

HB1753, HD3

TESTIMONY



Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 17, 2016
3:00 P.M.
State Capitol, Room 229

**H.B. 1753, H.D. 3
RELATING TO MOPEDS**

Senate Committees on Transportation & Energy and
Public Safety, Intergovernmental & Military Affairs

The Department of Transportation (DOT) provides **comments with amendments** for this bill that requires the Director of Finance to issue moped number plates, requires annual registration of mopeds and stipulates registration fee for a moped shall be \$50.00.

DOT believes that amending section 249-7, Hawaii Revised Statutes (HRS), will accomplish the intent of the two proposed new sections within Section 2 of the bill entitled:

- Mopeds; number plates; and
- Fraudulent use of moped number plates; penalties.

DOT recommends the deletion of the proposed two new sections within Section 2 of HD3 identified in the paragraph above and replace it with the below amendments to section 249-7, HRS that adds language to subsections (a) & (b) and creates a new subsection (f).

SECTION 2. Section 249-7, Hawaii Revised Statutes, is amended to read as follows:

§249-7 Number plates. (a) Upon receipt of the tax the director of finance shall number and register the vehicle in the owner's name in a permanent record or book to be kept by the director for this purpose, and shall furnish the owner thereof with a receipt showing upon its face the license number issued for the vehicle and the fact that the license tax has been paid thereon for the whole or the remainder of the current year in which the receipt is issued. The director of finance shall also furnish the owner, upon the original registration of the vehicle, two number plates for the vehicle or one plate in the case of trailers, semitrailers, [or] motorcycles, or mopeds with the registration number marked thereon. Upon the payment of the tax for each year a tag or emblem

bearing a serial number and the month and year of expiration shall be provided to the owner. Transfer of current number plates, tag, or emblem, except as authorized by this chapter or by chapter 286, is punishable by a fine of not more than \$50 for each offense.

(b) Upon an original registration the director of finance shall fix, and shall charge to the owner, a fee equal to the cost of the number plate and tag or emblem plus the administrative cost of furnishing the plate and tag or emblem and effecting the registration. Upon the issuance of a new series of number plates as determined by the directors of finance of each county through majority consent, the director of finance shall charge the owner a fee equal to the costs of the number plate plus the administrative cost of furnishing the plates. Upon issuing a tag or emblem, the director of finance shall charge the owner a fee of 50 cents. The owner shall securely fasten the number plates on the vehicle, one on the front and the other on the rear, at a location provided by the manufacturer or in the absence of such a location upon the bumpers of the vehicle and in conformance with section 291-31, in such a manner as to prevent the plates from swinging. Number plates shall at all times be displayed entirely unobscured and be kept reasonably clean. In the case of trailers, semitrailers, ~~or~~ motorcycles, or mopeds, one plate shall be used and it shall be fastened to the rear thereof at a location provided by the manufacturer or in the absence of such a location at the rear thereof, and in the case of motorcycles in conformance with section 291-31.

(c) Upon the issuance of the tag or emblem the owner shall affix the tag or emblem to the top right portion of the rear number plate, except that all vehicles owned by the State, any county government, any board of water supply, and official representatives of any foreign governments shall be issued registrations which need be renewed only in the new plate issue year.

(d) After the initial payment of the tax and the original registration of a vehicle as herein specified, a motor vehicle shall not be required to be reweighed in any succeeding year unless it has been so altered or changed as to increase or diminish its weight. No new number plates shall, however, be issued to a new owner except as provided in sections 249-7.5 and 249-8.

(e) If an owner of a vehicle registered in any county, upon the disposition of the vehicle, requests that the license plates furnished to the owner with respect to the registration of the vehicle be assigned to another vehicle subsequently acquired by the owner, the assignment may be made by the director of finance at the director's discretion. To defray additional administrative costs incurred by acceding to those requests, the director of finance shall charge a fee of \$5 for each reassignment of license plates, in addition to the fee for registration. The procedure for registering the vehicles shall otherwise be identical with that provided by this section.

(f) Each moped shall be issued a number plate upon payment of the initial annual registration fee pursuant to section 249-14.

Thank you for the opportunity to testify on this bill.

