

JAN 22 2016

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 mopeds provide an
2 inexpensive, reliable, and convenient means of transportation.
3 Although mopeds are subject to a thirty mile-per-hour speed
4 limitation, they are a suitable means of transportation for many
5 residents. Mopeds have low maintenance and gasoline costs, and
6 have no requirements for insurance, safety inspections, or a
7 class 2 motorcycle license. Mopeds are regulated similar to
8 bicycles, and can travel in vehicle or bicycle lanes, but not on
9 freeways.

10 The legislature further finds that mopeds can be illegally
11 modified and converted to a speed above what is legally
12 allowable by law, without incurring additional costs and
13 requirements for insurance and a safety inspection. However,
14 because key enforcement statutes do not include mopeds, law
15 enforcement officials lack the necessary means to curtail the
16 number of illegally modified mopeds.



1 The legislature further finds that illegally altered mopeds
2 have had a detrimental impact on neighborhoods, as the mopeds
3 often emit excessively loud noises that disturb residents. On
4 Oahu, numerous complaints have been received at neighborhood
5 board meetings for many years, especially in the last decade.
6 Many community leaders are aware that new laws alone will not
7 solve the illegal moped noise problem and are planning
8 collaborative efforts with the county police departments.

9 The purpose of this Act is to:

- 10 (1) Prohibit the use of unsafe, improperly equipped, and
11 illegally modified mopeds;
12 (2) Require annual safety inspections for mopeds; and
13 (3) Increase fines for moped violations of the law.

14 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§286- Number plates for mopeds; registration. (a) The
18 director shall cause to be produced number plates and tags or
19 emblems for the registration of mopeds operated in the State.

20 (b) The director shall number and register the moped in
21 the owner's name in a permanent record or book to be kept by the



1 director for this purpose, and shall furnish the owner thereof
2 with a receipt showing upon its face the license number issued
3 for the moped. The registration fee shall be \$ per year.
4 The director shall also furnish the owner, upon the original
5 registration of the moped, one plate with the registration
6 number marked thereon. Upon the payment of a registration fee
7 for each year, a tag or emblem bearing a serial number and the
8 month and year of expiration shall be provided to the owner.
9 Transfer of current number plates, tag, or emblem, except as
10 authorized by this chapter, is punishable by a fine of not more
11 than \$50 for each offense.

12 (c) Upon an original registration the director shall fix,
13 and shall charge to the owner, a fee equal to the cost of the
14 number plate and tag or emblem plus the administrative cost of
15 furnishing the plate and tag or emblem and effecting the
16 registration. Upon the issuance of a new series of number
17 plates, the director shall charge the owner a fee equal to the
18 costs of the number plate plus the administrative cost of
19 furnishing the plate. Upon issuing a tag or emblem, the
20 director shall charge the owner a fee of 50 cents. The owner
21 shall securely fasten the number plate on the rear of the moped



1 at a location provided by the manufacturer or in the absence of
2 such a location upon the bumper of the moped and in conformance
3 with section 291-31, in such a manner as to prevent the plate
4 from swinging. The number plate shall at all times be displayed
5 entirely unobscured and be kept reasonably clean.

6 (d) Upon the issuance of the tag or emblem, the owner
7 shall affix the tag or emblem to the top right portion of the
8 rear number plate.

9 (e) After the initial payment of the registration fee and
10 the original registration of a moped as specified in this
11 section, a moped shall not be required to be reweighed in any
12 succeeding year unless it has been so altered or changed as to
13 increase or diminish its weight. No new number plate shall,
14 however, be issued to a new owner.

15 (f) If an owner of a moped registered in any county, upon
16 the disposition of the moped, requests that the number plate
17 furnished to the owner with respect to the registration of the
18 moped be assigned to another moped subsequently acquired by the
19 owner, the assignment may be made by the director at the
20 director's discretion. To defray additional administrative
21 costs incurred by acceding to those requests, the director shall



1 charge a fee of \$5 for each reassignment of number plate, in
2 addition to the fee for registration. The procedure for
3 registering the mopeds shall otherwise be identical with that
4 provided by this section."

