

SB 2122

RELATING TO MOPEDS

DAVID Y. IGE
GOVERNOR



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

January 28, 2016
2:45 PM
State Capitol, Room 229

**S.B. 2122
RELATING TO MOPEDS**

Senate Committee on Transportation and Energy

The DOT **supports the intent** of this bill to require mopeds to be inspected every year. However, the changes to Section 1 of the bill may have unintended consequences to Part III, registration of Vehicles, chapter 286, HRS.

We recommend that Section 1 of this bill be deleted, and amend Section 2 by including the word "moped" or "mopeds" whenever the term "vehicle" or "vehicles" and "motor vehicle" or "motor vehicles" are used in Sections 286-21 through 286-26 and Section 286-30, HRS as follows.

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

§286-22 Inspection by officers of the police department. (a) The chief of police or any police officer of any county may, at any time when the chief of police or police officer has reasonable cause to believe that a moped or vehicle is unsafe or not equipped as required by law, require the owner or driver of the moped or vehicle to submit the moped or vehicle to an inspection or make the necessary corrections or repairs.

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

(c) If upon inspection, the chief of police or any police officer determines that any moped or vehicle is in such unsafe condition as to constitute a menace to the public and cannot reasonably be restored to a safe condition as required in this part, the chief of police or police officer shall remove the sticker which signifies the certificate of

inspection and inform the director of finance who shall forthwith suspend the registration of the moped or vehicle and give notice of the suspension to its owner. Whenever the director of finance has suspended the registration of any moped or vehicle under this part, the owner of the moped or vehicle shall immediately surrender and forward to the director of finance the certificate of registration and the license plates last issued upon registration of the moped or vehicle for the current year.

§286-23 Responsibility for compliance.

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

§286-24 Registered owner's responsibility; registration plates as prima facie evidence as to the fault of the registered owner. In any proceeding for violation of this part, the registered owner of a moped or vehicle shall be deemed responsible for the unsafe condition of the moped or vehicle.

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

§286-26 Certificates of inspection.

(b) All other vehicles, including mopeds or motorcycles, trailers, semitrailers, and pole trailers having a gross vehicle weight rating of 10,000 pounds or less, and antique motor vehicles as defined in section 249-1, except those in subsections (c) and (d), shall be certified as provided in subsection (e) every twelve months; provided that any vehicle to which this subsection applies shall not require inspection within two years of the date on which the moped or vehicle was first sold.

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

- (1) It is determined by a police officer or an insurer that the moped or vehicle's equipment has been damaged so as to render the moped or vehicle unsafe; or
- (2) It is rebuilt or restored.

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

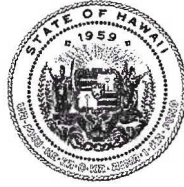
(e) Upon application for a certificate of inspection to be issued for a moped or vehicle, an inspection as prescribed by the director under subsection (g) shall be conducted on the vehicle, and if the moped or vehicle is found to be in a safe operating condition, a certificate of inspection shall be issued upon payment of a fee to be determined by the director. ~~[The]~~ Except for mopeds, the certificate shall state the effective date, the termination date, the name of the issuing insurance carrier, and the policy number of the motor vehicle insurance identification card for the inspected motor vehicle as specified by section 431:10C-107 or state the information contained in the proof of insurance card as specified by section 431:10G-106. A sticker, authorized by

the director, shall be affixed to the moped or vehicle at the time a certificate of inspection is issued. An inspection sticker which has been lost, stolen, or destroyed shall be replaced without reinspection by the inspection station that issued the original inspection sticker upon presentation of the moped or vehicle's current certificate of inspection; provided that the current certificate of inspection and inspection sticker shall not have expired at the time the replacement is requested. The director shall adopt rules to determine the fee for replacement of lost, stolen, or destroyed inspection stickers.

(i) [As] Except for mopeds, and as part of the inspection required by this section, the owner of the vehicle to be inspected shall produce and display the motor vehicle insurance identification card for the inspected motor vehicle required by section 431:10C-107 or the proof of insurance card required by section 431:10G-106. If no card is displayed, then the sticker authorized by the director shall not be affixed to the vehicle and the certificate of inspection shall not be issued.

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

Thank you for the opportunity to testify on this bill.



DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
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CATHERINE P. AWAKUNI COLÓN
DIRECTOR
JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

TO THE SENATE COMMITTEE ON TRANSPORTATION AND ENERGY

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Thursday, January 28, 2016
2:45 p.m.

TESTIMONY ON SENATE BILL NO. 2122 – RELATING TO MOPEDS.