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 9:59 PM
To: TRE Testimony
Cc: prentissc001@hawaii.rr.com
Subject: Submitted testimony for HB1753 on Mar 17, 2016 15:00PM
Attachments: Moped testimony HB1753.doc

Categories: Red Category

HB1753

Submitted on: 3/14/2016

Testimony for TRE/PSM on Mar 17, 2016 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Kailua Neighborhood Board	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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The Kailua Neighborhood Board (on 2/4/2016) adopted the following resolution addressing the problems with mopeds.

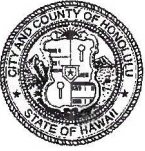
BE IT RESOLVED, the Board requests the state legislature to authorize police departments the ability to require moped owners to submit their vehicle to an inspection if there is reasonable cause to believe it is unsafe or not equipped as required by law, comparable to requirements for other motorized vehicles using public roadways; and

BE IT FURTHER RESOLVED, the Board requests the state legislature to increase the fines for violations of motor and muffler modifications exceeding the manufacturer limits; and

BE IT FURTHER RESOLVED, the Board requests the state legislature to statutorily distinguish mopeds from bicycles, such that mopeds shall be required to display a clearly identifiable license plate, similar in size to motorcycles, as part of their registration.

The primary reasons for this position are:

1. Neighborhood boards across Oahu have reported numerous complaints about excessive moped noise in their communities over the years.
2. Excessive moped noise negatively impacts citizens' quality of life, as well as the visitor experience, both essential to our state's economic vitality.
3. The majority of excessive vehicle noise is generated by moped owners modifying their engine and/or muffler due to a lack of sufficient control measures for this vehicle type.
4. It is currently illegal to modify a moped exhaust system that increases its noise above the original manufacturer equipment, but existing fines are negligible and there is no law allowing officers the ability to submit mopeds to inspections when there is reasonable cause to believe there is a violation.
5. Mopeds are not required to display clearly identifiable license plates and, consequently, are difficult for concerned citizens to report them on infractions of law.



MILILANI/ WAIPIO/ MELEMANU NEIGHBORHOOD BOARD NO. 25

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813
PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET: <http://www.honolulu.gov>

**RESOLUTION REQUESTING THE HONOLULU CITY COUNCIL AND THE HAWAII
STATE LEGISLATURE TO ENACT LAWS THAT REDUCE EXCESSIVE MOPED
NOISE**

WHEREAS, there are reportedly more than 36,000 mopeds on Oahu; and

WHEREAS, neighborhood boards across Oahu have reported numerous complaints about excessive moped noise in their communities over the years; and

WHEREAS, excessive moped noise negatively impacts citizens' quality of life as well as the visitor experience, both of which are essential to our state's economic vitality; and

WHEREAS, the majority of excessive vehicle noise is generated by moped owners modifying their engine and/or muffler due to a lack of sufficient control measures and enforcement for this vehicle type; and

WHEREAS, while it is currently illegal to modify a moped exhaust system that increases its noise above the original manufacturer equipment, existing fines are negligible and there is no law allowing officers the ability to submit mopeds to inspections when there is reasonable cause to believe there is a violation; and

WHEREAS, mopeds are not required to display clearly identifiable license plates and, consequently, are difficult for concerned citizens to report them on infractions of law; and

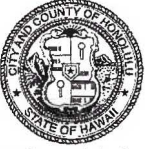
WHEREAS, the State Department of Transportation has adopted administrative rules to regulate moped safety inspections, which include within the scope excessive noise from exhaust systems, for counties that make them mandatory; and

WHEREAS, the City and County of Honolulu does not require moped safety inspections, although its City Council has introduced Bill 83 (2015) to require such inspections; now therefore,

BE IT RESOLVED, the Mililani/Waipio/Melemanu Neighborhood Board No. 25 requests the Honolulu City Council to adopt Bill 83 (2015) to require annual safety inspections of mopeds; and

BE IT FURTHER RESOLVED that the Board requests the Hawaii State Legislature to authorize police departments the ability to require moped owners to submit their vehicle to an





MILILANI/ WAIPIO/ MELEMANU NEIGHBORHOOD BOARD NO. 25

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inspection if there is reasonable cause to believe it is unsafe or not properly equipped as required by law; and

