

JAN 23 2015

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The legislature finds that there has been an
2 increase of accidents involving motorcycles, motor scooters,
3 mopeds and off-road vehicles that have been modified and that do
4 not comply with state requirements or federal motor vehicle
5 safety standards. Furthermore, due to the extensive
6 modifications on some of these vehicles, the general public in
7 many residential and business districts in suburban and rural
8 areas has been burdened with the high level of sound emissions.
9 In order to prevent the operation of non-complying motorcycles,
10 motor scooters, mopeds, and off-road vehicles in the State, the
11 legislature finds that annual safety inspections of mopeds
12 should be required and that there should be a substantial
13 financial penalty for the operation of these motor vehicles to
14 ensure that traffic laws can be enforced through better
15 cooperation between the department of transportation and the
16 county police departments.



1 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 **"§291C- Unauthorized use of off-road vehicles on**
5 **roadways and highways.** No person shall operate a off-road
6 vehicle on a roadway or highway. A violation of this section
7 shall be in addition to any other violation of law applicable to
8 the situation. Violation of this section shall result in a fine
9 of \$500 to be issued by a police officer of any county."

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

12 **"§249-14 Bicycle and moped fee.** (a) Bicycles having two
13 tandem wheels that are twenty inches or more in diameter [~~and~~
14 ~~all mopeds~~] are required to be registered and shall be subject
15 to a permanent registration fee of \$15, to be paid by the owners
16 thereof to the director of finance. All mopeds are required to
17 be registered annually and shall be subject to an annual
18 registration fee of \$25, to be paid by the owners thereof to the
19 director of finance. The owner of a moped shall submit a
20 current official certificate of inspection, issued under section
21 286-26, as part of the registration process.



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



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

3 (c) All fees collected under this section shall be
4 deposited into the bikeway fund and shall be expended in the
5 county in which the fees are collected as provided in section
6 249-17.5."

7 SECTION 4. Section 286-2, Hawaii Revised Statutes, is
8 amended by amending the definitions of "motor vehicle" and
9 "vehicle" to read as follows:

10 "Motor vehicle" means every vehicle which is self-
11 propelled and every vehicle which is propelled by electric power
12 but which is not operated upon rails [~~but excludes a moped~~].

13 "Vehicle" means every device in, upon, or by which any
14 person or property is or may be transported or drawn upon a
15 highway, but excludes devices moved by human power or devices
16 used exclusively upon stationary rails or tracks [~~and mopeds~~]."

17 SECTION 5. Section 286-16, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~+~~]**§286-16**[~~+~~] **Powers and duties.** (a) The director of
20 transportation shall prescribe uniform standards and procedures
21 for motor vehicle and moped inspection, driver or operator



1 licensing, and registration, including the form and content of
2 records to be maintained for the registration of vehicles and
3 for the licensing of drivers. The registration of a moped shall
4 be required on an annual basis and shall require the
5 presentation of a valid certificate of inspection.

6 (b) The director of transportation shall adopt rules,
7 pursuant to chapter 91, to establish permissible noise emission
8 levels for motor vehicles in accordance with approved federal
9 Environmental Protection Agency standards."

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

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

19 SECTION 7. Section 286-22, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§286-22 Inspection by officers of the police department.**

2 (a) The chief of police or any police officer of any county
3 may, at any time when the chief of police or police officer has
4 reasonable cause to believe that a vehicle or moped is unsafe or
5 not equipped as required by law, require the owner or driver of
6 the vehicle or moped to submit the vehicle or moped to an
7 inspection or make the necessary corrections or repairs.

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

16 (c) If upon inspection, the chief of police or any police
17 officer determines that any vehicle or moped is in such unsafe
18 condition as to constitute a menace to the public or determines
19 that the moped is not equipped as required by this part and
20 cannot reasonably be restored to a safe condition as required in
21 this part, or in the case of a moped, equipped as required by



1 this part, the chief of police or police officer shall remove
2 the sticker [~~which~~] that signifies the certificate of inspection
3 and, with regard to vehicles, inform the director of finance who
4 shall [~~forthwith~~] immediately suspend the registration of the
5 vehicle and give notice of the suspension to its owner.

