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## A BILL FOR AN ACT

RELATING TO HELMETS.

**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 part VI to be appropriately  
3 designated 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 (1) applicants under  
7 section 286-102(b)(1) 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 moped. The examiner of drivers shall  
10 issue or renew a license bearing the indication of the  
11 applicant's election to wear a safety helmet."

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

14           "~~§249-14~~   Bicycle and moped fee.   (a) Bicycles having two  
15 tandem wheels that are twenty inches or more in diameter and all  
16 mopeds are required to be registered and shall be subject to a



1 permanent registration fee of \$15, to be paid by the owners  
2 thereof to the director of finance.

3 (b) An owner of a bicycle having two tandem wheels that  
4 are less than twenty inches in diameter is not required to  
5 register such bicycle, but may do so to facilitate the return of  
6 recovered stolen bicycles by payment of the registration fee.  
7 The fee collected shall not be refunded or prorated. Upon  
8 receipt of the fee, the director of finance shall number and  
9 register each bicycle and moped for which the fee is paid, in  
10 the owner's name and furnish the owner with a metallic tag or  
11 decal for each bicycle or moped which shall be attached to the  
12 bicycle or moped. On bicycles the decal shall be affixed to the  
13 upright post attached to the sprocket facing in the forward  
14 direction. On mopeds the decal shall be affixed to the lower  
15 portion of the rear fender facing rearward. Upon initial  
16 registration by an owner or transferee, the director of finance  
17 shall require proof of ownership and require the owner to  
18 furnish verification of the serial number and description  
19 contained in the proof of ownership and application for  
20 registration. The metallic tags or decals shall be in a form as  
21 the director of finance shall from time to time prescribe. It



1 shall be the duty of the director of finance of each county to  
2 purchase a sufficient number of these tags or decals.

3 (c) All fees for the registration of a moped shall be  
4 waived if the owner submits proof to the director of finance  
5 that the owner has elected to wear a safety helmet when  
6 operating a moped, pursuant to section 286- .

7 [(+)] (d) All fees collected under this section shall be  
8 deposited into the bikeway fund and shall be expended in the  
9 county in which the fees are collected as provided in section  
10 249-17.5."

11 SECTION 3. Section 291C-195, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§291C-195 **Driving of mopeds**~~[-]~~; penalty. (a) No person  
14 less than fifteen years of age shall drive a moped on a highway,  
15 street, roadway, or any other public property in the State. No  
16 person ~~[less than eighteen years of age]~~ shall drive a moped  
17 unless the person wears a safety helmet securely fastened with a  
18 chin strap. The safety helmet shall meet the specifications and  
19 requirements established by rules adopted by the director.



1 (b) No person shall drive a moped except while sitting  
2 astride the seat, facing forward, with one leg on each side of  
3 the moped.

4 (c) No person shall drive a moped which is carrying any  
5 other person nor shall any person other than the driver ride  
6 upon a moped.

7 (d) Subsections (b) and (c) shall not apply to three-  
8 wheeled mopeds designed to carry a driver and passenger seated  
9 side by side.

10 (e) Three-wheeled mopeds shall be insured for liability  
11 and property damage, excluding personal injury protection.

12 (f) Any person who fails to wear a safety helmet as  
13 required under subsection (a) shall be subject to a citation by  
14 a law enforcement officer and shall be subject to a fine of not  
15 less than \$100 nor more than \$1,000, thirty days' imprisonment,  
16 a one year driver's license suspension, or any combination  
17 thereof, for each violation.

18 All fines collected under this subsection shall be paid to  
19 the county in which the fine was imposed and shall be expended  
20 by the county for law enforcement purposes."



# H.B. NO. 287

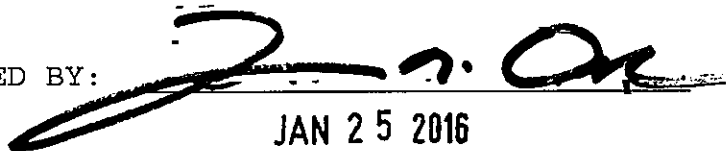
1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

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

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INTRODUCED BY:



JAN 25 2016



# H.B. NO. 2182

**Report Title:**

Transportation; Mopeds; Helmets; License; Penalties

**Description:**

Requires applicants for category 1 (moped) licenses to designate whether the applicant elects to wear a safety helmet with a chin strap at all times when operating the moped. Requires licenses to bear the indication of the election. Waives moped registration fees for moped owners who elect to wear safety helmets securely fastened with a chin strap. Requires all operators of mopeds to wear a safety helmet securely fastened with a chin strap. Establishes penalties for not wearing a safety helmet securely fastened with a chin strap while operating a moped.

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

