
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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 subsections (a) and (b) 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 annually and
8 shall be subject to an annual registration fee of \$25, to be
9 paid by the owners to the director of finance. The owner of a
10 moped shall submit a current official certificate of inspection,
11 issued under section 286-26, as part of the registration
12 process.
13 (b) An owner of a bicycle having two tandem wheels that
14 are less than twenty inches in diameter is not required to
15 register [~~such~~] the bicycle, but may do so to facilitate the
16 return of recovered stolen bicycles by payment of the
17 registration fee. The fee collected shall not be refunded or



1 prorated. Upon receipt of the applicable fee, the director of
2 finance shall number and register each bicycle and moped for
3 which the fee is paid, in the owner's name and furnish the owner
4 with a metallic tag or decal for each bicycle or moped which
5 shall be attached to the bicycle or moped. On bicycles the
6 decal shall be affixed to the upright post attached to the
7 sprocket facing in the forward direction. On mopeds the decal
8 shall be affixed to the lower portion of the rear fender facing
9 rearward. Upon [~~initial~~] registration or annual renewal by an
10 owner or transferee, the director of finance shall require proof
11 of ownership and require the owner to furnish verification of
12 the serial number and description contained in the proof of
13 ownership and application for registration. The metallic tags
14 or decals shall be in a form as the director of finance shall
15 from time to time prescribe. It shall be the duty of the
16 director of finance of each county to purchase a sufficient
17 number of these tags or decals."

18 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
19 amended by amending the definitions of "motor vehicle" and
20 "vehicle" to read as follows:



1 "Motor vehicle" means every vehicle [~~which~~] that is self-
 2 propelled and every vehicle [~~which~~] that is propelled by
 3 electric power but [~~which~~] is not operated upon rails [~~, but~~
 4 ~~excludes a moped~~].

5 "Vehicle" means every device in, upon, or by which any
 6 person or property is or may be transported or drawn upon a
 7 highway, but excludes devices moved by human power or devices
 8 used exclusively upon stationary rails or tracks [~~and mopeds~~]."

9 SECTION 3. Section 286-16, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "~~[†]~~§286-16~~[†]~~ Powers and duties. (a) The director of
 12 transportation shall prescribe uniform standards and procedures
 13 for motor vehicle and moped inspection, driver or operator
 14 licensing, and registration, including the form and content of
 15 records to be maintained for the registration of vehicles and
 16 for the licensing of drivers. The registration of a moped shall
 17 be required on an annual basis and shall require the
 18 presentation of a valid certificate of inspection.

19 (b) The director of transportation shall adopt rules,
 20 pursuant to chapter 91, to establish permissible noise emission



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1 levels for motor vehicles in accordance with approved federal
2 Environmental Protection Agency standards."

3 SECTION 4. Section 286-21, Hawaii Revised Statutes, is
4 amended to read as follows:

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

12 SECTION 5. Section 286-22, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§286-22 Inspection by officers of the police department.

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



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

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



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

4 (d) Any person aggrieved by this section shall have the
5 right to a hearing before a district judge of the circuit in
6 which the person is cited within five days. The judge shall
7 determine whether the chief of police or any police officer
8 reasonably performed the chief of police's or police officer's
9 duties hereunder and shall make any appropriate order.

10 (e) Any police officer of any county shall have the
11 authority to issue a citation to enforce the provisions of this
12 part."

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

15 "(b) No person shall operate any vehicle or moped after
16 receiving a citation with reference thereto as provided in
17 section 286-22(b), except that if the driver is authorized to do
18 so by the police officer, the driver may return the vehicle or
19 moped to the driver's residence or place of business or the
20 residence or place of business of the owner of the vehicle [7] or
21 moped, to an automotive repair shop, if within a distance of



1 twenty miles, until a certificate of inspection is obtained or
2 the necessary corrections or repairs are made."

3 SECTION 7. Section 286-24, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§286-24 Registered owner's responsibility; registration
6 plates as prima facie evidence as to the fault of the registered
7 owner. In any proceeding for violation of this part, the
8 registered owner of a vehicle or registered owner of a moped
9 shall be deemed responsible for the unsafe condition of the
10 vehicle[-] or moped, or of the failure to equip the moped as
11 required by law."

12 SECTION 8. Section 286-25, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§286-25 Operation of a vehicle without a certificate of
15 inspection. (a) Whoever operates, permits the operation of,
16 causes to be operated, or parks any vehicle on a public highway
17 without a current official certificate of inspection, issued
18 under section 286-26, shall be fined not more than \$100.

19 (b) Whoever operates, permits the operation of, causes to
20 be operated, or parks any moped on a public highway without a
21 current official certificate of inspection, issued under section



1 286-26, shall be fined not more than \$500 and shall not be
2 subject to the penalties provided in section 249-15."

3 SECTION 9. Section 286-26, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (b) to read:

6 "(b) All other vehicles, including motorcycles, mopeds,
7 trailers, semitrailers, and pole trailers having a gross vehicle
8 weight rating of 10,000 pounds or less, and antique motor
9 vehicles as defined in section 249-1, except those in
10 subsections (c) and (d), shall be certified as provided in
11 subsection (e) every twelve months; provided that any vehicle to
12 which this subsection applies, except mopeds, shall not require
13 inspection within two years of the date on which the vehicle was
14 first sold."

15 2. By amending subsection (g) to read:

16 "(g) The director of transportation shall adopt necessary
17 rules for the administration of inspections and the issuance of
18 certificates of inspection[-]; provided that motorcycles, motor
19 scooters, and mopeds shall be issued a certificate of inspection
20 only if the exhaust system of the motorcycle, motor scooter, or
21 moped meets the specifications of the original manufacturer, if



1 the noise emission levels for the motorcycle, motor scooter, or
 2 moped comply with noise emissions standards established by the
 3 United States Environmental Protection Agency, and all other
 4 applicable requirements are satisfied."

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

7 "§286-30 False certificates. Any person who makes,
 8 issues, or knowingly uses any imitation or counterfeit of an
 9 official certificate of inspection, or any person who displays
 10 or causes or permits to be displayed upon any vehicle or moped
 11 any certificate of inspection knowing the same to be issued for
 12 another vehicle or issued without an inspection having been made
 13 or issued without authority as provided herein shall be fined
 14 not more than \$1,000 or imprisoned not more than thirty days, or
 15 both."

16 SECTION 11. Section 291-24, Hawaii Revised Statutes, is
 17 amended by amending subsection (c) to read as follows:

18 "(c) Whoever violates this section shall be fined [~~not~~
 19 ~~more than \$100-~~] \$500."



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1 SECTION 12. Section 291C-1, Hawaii Revised Statutes, is
 2 amended by adding a new definition to be appropriately inserted
 3 and to read as follows:

4 "Off-road vehicle" means a vehicle equipped to be used for
 5 travel off of a highway or roadway and that meets the
 6 requirements of part II of chapter 286."

7 SECTION 13. 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 14. This Act does not affect rights and duties
 12 that matured, penalties that were incurred, and proceedings that
 13 were begun before its effective date.

14 SECTION 15. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 16. This Act shall take effect on July 1, 2017.

17

INTRODUCED BY:

JAN 21 2016



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Report Title:

Safety Inspection and Registration of Mopeds

Description:

Requires annual safety inspections and registration of mopeds. Establishes civil penalties for violating the moped safety inspection and registration requirements. Defines "off-road vehicle".

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

