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## A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1           SECTION 1. Mopeds are a cheaper alternative to driving a  
2 vehicle. According to the city and county of Honolulu, the  
3 number of registered mopeds in Honolulu increased every year  
4 between 2006 and 2012. Additionally, there were three hundred  
5 fifty-four mopeds involved in major traffic accidents on public  
6 roadways in 2012.

7           The legislature finds that public safety is a state  
8 priority. Accordingly, the purpose of this Act is to increase  
9 public safety by, among other things:

- 10           (1) Prohibiting the use on public roadways of a moped that  
11                is not in good working order;
- 12           (2) Extending certain police powers dealing with vehicle  
13                inspections to include mopeds; and
- 14           (3) Requiring a certificate of inspection for all mopeds.

15           SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
16 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 any 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) through (c) to read as  
13 follows:

14 "(a) [~~The chief of police or any police officer of any~~  
15 ~~county may, at~~] At any time when the chief of police or a police  
16 officer has reasonable cause to believe that a vehicle or moped  
17 is unsafe or not equipped as required by law, the chief of  
18 police or any police officer of any county may require the owner  
19 or driver of the vehicle or moped to submit the vehicle or moped  
20 to an 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 in this part and  
13 cannot reasonably be restored to a safe condition or with  
14 respect to mopeds, equipped as required in this part, the chief  
15 of police or police officer shall remove the sticker [~~which~~]  
16 that signifies the certificate of inspection and, with regard to  
17 vehicles, inform the director of finance, who shall [~~forthwith~~]  
18 immediately suspend the registration of the vehicle and give  
19 notice of the suspension to its owner. Whenever the director of  
20 finance has suspended the registration of any vehicle under this  
21 part, the owner of the vehicle shall immediately surrender and



# H.B. NO. 1753

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

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

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

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

17 "§286-24 [~~Registered owner's responsibility; registration~~  
18 ~~plates as prima facie evidence as to the fault of the registered~~  
19 ~~owner.] Responsibility of owner or operator for violation. In  
20 any proceeding for violation of this part [7, the]:~~



1       (1) The registered owner of a vehicle or moped shall be  
2           deemed responsible for the unsafe condition of the  
3           vehicle[-] or moped; and

4       (2) The owner or operator of a moped shall be deemed  
5           responsible for the failure to equip the moped as  
6           required by law."

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

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

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

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

18           "(b) ~~[All other]~~ Mopeds and vehicles[-] other than those  
19 under subsection (a), including motorcycles, trailers,  
20 semitrailers, and pole trailers having a gross vehicle weight  
21 rating of 10,000 pounds or less, and antique motor vehicles as



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

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

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

13 (2) It is rebuilt or restored."

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

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



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

19 (f) The operator of an official inspection station shall  
20 pay, from the fee in subsection (e), an amount to be determined  
21 by rules adopted pursuant to chapter 91 to the director of



1 transportation. This amount shall be expended only for  
2 administration and enforcement of the periodic motor vehicle and  
3 moped inspection program. The funds collected pursuant to this  
4 subsection shall be deposited into the highway special fund.

5 (g) The director of transportation shall adopt necessary  
6 rules for the administration of inspections and the issuance of  
7 certificates of inspection[-]; provided that mopeds manufactured  
8 after December 31, 2016, shall be issued a certificate of  
9 inspection only if the exhaust system of the moped meets the  
10 specifications of the original manufacturer, and all other  
11 applicable requirements for the issuance of a certificate of  
12 inspection are satisfied."

13 SECTION 9. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 10. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 11. This Act shall take effect on January 1, 2017.

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Chris K. Pomeroy  
[Signature]

INTRODUCED BY:

[Signature]

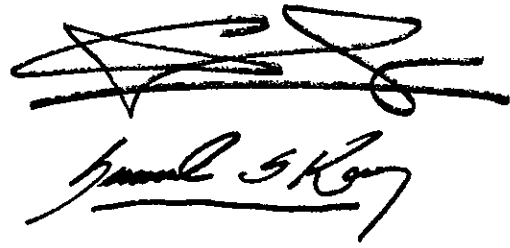
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# H.B. NO. 1753



*Paul S. King*

JAN 21 2016



# H.B. NO. 1753

**Report Title:**

Mopeds; Registration; Safety Inspections

**Description:**

Requires annual registration and inspection of mopeds.

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