BE IT FURTHER RESOLVED that the Board requests the Hawaii State Legislature to increase the fines for violations of motor and muffler modifications exceeding the manufacturer limits; and

BE IT FURTHER RESOLVED that the Board requests the Hawaii State Legislature to statutorily distinguish mopeds from bicycles such that mopeds shall be required to display a clearly identifiable license plate, similar in size to motorcycles, as part of their registration; and

BE IT FINALLY RESOLVED that copies of this resolution be forwarded to the Mayor and members of the City Council of the City and County of Honolulu; the Director of the City and County Department of Transportation Services, Area legislators, the Director of the State Department of Transportation, and all neighborhood board chairs.

Adopted by Mililani-Waipio-Melemanu Neighborhood Board No. 25 at its regular meeting of January 27, 2016, by a vote of 19-2-1.

A handwritten signature in black ink, appearing to read "Richard G. Poirier".

Richard G. Poirier, Chair



Kaala Coleman

From: kahuna8899@gmail.com on behalf of Paul L. Klink <Paul@PaulKlink.com>
Sent: Monday, March 14, 2016 10:36 PM
To: TRE Testimony
Subject: Please direct equally to: Chair Inouye and Chair Nishihara
Categories: Red Category

Aloha Chair Inouye and Chair Nishihara,

My name is Paul Klink, City & County of Honolulu Neighborhood Board Member in the Makiki, Punchbowl, Tantalus area and we really need your kokua on this Moped Noise Mitigation movement to fruition. Here are some of the main issues we pray to be addressed this session. My 10 month old Baby Girl Legacy Klink is woken up constantly by these unchecked, dangerous and extremely loud illegally modified mopeds that thunder up and down Makiki Street where we live between cavernous condos echoing. PLEASE HELP. Live Aloha, Pastor Dr. Paul L. Klink, DD, MCLC

1. Require an annual safety inspection - Annual safety inspections would detect illegal modifications and help reduce the number of modified mopeds on the public roads.
2. Authorize police to require inspection and correction of mopeds suspected of illegal alterations. - This is another way to deter these illegal moped modifications. Police officer's when they have reasonable belief that a moped is unsafe or is not equipped as required by law, can require the owner or driver to submit the moped to an inspection or make the necessary corrections or repairs.
3. Require license plates for easier detection of violators. - In addition to proof of registration decal stickers, a license plate would be more visible and allow the police and public to identify mopeds suspected of a violation.
4. Increase fines for modifying moped motors and mufflers. - Tougher penalties may help deter violators and help reduce unlawful modifications.

Live Aloha,

Paul
Dr. Paul L. Klink, DD, MCLC
(808) 721-7777
Paul@PaulKlink.com
DD = <http://www.PreachOnTheBeach.com>
MCLC = <http://www.HokeyPokeyConsulting.com>

TEDxHonolulu Talk: Please feel free to watch my Live Aloha City 2.0 talk at <http://tedxtalks.ted.com/video/Paul-Klink-Live-Aloha-at-TEDxHo>

Please feel free to listen the Paul Klink "Live Aloha" podcast by RELATE/a resource for people who serve people at <http://therelationaleconomy.com/podcast/paul-klint-live-aloha/>

Please feel free to read the recent article in Natural Awakenings "Being a New Dad at 50" at http://issuu.com/naturalawakeningshawaii/docs/naturalawakenings_hawaii_09-15/11?e=0

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 15, 2016 4:43 PM
To: TRE Testimony
Cc: barbralohanhb5@yahoo.com
Subject: Submitted testimony for HB1753 on Mar 17, 2016 15:00PM
Attachments: #05 Resolution on Moped Noise.pdf

Categories: Red Category

HB1753

Submitted on: 3/15/2016

Testimony for TRE/PSM on Mar 17, 2016 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Barbra Armentrout	Neighborhood Board 5	Support	Yes

