any motor vehicle, moped, trailer, semitrailer, or
7 pole trailer, or any combination thereof, unless the equipment
8 thereon is in good working order and adjustment as required in
9 this part [~~se as not to~~] and does not endanger the driver or
10 other occupant or any person [~~upon~~] on the highway."

11 SECTION 4. Section 286-22, Hawaii Revised Statutes, is
12 amended by amending subsections (a) to (c) to read as follows:

13 "(a) [~~The chief of police or any police officer of any~~
14 ~~county may, at~~] At any time when the chief of police or police
15 officer has reasonable cause to believe that a vehicle or moped
16 is unsafe or not equipped as required by law, the chief of
17 police or any police officer of any county may require the owner
18 or driver of the vehicle or moped to submit the vehicle or moped
19 to an inspection or make the necessary corrections or repairs.

20 (b) If the vehicle or moped is found to be in an unsafe
21 condition or if any required part or equipment is not present or



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

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



1 license plates last issued upon registration of the vehicle for
2 the current year."

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

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

14 SECTION 6. Section 286-24, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§286-24 [~~Registered owner's responsibility; registration~~
17 ~~plates as prima facie evidence as to the fault of the registered~~
18 ~~owner.] Responsibility of owner or operator for violation. In
19 any proceeding for violation of this part, the registered owner
20 of a vehicle or the owner or operator of a moped shall be deemed~~



1 responsible for the unsafe condition of the vehicle[-] or moped,
2 or of the failure to equip the moped as required by law."

3 SECTION 7. Section 286-25, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§286-25 Operation of a vehicle or moped without a
6 certificate of inspection. Whoever operates, permits the
7 operation of, causes to be operated, or parks any vehicle or
8 moped on a public highway without a current official certificate
9 of inspection, issued under section 286-26, shall be fined not
10 more than \$100."

11 SECTION 8. Section 286-26, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending subsections (b) and (c) to read:

14 "(b) [~~All other~~] Mopeds and vehicles[-] other than those
15 under subsection (a), including motorcycles, trailers,
16 semitrailers, and pole trailers having a gross vehicle weight
17 rating of [~~10,000~~] ten thousand pounds or less, and antique
18 motor vehicles as defined in section 249-1, except those in
19 subsections (c) and (d), shall be certified as provided in
20 subsection (e) every twelve months; provided that any vehicle or
21 moped to which this subsection applies shall not require



1 inspection within two years of the date on which the vehicle or
2 moped was first sold.

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

6 (1) It is determined by a police officer or an insurer
7 that the vehicle's or moped's equipment has been
8 damaged so as to render the vehicle or moped unsafe;
9 or

10 (2) ~~It~~ The vehicle or moped is rebuilt or restored."

11 2. By amending subsections (e) through (g) to read:

12 "(e) Upon application for a certificate of inspection to
13 be issued for a vehicle~~[7]~~ or moped, an inspection as prescribed
14 by the director under subsection (g) shall be conducted on the
15 vehicle~~[7]~~ or moped, and if the vehicle or moped is found to be
16 in a safe operating condition~~[7]~~ and to be equipped as required
17 by subsection (g), a certificate of inspection shall be issued
18 upon payment of a fee to be determined by the director. The
19 certificate for a motor vehicle shall state the effective date,
20 the termination date, the name of the issuing insurance carrier,
21 and the policy number of the motor vehicle insurance



1 identification card for the inspected motor vehicle as specified
2 by section 431:10C-107 or state the information contained in the
3 proof of insurance card as specified by section 431:10G-106. A
4 sticker, authorized by the director, shall be affixed to the
5 vehicle or moped at the time a certificate of inspection is
6 issued. An inspection sticker [~~which~~] that has been lost,
7 stolen, or destroyed shall be replaced without reinspection by
8 the inspection station that issued the original inspection
9 sticker upon presentation of the [~~vehicle's~~] current certificate
10 of inspection[+] for the vehicle or moped; provided that the
11 current certificate of inspection and inspection sticker shall
12 not have expired at the time the replacement is requested. The
13 director shall adopt rules to determine the fee for replacement
14 of lost, stolen, or destroyed inspection stickers.