6 Whenever the director of finance has suspended the registration
7 of any vehicle under this part, the owner of the vehicle shall
8 immediately surrender and forward to the director of finance the
9 certificate of registration and the license plates last issued
10 upon registration of the vehicle for the current year.

11 (d) Any person aggrieved by this section shall have the
12 right to a hearing before a district judge of the circuit in
13 which the person is cited within five days. The judge shall
14 determine whether the chief of police or any police officer
15 reasonably performed the chief of police's or police officer's
16 duties hereunder and shall make any appropriate order.

17 (e) Any police officer of any county shall have the
18 authority to issue a citation to enforce the provisions of this
19 part."

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[~~7~~] 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.** In any proceeding for violation of this part, the
15 registered owner of a vehicle or registered owner of a moped
16 shall be deemed responsible for the unsafe condition of the
17 vehicle[~~7~~] or moped, or of the failure to equip the moped as
18 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 without a certificate of**
2 **inspection.** (a) Whoever operates, permits the operation of,
3 causes to be operated, or parks any vehicle on a public highway
4 without a current official certificate of inspection, issued
5 under section 286-26, shall be fined not more than \$100.

6 (b) Whoever operates, permits the operation of, causes to
7 be operated, or parks any moped on a public highway without a
8 current official certificate of inspection, issued under section
9 286-26, shall be fined not more than \$500 or be subject to
10 penalties provided in section 249-15."

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

13 1. By amending subsection (b) to read:

14 "(b) All other vehicles, including motorcycles, mopeds,
15 trailers, semitrailers, and pole trailers having a gross vehicle
16 weight rating of 10,000 pounds or less, and antique motor
17 vehicles as defined in section 249-1, except those in
18 subsections (c) and (d), shall be certified as provided in
19 subsection (e) every twelve months; provided that any vehicle to
20 which this subsection applies, except mopeds, shall not require



1 inspection within two years of the date on which the vehicle was
2 first sold."

3 2. By amending subsection (g) to read:

4 "(g) The director of transportation shall adopt necessary
5 rules for the administration of inspections and the issuance of
6 certificates of inspection[-]; provided that motorcycles, motor
7 scooters, and mopeds shall be issued a certificate of inspection
8 only if the exhaust system of the motorcycle, motor scooter, or
9 moped meets the specifications of the original manufacturer, if
10 the noise emission levels for the motorcycle, motor scooter, or
11 moped comply with noise emissions standards established by the
12 United States Environmental Protection Agency, and all other
13 applicable requirements are satisfied."

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

16 "**§286-30 False certificates.** Any person who makes,
17 issues, or knowingly uses any imitation or counterfeit of an
18 official certificate of inspection, or any person who displays
19 or causes or permits to be displayed upon any vehicle or moped
20 any certificate of inspection knowing the same to be issued for
21 another vehicle or issued without an inspection having been made



1 or issued without authority as provided herein shall be fined
2 not more than \$1,000 or imprisoned not more than thirty days, or
3 both."

4 SECTION 13. Section 291-24, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

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

8 SECTION 14. Section 291C-1, Hawaii Revised Statutes, is
9 amended by adding a new definition to be appropriately inserted
10 and to read as follows:

11 ""Off-road vehicle" means a vehicle equipped to be used for
12 travel off of a highway or roadway and that does meet the
13 requirements of part II of chapter 286."

14 SECTION 15. Section 291C-206, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

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

18 SECTION 16. This Act does not affect rights and duties
19 that matured, penalties that were incurred, and proceedings that
20 were begun before its effective date.



S.B. NO. 631

1 SECTION 17. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 18. This Act shall take effect on July 1, 2016.

4

INTRODUCED BY: *Dennis W. P. [Signature]* ^{BR}



S.B. NO. 631

Report Title:

Safety Inspection and Registration of Mopeds; Use of Off-road Vehicles on Roadways and Highways Prohibited

Description:

Requires annual safety inspections and registration of mopeds. Creates civil penalty and potential for seizure and sale for violation. Prohibits the use of off-road vehicles on roadways and highways. Takes effect on 7/1/2016.

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