Comments: Comments: I am submitting our NB5 Resolution re: Mopeds. I would like to testify also in person but may be late to hearing as I will not be able to get Handivan until 2:30pm from the Ala Moana area to the Capital. I am hoping it will be ontime, but may not get to Capital until 3:15pm. I will alert staff when I arrive in conference room. If by chance I do not make it in time - I would like to say that I stand by the resolution our NB5 passed back in January. Many of the people in our district the NB5 covers have consistedly let us know of their concern regarding the moped noise, lack of moped riders following the Hawaii State Laws, riding in the bike lanes and generally making the moped riders more responsible when driving on Hawaii streets and roads. Making a law to have mopeds get license plates would be very benefical especially in identifying stolen mopeds for tracking and resale. As it stands now, the police and sheriffs department do not have Vin numbers or license plate numbers to track stolen mopeds so that the owners have a chance of getting their moped back after it being stolen. Perhaps we will be able to stop so many mopeds from being stolen and resold will the passage of this bill. There are 39,000 mopeds in Hawaii and I know it is a cheaper form of transportation but anyone allowed on the roads in the State of Hawaii should operate whatever mode of transportation they may possess whether it be automobile, motorcycle, moped or bicycle and be held accountable for maintaining safe equipment on their vehicles and obeying Hawaii ordinances. Thank you for your time and consideration in reading my testimony.

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DIAMOND HEAD/KAPAHULU/ST. LOUIS HEIGHTS NEIGHBORHOOD BOARD NO. 5

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

RESOLUTION REQUESTING THE HONOLULU CITY COUNCIL AND THE HAWAII STATE
LEGISLATURE TO ENACT LAWS THAT REDUCE EXCESSIVE MOPED NOISE

WHEREAS, there are reportedly more than 36,000 mopeds on Oahu; and

WHEREAS, neighborhood boards across Oahu have reported numerous complaints about excessive moped noise in their communities over the years; and

WHEREAS, excessive moped noise negatively impacts citizens' quality of life, as well as the visitor experience, both essential to our state's economic vitality; and

WHEREAS, the majority of excessive vehicle noise is generated by moped owners modifying their engine and/or muffler due to a lack of sufficient control measures for this vehicle type; and

WHEREAS, it is currently illegal to modify a moped exhaust system that increases its noise above the original manufacturer equipment, but existing fines are negligible and there is no law allowing officers the ability to submit mopeds to inspections when there is reasonable cause to believe there is a violation; and

WHEREAS, mopeds are not required to display clearly identifiable license plates and, consequently, are difficult for concerned citizens to report them on infractions of law; and

WHEREAS, the State Department of Transportation has adopted administrative rules to regulate moped safety inspections, which include within the scope excessive noise from exhaust systems, for counties that make them mandatory; and

WHEREAS, the City and County of Honolulu does not require moped safety inspections, although its City Council has introduced Bill 83 (2015) to require such inspections; now, therefore

BE IT RESOLVED, the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 requests the Honolulu City Council to adopt Bill 83 (2015) to require annual safety inspections of mopeds; and

BE IT FURTHER RESOLVED, the Board requests the state legislature to authorize police departments the ability to require moped owners to submit their vehicle to an inspection if there is reasonable cause to believe it is unsafe or not equipped as required by law, comparable to requirements for other motorized vehicles using public roadways; and

BE IT FURTHER RESOLVED, the Board requests the state legislature to increase the fines for violations of motor and muffler modifications exceeding the manufacturer limits; and

BE IT FURTHER RESOLVED, the Board requests the state legislature to statutorily distinguish mopeds from bicycles, such that mopeds shall be required to display a clearly identifiable license plate, similar in size to motorcycles, as part of their registration; and

BE IT FINALLY RESOLVED, that copies of this resolution be forwarded to the Mayor and members of the City Council of the City and County of Honolulu; the Director of the Department of Transportation Services, House members in Districts 17-51; Senators in Districts 9-25, the Director of the State Department of Transportation, and the Chairs of the Neighborhood Boards.

