
A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1 SECTION 1. The legislature finds that public safety is a
2 state priority. Accordingly, the purpose of this Act is to
3 increase public safety by, among other things:

4 (1) Requiring all mopeds to be registered on a staggered
5 basis, as established by each county;

6 (2) Subjecting mopeds to the vehicle weight tax for
7 registration purposes;

8 (3) Prohibiting the use of a moped that is not in good
9 working order on public roadways;

10 (4) Extending certain police powers dealing with vehicle
11 inspections to include mopeds;

12 (5) Requiring a certificate of inspection for all mopeds;

13 (6) Including a penalty for a false certificate of
14 inspection for mopeds; and

15 (7) Increasing the fine for modifying a moped.



1 SECTION 2. 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- Moped registration and fee. (a) Mopeds shall
5 be registered, on a staggered basis as established by each
6 county and based upon the month of initial registration, and
7 shall be subject to an annual registration fee of \$15, to be
8 paid by the owners to the director of finance. The owner of a
9 moped shall submit the current official certificate of
10 inspection issued for the moped under section 286-26 as part of
11 the registration.

12 (b) Upon receipt of the fee, the director of finance shall
13 number and register each moped for which the fee is paid in the
14 owner's name, and furnish the owner with a metallic tag or decal
15 for each moped that shall be attached to the moped. The
16 metallic tag or decal shall be affixed to the lower portion of
17 the rear fender facing rearward. Upon initial registration by
18 an owner or transferee, the director of finance shall require
19 proof of ownership and require the owner to furnish verification
20 of the serial number and description contained in the proof of
21 ownership and application for registration. The metallic tags



1 or decals shall be in a form as the director of finance shall
2 from time to time prescribe. It shall be the duty of the
3 director of finance of each county to purchase a sufficient
4 number of these tags or decals.

5 (c) All mopeds registered under this section shall be
6 subject to the vehicle weight tax pursuant to section 249-33."

7 SECTION 3. Section 249-14, Hawaii Revised Statutes, is
8 amended to read as follows:

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

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



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

14 (c) All fees collected under this section shall be
15 deposited into the bikeway fund and shall be expended in the
16 county in which the fees are collected as provided in section
17 249-17.5."

18 SECTION 4. Section 249-33, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) All vehicles and motor vehicles in the State as
21 defined in section 249-1, including antique motor vehicles[~~7~~]



1 and mopeds, except as otherwise provided in sections 249-4, 249-
2 5.5, 249-6, and 249-6.5, in addition to all other fees and taxes
3 levied by this chapter, shall be subject to an annual state
4 vehicle weight tax. The tax shall be levied by the county
5 director of finance at the rate of 1.75 cents a pound according
6 to the net weight of each vehicle as the "net weight" is defined
7 in section 249-1 up to and including four thousand pounds net
8 weight; vehicles over four thousand pounds and up to and
9 including seven thousand pounds net weight shall be taxed at the
10 rate of 2.00 cents a pound; vehicles over seven thousand pounds
11 and up to and including ten thousand pounds net weight shall be
12 taxed at the rate of 2.25 cents a pound; vehicles over ten
13 thousand pounds net weight shall be taxed at a flat rate of
14 \$300."

15 SECTION 5. Chapter 286, Hawaii Revised Statutes, is
16 amended by amending the title of part II to read as follows:

17 "PART II. INSPECTION OF VEHICLES AND MOPEDS"

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

20 "**§286-21 Vehicles and mopeds without required equipment or**
21 **in unsafe condition.** No person shall drive or cause to move on



1 any highway any motor vehicle, moped, trailer, semitrailer, or
2 pole trailer, or any combination thereof, unless the equipment
3 thereon is in good working order and adjustment as required in
4 this part [~~so as not to~~] and does not endanger the driver [~~or~~],
5 any other occupant, or any person [~~upon~~] on the highway."

6 SECTION 7. Section 286-22, Hawaii Revised Statutes, is
7 amended by amending subsections (a) through (c) to read as
8 follows:

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

16 (b) If the vehicle or moped is found to be in an unsafe
17 condition or if any required part or equipment is not present or
18 if any required part or equipment is present but not in proper
19 repair, the officer shall issue a citation to the owner or
20 driver stating the reasons that the vehicle is deemed unsafe, or
21 the moped is deemed unsafe or not equipped as required, and



1 shall require that a new certificate of inspection as provided
2 in section 286-26 be obtained within five days or that the
3 defect be cured.

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

20 SECTION 8: Section 286-23, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



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

10 SECTION 9. Section 286-24, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~§286-24 [Registered owner's responsibility; registration~~
13 ~~plates as prima facie evidence as to the fault of the registered~~
14 ~~owner.] Responsibility of owner or operator for violation. In~~
15 any proceeding for violation of this part, the registered owner
16 of a vehicle or the owner or operator of a moped shall be deemed
17 responsible for the unsafe condition of the vehicle[-] or moped,
18 or of the failure to equip the moped as required by law."

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



1 "§286-25 Operation of a vehicle or moped without a
2 **certificate of inspection.** Whoever operates, permits the
3 operation of, causes to be operated, or parks any vehicle or
4 moped on a public highway without a current official certificate
5 of inspection, issued under section 286-26, shall be fined not
6 more than \$100."

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

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

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



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

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

8 (2) It is rebuilt or restored."

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

10 "(e) Upon application for a certificate of inspection to
11 be issued for a vehicle[7] or moped, an inspection as prescribed
12 by the director under subsection (g) shall be conducted on the
13 vehicle[7] or moped, and if the vehicle or moped is found to be
14 in a safe operating condition, a certificate of inspection shall
15 be issued upon payment of a fee to be determined by the
16 director. The certificate for a motor vehicle shall state the
17 effective date, the termination date, the name of the issuing
18 insurance carrier, and the policy number of the motor vehicle
19 insurance identification card for the inspected motor vehicle as
20 specified by section 431:10C-107 or state the information
21 contained in the proof of insurance card as specified by section



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

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

20 (g) The director of transportation shall adopt necessary
21 rules for the administration of inspections and the issuance of



1 certificates of inspection[-]; provided that mopeds manufactured
 2 after December 31, 2015, shall be issued a certificate of
 3 inspection only if the exhaust system of the moped meets the
 4 specifications of the original manufacturer, and all other
 5 applicable requirements for the issuance of a certificate of
 6 inspection are satisfied."

7 SECTION 12. Section 286-30, Hawaii Revised Statutes, is
 8 amended to read as follows:

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

18 SECTION 13. Section 291C-206, Hawaii Revised Statutes, is
 19 amended by amending subsection (b) to read as follows:

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



1 SECTION 14. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

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

6 SECTION 16. This Act shall take effect upon its approval.

7

INTRODUCED BY: *Fabrizio D'Amico*

JAN 26 2015



H.B. NO. 815

Report Title:

Mopeds; Registration; Safety Inspections; Fines; Vehicle Weight Tax

Description:

Requires the annual registration and inspection of mopeds. Makes mopeds subject to the vehicle weight tax and an annual \$15 registration fee. Increases the fine for modifying a moped to \$1,000.

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