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

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

14 SECTION 4. Section 286-22, Hawaii Revised Statutes, is
15 amended by amending subsection (a), (b), and (c) to read as
16 follows:

17 "(a) The chief of police or any police officer of any
18 county may, at any time when the chief of police or police
19 officer has reasonable cause to believe that a vehicle or moped
20 is unsafe or not equipped as required by law, require the owner



1 or driver of the vehicle or moped to submit the vehicle or moped
2 to an inspection or make the necessary corrections or repairs.

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

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



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

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

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

16 SECTION 6. Section 286-25, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§286-25 Operation of a vehicle or moped without a
19 certificate of inspection. Whoever operates, permits the
20 operation of, causes to be operated, or parks any vehicle or
21 moped on a public highway without a current official certificate



1 of inspection, issued under section 286-26, shall be fined not
2 more than \$100."

3 SECTION 7. Section 286-26, Hawaii Revised Statutes, is
4 amended by amending subsections (b), (c), (d), and (e) to read
5 as follows:

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 a moped, shall not require
13 inspection within two years of the date on which the vehicle was
14 first sold.

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

18 (1) It is determined by a police officer or an insurer
19 that the vehicle's or moped's equipment has been
20 damaged so as to render the vehicle or moped unsafe;
21 or



1 (2) It is rebuilt or restored.

2 (d) Every vehicle or moped shall be certified prior to the
3 issuance of a temporary or permanent registration by the
4 director of finance and prior to the transfer of any
5 registration; provided that this requirement shall not apply to
6 a subsequent transfer of registration in a vehicle or moped that
7 carries a current certificate of inspection.

8 (e) Upon application for a certificate of inspection to be
9 issued for a vehicle [7] or moped, an inspection as prescribed by
10 the director under subsection (g) shall be conducted on the
11 vehicle [7] or moped, and if the vehicle or moped is found to be
12 in a safe operating condition, a certificate of inspection shall
13 be issued upon payment of a fee to be determined by the
14 director. The certificate shall state the effective date, the
15 termination date, the name of the issuing insurance carrier, and
16 the policy number of the motor vehicle insurance identification
17 card for the inspected motor vehicle as specified by section
18 431:10C-107 or state the information contained in the proof of
19 insurance card as specified by section 431:10G-106. A sticker,
20 authorized by the director, shall be affixed to the vehicle or
21 moped at the time a certificate of inspection is issued. An



1 inspection sticker which has been lost, stolen, or destroyed
2 shall be replaced without reinspection by the inspection station
3 that issued the original inspection sticker upon presentation of
4 the [~~vehicle's~~] current certificate of inspection; provided that
5 the current certificate of inspection and inspection sticker
6 shall not have expired at the time the replacement is requested.
7 The director shall adopt rules to determine the fee for
8 replacement of lost, stolen, or destroyed inspection stickers."

9 SECTION 8. Section 291-22, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§291-22 Regulation of exhaust pipe and muffler. It shall
12 be unlawful for any person to drive upon the public highways any
13 motor scooter[7] or moped, as defined in section 286-2, the
14 exhaust pipe or muffler of which has been so changed from the
15 factory design as to increase the volume or audibility of the
16 explosions within the motor thereof."

17 SECTION 9. Section 291-23, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§291-23 Penalty. Whoever is convicted of violating any
20 of the provisions of section 291-22 with regard to a motor
21 scooter shall be fined not more than \$100. Whoever is convicted



1 of violating any of the provisions of section 291-22 with regard
2 to a moped shall be fined not more than \$500."

3 SECTION 10. Section 291-24, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

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

7 SECTION 11. Section 291C-202, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) [~~The director of transportation by rules and~~
10 ~~regulations, pursuant to chapter 91, shall establish criteria~~
11 ~~and procedures for the annual safety inspection of every moped.]~~
12 The annual safety inspection of every moped shall be conducted
13 in accordance with section 286-26. Safety inspection criteria
14 shall include the criteria established by the director of
15 transportation under subsection (b)."

16 SECTION 12. Section 291C-206, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

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



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

6 SECTION 15. This Act shall take effect upon its approval.

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INTRODUCED BY:

[Handwritten signatures and names]

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Will Zeno



S.B. NO. 2487

Report Title:

Mopeds; Registration; Inspections

Description:

Requires registration, inspections, and number plates for mopeds. Increases or imposes fines related to mopeds.

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