INTRODUCED BY:

K. Russell Ho For

George West, Chair

DATE OF INTRODUCTION: January 14, 2016

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2016 12:08 PM
To: TRE Testimony
Cc: carl@stellarloaninc.com
Subject: Submitted testimony for HB1753 on Mar 17, 2016 15:00PM

HB1753

Submitted on: 3/16/2016

Testimony for TRE/PSM on Mar 17, 2016 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Carlyle Cornwell	Stellar Loan	Support	No

Comments: It's time to listen to the people that voted you all in to represent us! We are beyond this intolerable noise pollution of loud mufflers! Please support our wishes: 1. Require an annual safety inspection - Annual safety inspections would detect illegal modifications and help reduce the number of modified mopeds on the public roads. 2. Authorize police to require inspection and correction of mopeds suspected of illegal alterations. - This is another way to deter these illegal moped modifications. Police officer's when they have reasonable belief that a moped is unsafe or is not equipped as required by law, can require the owner or driver to submit the moped to an inspection or make the necessary corrections or repairs. 3. Require license plates for easier detection of violators. - In addition to proof of registration decal stickers, a license plate would be more visible and allow the police and public to identify mopeds suspected of a violation. 4. Increase fines for modifying moped motors and mufflers. - Tougher penalties may help deter violators and help reduce unlawful modifications. 5. Penalize all the retailers selling these modified mufflers to all registered vehicles!

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Moped Noise Mitigation Working Group

MNMWG2016@gmail.com

March 16, 2016

Dear Chair Inouye and Members of the Committee on
Transportation and Energy;
and Chair Nishihara and Members of the Committee on
Public Safety, Intergovernmental, and Military Affairs:

Thank you for taking the time to address moped issues. On behalf of the Moped Noise Mitigation Working Group (MNMWG), **we are in support of HB 1753, HD3, with amendments.** We propose amendments that require annual moped safety inspections, increase fines for illegally modified moped motors and mufflers, and an immediate effective date. We also urge you to evaluate whether the \$50 annual registration fee could be lower, in order to minimize the financial impacts on all moped drivers.

Community members from across Oahu have participated in and provided valuable input through the MNMWG. The MNMWG held two meetings this past January that resulted in a consensus on the proposals listed below, which are already in place for other vehicles using public roads. We support legislation to help reduce noise from illegally modified mopeds that include the following provisions:

- **Require annual moped safety inspections.**
These inspections examine mufflers for modifications that increase moped noise, according to the State Department of Transportation's Moped Inspection Handbook.
- **Allow police to require an inspection or correction of mopeds suspected of illegal modifications.**
This authorization would ensure compliance with the safety check process by citing people who might modify their mopeds after a safety inspection.
- **Increase fines for illegally modifying moped motors and mufflers.**
Higher fines are justified when moped owners intentionally break the law by modifying their motor and muffler, which results in higher than allowed speeds and excessive noise. This is an abuse of the moped vehicle category.
- **Require license plates for easier identification of violators.**
This ensures more accountability for moped drivers' actions.

The specific language that effectuates our amendments is contained in HB 1848.

Numerous neighborhood boards across Oahu have formally adopted resolutions requesting the legislature to pass legislation for all of the listed items. The City and County of Honolulu Neighborhood Commission Office has records of the adopted resolutions in case you have not received copies.

We also note that the Hawaii State Association of Counties included in its 2016 legislative package, agreed upon by all four County Councils, a bill to require annual safety inspections for mopeds.

I look forward to a continued dialog on getting a bill passed this year that addresses moped noise concerns, while recognizing these items will address road/vehicle safety as well. The moped noise problem has been going on for far too long in our communities. Mahalo for your support.

Sincerely,
Tim Streit
Moped Noise Mitigation Working Group

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 4:51 PM
To: TRE Testimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for HB1753 on Mar 17, 2016 15:00PM

HB1753

Submitted on: 3/14/2016

Testimony for TRE/PSM on Mar 17, 2016 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments: As in previous testimony I am in strong support of this measure. Mopeds are now in the Wild Wild West of transportation. Please give our residential neighborhoods some relief from noise and chaos caused by unregulated moped use.

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Testimony of Bob Kern In Favor of Bill 1753
Senate Committee on Transportation and Energy
Senate Committee on Public Safety, Intergovernmental and Military Affairs
March 17, 2016

Aloha Chairs Inouye, Nishihara and committee members. I offer this testimony in favor of HB 1753 as a citizen who is tired – literally – of being wakened at all hours of the night by excessively loud noise from illegally modified mopeds.