15 (f) The operator of an official inspection station shall
16 pay, from the fee in subsection (e), an amount to be determined
17 by rules adopted pursuant to chapter 91 to the director of
18 transportation. This amount shall be expended only for
19 administration and enforcement of the periodic motor vehicle and
20 moped inspection program. The funds collected pursuant to this
21 subsection shall be deposited into the highway special fund.



1 (g) The director of transportation shall adopt necessary
2 rules for the administration of inspections and the issuance of
3 certificates of inspection[-]; provided that mopeds manufactured
4 after December 31, 2013, shall be issued a certificate of
5 inspection only if the exhaust system of the moped meets the
6 specifications of the original manufacturer, and all other
7 applicable requirements for the issuance of a certificate of
8 inspection are satisfied."

9 SECTION 9. Section 286-30, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§286-30 False certificates. Any person who makes,
12 issues, or knowingly uses any imitation or counterfeit of an
13 official certificate of inspection, or any person who displays
14 or causes or permits to be displayed upon any vehicle or moped
15 any certificate of inspection knowing the same to be issued for
16 another vehicle or issued without an inspection having been made
17 or issued without authority as provided herein shall be fined
18 [~~not more than~~] up to \$1,000 or imprisoned not more than thirty
19 days, or both."

20 SECTION 10. Section 291C-194, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) No person shall drive a moped unless the person:
2 (1) Possesses a valid driver's license of any category
3 listed in section 286-102 or 286-239; [~~and~~]
4 (2) Meets the requirements of section 286-105(3) [~~-~~]; and
5 (3) Has taken and passed a moped education course approved
6 by the department of transportation."

7 SECTION 11. Section 291C-206, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Any person who violates this section shall be fined
10 not more than [~~\$500-~~] \$1,000."

11 SECTION 12. Section 291D-10, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§291D-10 Restriction on driver's license and motor**
14 **vehicle and moped registration.** (a) When the person issued a
15 notice of traffic infraction not involving parking fails to pay
16 the total amount of fines, fees, surcharges, costs, or monetary
17 assessments that has been ordered, the court shall cause an
18 entry to be made in the driver's license record so as to prevent
19 the person from acquiring or renewing the person's driver's
20 license until the outstanding amount is paid or the notice of



1 traffic infraction is otherwise disposed of pursuant to this
2 chapter.

3 (b) In all cases where the registered owner of a motor
4 vehicle or moped to which a notice of traffic infraction has
5 been issued fails to pay the total amount of fines, fees,
6 surcharges, costs, or monetary assessments that have been
7 ordered, the court shall cause an entry to be made in the motor
8 vehicle's or moped's record so as to prevent issuance or renewal
9 of the motor vehicle's or moped's certificate of registration
10 and transfer of title to the motor vehicle or moped until the
11 outstanding amount is paid or the notice of traffic infraction
12 is otherwise disposed of pursuant to this chapter; provided that
13 if the traffic infraction involves an unpaid parking violation,
14 this subsection shall not prevent the issuance or renewal of the
15 motor vehicle's or moped's certificate of registration and
16 transfer of title to the motor vehicle or moped to another
17 person, in which case the clerk of the court shall issue a
18 clearance to effectuate the registration and transfer of title;
19 and provided further that in no event shall a clearance:



1 (1) Absolve the registered owner of the motor vehicle or
2 moped at the time the parking violation was incurred
3 from paying the fine;

4 (2) Prevent any subsequent issuance or renewal of the
5 motor vehicle's or moped's certificate of registration
6 and transfer of title to the motor vehicle or moped;
7 or

8 (3) Otherwise encumber the title of that motor vehicle or
9 moped."

10 SECTION 13. This Act does not affect rights and duties
11 that matured, penalties that were incurred, and proceedings that
12 were begun before its effective date.

13 SECTION 14. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 15. This Act shall take effect on January 1, 2015.

16

INTRODUCED BY: Gindechizane

JAN 27 2015



H.B. NO. 1094

Report Title:

Mopeds; Registration; Safety Inspections; Safety Courses; Fines

Description:

Requires annual registration and inspection of mopeds. Requires operators of mopeds to enroll in safety courses in order to operate their mopeds. Increases the fine for modifying a moped to \$1,000. Prevents registration or transfer of title of a moped if traffic infraction fines are outstanding.

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

