

JAN 23 2015

A BILL FOR AN ACT

RELATING TO HELMETS.

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

1 SECTION 1. The legislature finds that safety helmets
2 should be required to be worn by all minors under the age of
3 eighteen years while operating or riding as a passenger on a
4 motorcycle, all-terrain vehicle, and any other off-road vehicle
5 such as motorized dirt bikes.

6 The legislature further finds that the requirement of
7 safety helmet use by minors is particularly important where
8 minors are operators or passengers and engaged in dangerous
9 sports involving the operation of or riding on a motorcycle,
10 all-terrain vehicle, and any other off-road vehicle.

11 The purpose of this Act is to require all minors under the
12 age of eighteen years to wear a safety helmet while operating or
13 riding as a passenger on a motorcycle, all-terrain vehicle, and
14 any other off-road vehicle.

15 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
16 amended by:



1 1. Adding a new definition to be appropriately inserted
2 and to read as follows:

3 "Motorized dirt bike" means a motorcycle designed for use
4 on rough surface and terrain such as dirt and trails."

5 2. By amending the definition of "motorcycle" to read as
6 follows:

7 "Motorcycle" means every motor vehicle having a seat or
8 saddle for use of the rider and designed to travel on not more
9 than three wheels in contact with the ground, and includes a
10 motorized dirt bike but excludes a farm tractor and a moped."

11 SECTION 3. Section 286-12, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"[+]§286-12[+] All-terrain vehicle; utility-terrain**
14 **vehicle; motorized dirt bikes; permitted use. (a) All-terrain**
15 **vehicles and utility-terrain vehicles may be operated on a**
16 **street, as defined in section 291C-1; provided that the all-**
17 **terrain vehicle or utility-terrain vehicle is:**

18 (1) Used as farm equipment, or used by a city, county, or
19 state worker while acting within the scope of that
20 person's official duties;



- 1 (2) Operated by a person who holds a current category (3)
- 2 driver's license under section 286-102 or a commercial
- 3 driver's license under part XIII;
- 4 (3) Driven on streets that are no more than two lanes,
- 5 with posted speed limits of no more than thirty-five
- 6 miles per hour;
- 7 (4) Used to travel between properties zoned for
- 8 agriculture, or used by a city, county, or state
- 9 worker while acting within the scope of that person's
- 10 official duties to travel between properties under the
- 11 jurisdiction of the city, county, or State;
- 12 (5) Used in counties with populations of less than five
- 13 hundred thousand residents; and
- 14 (6) Driven on streets during daylight hours; provided
- 15 further that while in operation, any operator and
- 16 passenger of an all-terrain vehicle or utility-terrain
- 17 vehicle shall wear a safety helmet with a securely
- 18 fastened chin strap that meets the specifications and
- 19 requirements established by rules adopted by the
- 20 director.



1 (b) No person under the age of eighteen years shall
2 operate or be a passenger on any all-terrain vehicle, utility-
3 terrain vehicle, or motorized dirt bike under any circumstance
4 unless that person is wearing a safety helmet with a securely
5 fastened chin strap that meets the specifications and
6 requirements established by rules adopted by the director.

7 [~~b~~] (c) For purposes of this section:

8 "All-terrain vehicle" means a motor vehicle that:

- 9 (1) Is designed for off-highway operation by a single
10 operator carrying no more than one passenger, if so
11 designed as provided in paragraph (5) of this
12 definition;
- 13 (2) Is fifty inches or less in width;
- 14 (3) Has an unladen weight of nine hundred pounds or less;
- 15 (4) Is suspended on three or more tires;
- 16 (5) Has a single seat designed to be straddled by the
17 operator, or a single seat designed to be straddled by
18 the operator and a seat for not more than one
19 passenger sitting behind the operator; and
- 20 (6) Has handlebars for steering control.



1 "Farm equipment" refers to any kind of machinery used on a
2 farm to help with farming, including but not limited to a
3 tractor, cultivator, plow, all-terrain vehicle, or utility-
4 terrain vehicle.

5 "Utility-terrain vehicle" means a motor vehicle that:

- 6 (1) Is designed to be operated off highway;
- 7 (2) Is sixty inches or less in width;
- 8 (3) Has an unladen weight of one thousand three hundred
9 pounds or less;
- 10 (4) Is suspended on four to six tires;
- 11 (5) Has a steering wheel for steering control;
- 12 (6) Is equipped with roll-over protection;
- 13 (7) Accommodates one driver and one passenger sitting
14 side-by-side; and
- 15 (8) Is equipped with seat belts for driver and passenger
16 protection.

17 [~~e~~] (d) Any person who violates this section shall be
18 fined \$250 for each violation.

19 [~~d~~] (e) All-terrain vehicles and utility-terrain
20 vehicles used as farm equipment as provided in subsection (a)
21 shall be regulated as farm equipment and not as motor vehicles.



1 [~~(e)~~] (f) All-terrain vehicles and utility-terrain
2 vehicles used by a city, county, or state worker while acting
3 within the scope of that person's official duties shall not be
4 regulated as motor vehicles."

5 SECTION 4. Section 286-81, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§286-81 Motorcycle, motor scooter, etc.; protective**
8 **devices.** (a) No person shall:

9 (1) Operate a motorcycle or motor scooter, on any highway
10 in the State unless the person and any passenger the
11 person carries on the motorcycle or motor scooter
12 wears:

13 (A) Safety glasses, goggles, or a face shield, in the
14 case of a motorcycle or motor scooter that is not
15 equipped with windscreens or windshields; and

16 (B) Any other protective devices, other than a safety
17 helmet, required by rules adopted by the
18 director.