I support Bill 1753 with amendments to require annual inspection for mopeds and higher fines for illegally modifying motors or mufflers. License plates and expanded police authority to require inspection of mopeds suspected of being modified are very important and should be maintained in the bill. These four provisions – Annual Inspection, License Plates, Expanded Police Authority and Higher Fines offer citizens the best chance of experiencing fewer sleepless nights while not excessively burdening responsible moped riders.

The legislature has found public safety to be a state priority. Modified mopeds create a safety hazard for riders who modify their moped to make them go faster than they are designed to safely go. Modifying the moped results in a much noisier vehicle. Noise, too, is a public safety issue that affects many more people than just the individual moped rider. One noisy moped can disrupt the sleep of a neighborhood extending the public safety hazard as angry and tired citizens drive to work or school after a sleepless night.

The noise of modified mopeds is irritating. Even more irritating than the noise itself is knowing that much of it is the result of illegal behavior. More irritating still is the feeling of being unprotected and helpless against the noise due to lack of action to address the problem. The legislature now has the opportunity to improve citizen's lives. Please help mitigate the noise of illegally modified mopeds by passing HB 1753 amended to include annual inspection of mopeds and increased fines for violators.

Thank you for considering my concerns.

Respectfully,

Bob Kern
1615 Wilder Avenue, #601
Honolulu, Hawaii 96822
808 943 9241

TESTIMONY TO THE SENATE COMMITTEES ON TRANSPORTATION AND
ENERGY, AND PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

ON

H.B. 1753 HD3 Relating to Mopeds

17 March 2016

3:00 P.M.

Conference Room 229

by

Scott W. Smart

Chairmen Inouye, Nishihara, Vice Chairmen Gabbard, Espero and members of the Senate Committees on TRE/PSM:

I am testifying AGAINST H.B. 1753 HD3 as a citizen.

HRS Chap 291C (Traffic Code) Sec 1 defines "Moped" as

""Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the device unassisted, on a level surface at a maximum speed no greater than thirty miles per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit."

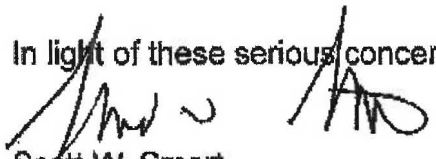
As defined, "Moped" includes a class of vehicle commonly referred to as "Electric" or "E-Bikes". These vehicles typically are designed in a fashion similar to conventional bicycles, including pedals for propulsion, along with battery-powered motors for assist.

As "Moped" is currently defined, this bill will cause harm to owners and operators of E-Bikes, as the requirements are disproportional to the impact resulting from E-Bike use. In particular, it appears the intent of this bill is to regulate the noise output from internal combustion-powered Mopeds. This is simply not a concern or problem with E-Bikes.

There is a Senate bill this year, S.B. 2979 which would create a new class of vehicle referred to as "low speed electric bicycle" based on the definition in 15 USC 2085 which gives the Consumer Product Safety Commission (CPSC) cognizance over the regulation of E-Bikes for manufacture or import. Incorporating the language of this bill would alleviate the concerns regarding E-Bikes.

E-Bikes should be removed from the requirements of H.B. 1753 HD3 or the bill should be held.

In light of these serious concerns I ask that you VOTE NO this bill.



Scott W. Smart
94-210 Kakaili Pl
Miiilani, HI 96789
(808) 627-1220

TESTIMONY OF

LARRY S VERAY

TO THE SENATE COMMITTEE ON TRANSPORTATION AND ENERGY

ON HB1753 RELATING TO LEGISLATION OF MOPEDS

March 15, 2016

Aloha Chair Inouye, Nishihara and committee members of the Senate Committee on Transportation and Energy. Thank you for allowing me the opportunity to provide testimony in support of HB1753. I am Chair for the Pearl City Neighborhood Board and I represent the many citizens who are negatively impacted by excessive moped exhaust noise and that loud noise waking individuals and families at all hours of the day. Our citizens deserve the best quality of life in Hawaii. The Pearl City Neighborhood Board unanimously passed a resolution in support of legislation to help reduce noise from illegally modified mopeds. Our Board submits and requires the following provisions:

- **Require annual moped safety inspections.**
These inspections examine mufflers for modifications that increase moped noise, according to the State Department of Transportation's Moped Inspection Handbook.
- **Allow police to require an inspection or correction of mopeds suspected of illegal modifications.**
This authorization would ensure compliance with the safety check process by citing people who might modify their mopeds after a safety inspection.
- **Increase fines for illegally modifying moped motors and mufflers.**
Higher fines are justified when moped owners intentionally break the law by modifying their motor and muffler, which results in higher than allowed speeds and excessive noise. This is an abuse of the moped vehicle category.
- **Require license plates for easier identification of violators.**
This ensures more accountability for moped drivers' actions.

In closing, I urge you to pass HB1753 and mandate annual safety inspections, police law enforcement, increase fines for illegally modified mopeds and initiate license plates at time of moped registration. These initiatives may prevent the loss of life from moped excessive speeds on our roads and mitigating excessive moped exhaust noise. Thank you for your support.

Very respectfully,

Larry S. Veray

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2016 10:51 AM
To: TRE Testimony
Cc: ejcarmody@hawaiiantel.net
Subject: Submitted testimony for HB1753 on Mar 17, 2016 15:00PM

HB1753

Submitted on: 3/16/2016

Testimony for TRE/PSM on Mar 17, 2016 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Elise Carmody	Individual	Support	No

Comments: To: COMMITTEE ON TRANSPORTATION AND ENERGY; Senator Lorraine R. Inouye, Chair COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS; Senator Clarence K. Nishihara, Chair Subject: Testimony on HB1753 Dear Senators Inouye and Nishihara: Thank you for allowing me to submit this testimony on HB1753. I support the requirement of mopeds to have annual safety inspections. In addition, I would like to request the bill be amended to include the following: 1. Authorize police to require inspection and correction of mopeds suspected of illegal alterations. This is another way to deter these illegal moped modifications. Police officer's when they have reasonable belief that a moped is unsafe or is not equipped as required by law, can require the owner or driver to submit the moped to an inspection or make the necessary corrections or repairs. 2. Require license plates for easier detection of violators. In addition to proof of registration decal stickers, a license plate would be more visible and allow the police and public to identify mopeds suspected of a violation. 3. Increase fines for modifying moped motors and mufflers. Tougher penalties may help deter violators and help reduce unlawful modifications. 4. Remove the amendment to redefine "motor vehicle" and "vehicle" to include mopeds. With the above amendments, it is not necessary to change the definitions of "motor vehicle" and "vehicle"; plus may create unintended consequences that would trigger insurance, taxes and fees to moped owners. Mahalo for your consideration. Elise Carmody

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Aloha Chair Inouye, Chair Nishihara, Vice Chairs, and members of the committee,

Thank you for taking the time to address moped issues.

I am in **SUPPORT of HB1753 HD3 with amendments**.

I respectfully request your consideration of the amendments as proposed by the Moped Noise Mitigation Working Group (MNMWG). Community members from across Oahu have participated in and provided valuable input through the MNMWG. The MNMWG held two meetings this past January that resulted in a consensus on the proposals listed below, which are already in place for other vehicles using public roads. I support this legislation to help reduce noise from illegally modified mopeds that include the following provisions:

1. Require an annual safety inspection.

Annual safety inspections would detect illegal modifications and help reduce the number of modified mopeds on the public roads.

2. Authorize police to require inspection and correction of mopeds suspected of illegal alterations.

This is another way to deter illegal moped modifications that cause excessive noise. Police officer's when they have reasonable belief that a moped is unsafe or is not equipped as required by law, can require the owner or driver to submit the moped to an inspection or make the necessary corrections or repairs.

3. Require license plates for easier detection of violators.

In addition to proof of registration decal stickers, a license plate would be more visible and allow the police and members of our communities to identify mopeds suspected of a violation.

4. Increase fines for modifying moped motors and mufflers.

Tougher penalties may help deter violators and help reduce unlawful modifications.

The specific language that effectuates these amendments is contained in HB 1848.