19 For the purpose of meeting the requirements of this
20 paragraph, a required device shall meet the



1 specifications and requirements established by rules
2 adopted by the director;

3 (2) Lease or rent a motorcycle or motor scooter to another
4 person unless the person furnishes:

5 (A) Safety glasses, goggles, or a face shield, in the
6 case of a motorcycle or motor scooter that is not
7 equipped with windscreens or windshields; [~~and~~]

8 (B) A properly fitted and fastened safety helmet if
9 the person to whom the motorcycle or motor
10 scooter to be leased or rented is under the age
11 of eighteen years; and

12 [~~(B)~~] (C) Any other protective devices required by the
13 rules adopted by the director for the use of the
14 person or persons intending to operate or ride as
15 a passenger on the motorcycle or motor scooter;
16 provided that any person to whom a motorcycle or
17 motor scooter is leased or rented may furnish for
18 the person's own use the protective devices
19 required by this part.

20 For the purposes of meeting the requirements of this
21 paragraph, a required device shall meet the



1 specifications and requirements established by rules
2 adopted by the director; or

3 (3) Sell or offer for sale or furnish any safety helmet,
4 safety glasses, goggles, face shield, windscreen,
5 windshield, or other protective devices represented to
6 meet the requirements of this part unless the device
7 meets the specifications and requirements established
8 by rules adopted by the director.

9 (b) No person less than eighteen years of age shall
10 operate or ride as a passenger on a motorcycle or motor scooter
11 on any highway in the State unless the person wears a safety
12 helmet securely fastened with a chin strap.

13 (c) A safety helmet shall [~~not~~] be required for any person
14 who is under the age of eighteen years who operates or rides as
15 a passenger on a motorcycle or motor scooter; [~~provided that~~]
16 even where the motorcycle or motor scooter:

- 17 (1) Has three wheels;
18 (2) Is powered by an electric motor;
19 (3) Has a full body enclosed cab; and
20 (4) Has a seat belt assembly or a child restraint system
21 for the driver and passenger;



1 and the operator and passenger uses the seat belt or child
2 restraint system pursuant to sections 291-11.5 and 291-11.6."

3 SECTION 5. Section 291-11, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§291-11 Riders and passengers under seven years of age on**
6 **motorcycles and motor scooters prohibited; riders and passengers**
7 **under eighteen years of age; penalty.** (a) It shall be unlawful
8 for any driver of a motorcycle or motor scooter to carry as a
9 passenger or to permit to ride thereon any person under the age
10 of seven years.

11 (b) A driver of a motorcycle or motor scooter shall be
12 permitted to carry as a passenger or permit to ride thereon any
13 person under the age of seven years; provided that the
14 motorcycle or motor scooter:

- 15 (1) Has three wheels;
- 16 (2) Is powered by an electric motor;
- 17 (3) Has a full body enclosed cab; and
- 18 (4) Has a seat belt assembly or a child restraint system
19 for the driver and passenger;

20 and the operator and passenger uses the seat belt or child
21 restraint system pursuant to sections 291-11.5 and 291-11.6.



1 (c) Every driver, passenger, or rider of a motorcycle or
2 motor scooter who is under the age of eighteen years, including
3 a motorcycle or motor scooter described in subsection (b), shall
4 be required to wear a properly fitted and fastened safety
5 helmet.

6 [~~e~~] (d) [~~A motorcycle or motor scooter driver~~] Any
7 person who violates this section shall be fined not more than
8 \$200."

9 SECTION 6. Section 291C-152, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**[+]§291C-152[+]** **Riding on motorcycles.** (a) A person
12 operating a motorcycle shall ride only upon the permanent and
13 regular seat attached thereto, and such operator shall not carry
14 any other person nor shall any other person ride on a motorcycle
15 unless the motorcycle is designed to carry more than one person,
16 in which event a passenger may ride upon the permanent and
17 regular seat if designed for two persons, or upon another seat
18 firmly attached to the motorcycle at the rear or side of the
19 operator.



1 (b) A person shall ride upon a motorcycle only while
2 sitting astride the seat, facing forward, with one leg on each
3 side of the motorcycle.

4 (c) No person shall operate a motorcycle while carrying
5 any package, bundle, or other article which prevents the person
6 from keeping both hands on the handlebars.

7 (d) No operator shall carry any person, nor shall any
8 person ride, in a position that will interfere with the
9 operation or control of the motorcycle or the view of the
10 operator.

11 (e) No person under the age of eighteen years shall
12 operate a motorcycle or be a passenger on a motorcycle unless
13 the person wears a properly fitted and fastened safety helmet."

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

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect upon its approval.
20

INTRODUCED BY: Will Eyer
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Report Title:

Helmets; Minors; Motorcycles; Motor Scooters; All-terrain Vehicles; Utility-terrain Vehicles; Off-road Vehicles

Description:

Requires persons under the age of eighteen years to wear a properly fitted and fastened safety helmet while operating or riding as a passenger on a motorcycle or motor scooter.

Requires a person under the age of eighteen years to wear a safety helmet while operating or riding as a passenger in an all-terrain vehicle, utility-terrain vehicle, or other 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.