It is also notable that numerous neighborhood boards across Oahu have formally adopted resolutions requesting the legislature to pass legislation for all of the listed items. Communities across our islands would benefit from a bill that can effectively address excessive moped noise concerns.

Mahalo,
Antonia Agbannawag

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2016 1:24 PM
To: TRE Testimony
Cc: victor.ramos@mpd.net
Subject: *Submitted testimony for HB1753 on Mar 17, 2016 15:00PM*

HB1753

Submitted on: 3/16/2016

Testimony for TRE/PSM on Mar 17, 2016 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

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March 16, 2016

To: Committee on Transportation and Energy
Committee on Public Safety, Intergovernmental and Military Affairs

From: Tambry R. Young
tambry.young@gmail.com
808-271-7833

Re: HB 1753 HD3 - In support

Dear Committee Chairs Inouye and Nishihara and Committee Members,

My name is Tambry Young and I have been riding motorcycles for more than 30 years. I am in support of HB 1753 HD3 based on safety issues.

By mandating a yearly safety inspection and registration process for mopeds, it will ensure that mopeds are not being modified to achieve higher speeds that mopeds and drivers are unequipped to handle.

Mopeds are utilized for many different reasons. General commuting mode of transportation. An economical mode of transportation. An alternative to the costs associated with driving a car. A mode of transportation that is easy to park and move between short distances in a shorter amount of time. I support the use of mopeds for those reasons but I also support responsible moped ownership. This bill will ensure that mopeds are utilized as intended and are operationally safe.

Mopeds sold on the island are equipped with a speed restrictor, this restrictor prevents a moped from reaching speeds higher than 25 to 30 mph. The restrictors make the moped safe for city street operation and helps moped operators maintain a safe speed. The items addressed in this bill help to deter dealers from putting moped owners in a dangerous situation in order to gain more profit.

I bought a moped in 2014 and the two locations that I visited offered me the option of removing the restrictor for a fee. I was told if I did it at the time of purchase it would be cheaper than if I brought it back later to have the restrictor removed. I was told that if I removed the restrictor I could reach speeds up to 50 MPH. I declined that service. Having a yearly inspection puts dealers on notice that performing this service could provide information that a criminal act has taken place and could lead back to them.

Certain modifications to a moped make that moped unsafe and in violation of current laws. By passing this bill a path to maintaining the safe operation of a moped can be achieved. This is a benefit to all who operate, sell, and own a moped.

I support HB1753 - CD1.

Thank you for your time and consideration in this matter.

Tambry R. Young

Chair Inouye/Chair Nishihara,

I am writing to encourage you to support HB1753, regarding legislation that would help address the issue of moped noise.

In support of the legislation, I would like to refer to you an editorial that appeared in the March 7, 2016 edition of The Honolulu Star-Advertiser. It was the OUR VIEW column subtitled "ILLEGAL NOISE" - "Time to rein in illegally modified noisy mopeds". The editorial reinforces the fact that the citizenry of Honolulu is asking for relief from the scourge of excessive moped noise.

Please do what you can to pass the bill, which would implement the following requirements:

- 1. Require an annual safety inspection - Annual safety inspections would detect illegal modifications and help reduce the number of modified mopeds on the public roads.**
- 2. Authorize police to require inspection and correction of mopeds suspected of illegal alterations. - This is another way to deter these illegal moped modifications. Police officer's when they have reasonable belief that a moped is unsafe or is not equipped as required by law, can require the owner or driver to submit the moped to an inspection or make the necessary corrections or repairs.**
- 3. Require license plates for easier detection of violators. - In addition to proof of registration decal stickers, a license plate would be more visible and allow the police and public to identify mopeds suspected of a violation.**
- 4. Increase fines for modifying moped motors and mufflers. - Tougher penalties may help deter violators and help reduce unlawful modifications.**

**Mahalo,
Klement Kondratovich**

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 17, 2016 7:20 AM
To: TRE Testimony
Cc: veedubh20@hotmail.com
Subject: Submitted testimony for HB1753 on Mar 17, 2016 15:00PM

HB1753

Submitted on: 3/17/2016
Testimony for TRE/PSM on Mar 17, 2016 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Allen Rideout	Individual	Oppose	No

Comments: I opposed the bill of HB1753.

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