TO THE HONORABLE LORRAINE R. INOUE, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner, testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). The Department takes no position regarding the intent of this bill and provides the following comments.

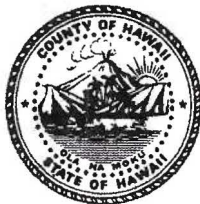
The purpose of this bill is to require mopeds, among other vehicles, to be certified and inspected annually, in accordance with sections 286-26 and 291C-202, Hawaii Revised Statutes (“HRS”). The bill also proposes to now include mopeds within the definition of “motor vehicle” in section 286-2, HRS.

It should be noted that the term “motor vehicle” is defined and referenced in several HRS sections. Eliminating the moped exclusion from section 286-2, HRS, without similarly conforming all other statutory definitions of and references to “motor vehicle” may lead to confusion and inconsistent application.

Further, classifying or defining mopeds as “motor vehicles” will require owners to carry mandatory insurance coverage pursuant to section 431:10C-104, HRS.

We thank this Committee for the opportunity to present testimony on this matter.

DENNIS "FRESH" ONISHI
Council Member
District 3



PHONE: (808) 961-8396
FAX: (808) 961-8912
EMAIL: donishi@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

County of Hawai'i
25 Aupuni Street
Hilo, Hawai'i 96720

TESTIMONY IN **SUPPORT** OF SENATE BILL NO. 2122

A BILL FOR AN ACT
RELATING TO MOPED

COMMITTEE ON TRANSPORTATION AND ENERGY

Thursday, February 11, 2016, 2:45 p.m.
State Capitol, Conference Room 229

Honorable Chair Lorraine Inouye, and
Members of the Committee on Transportation and Energy

Thank you for the opportunity to provide testimony in **support** of SB 2122, relating to mopeds.

Mopeds are motor vehicles and should be subject to the State's safety check program. In order to increase the safety of moped drivers and all others traveling on roadways, it is imperative that mopeds be required to be inspected and to meet the safety and other criteria that other motor vehicles are already subject to.

This bill is included in the 2016 Hawai'i State Association of Counties Legislative Package and I submit this testimony as Vice President of HSAC.

Please recommend approval of this bill. Thank you.

Council Chair
Mike White

Vice-Chair
Don S. Guzman

Presiding Officer Pro Tempore
Michael P. Victorino

Councilmembers
Gladys C. Baisa
Robert Carroll
Elle Cochran
Don Couch
Stacy Crivello
Riki Hokama



Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 8, 2016

TO: Honorable Lorraine Inouye, Chair
Senate Committee on Transportation and Energy

FROM: Stacy Helm Crivello
Councilmember

A handwritten signature in black ink, appearing to read "Stacy Helm Crivello", is written over the printed name of the sender.

DATE: February 11, 2016

SUBJECT: **SB 2122, RELATING TO MOPEDS**

I **support** SB 21223 for the reasons cited in testimony submitted by the Hawaii State Association of Counties President, and urge you to support this measure.

COUNTY COUNCIL
Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kauai, Hawaii 96766

January 26, 2016

TESTIMONY OF KIPUKAI KUALII
COUNCILMEMBER, KAUA'I COUNTY COUNCIL
ON
SB 2122, RELATING TO MOPEDS
Senate Committee on Transportation and Energy
Thursday, January 28, 2016
2:45 p.m.
Conference Room 229

Dear Chair Inouye and Members of the Committee:

Thank you for this opportunity to submit testimony in support of SB 2122, Relating to Mopeds. My testimony is submitted in my capacity as a Councilmember of the Kauai County Council, as well as a Board Member of the National Association of Counties, and Chair of the Kauai County Council Economic Development & Intergovernmental Relations Committee. The purpose of this measure is to include mopeds under the definition of motor vehicles required to acquire a safety check.

This measure is included in the 2016 Hawaii State Association of Counties Legislative Package, and I support this measure for the following reasons:

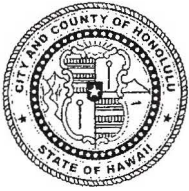
1. Mopeds are driven by residents and visitors alike on Hawaii's roadways and streets, interacting with other motor vehicles, bicyclists, and pedestrians. To increase the safety of moped drivers and others traveling on local streets and roadways, it is imperative mopeds be required to meet the safety and other criteria other motor vehicles are subject to.
2. Requiring mopeds to be subject to the State's safety check program is an important step in increasing safety on Hawaii's roadways by decreasing incidents resulting from equipment failure or deficiencies.

For the reasons stated above, I urge the Senate Committee on Transportation and Energy to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

KIPUKAI KUALII
Councilmember, Kauai County Council

AO:mn



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

JOEY MANAHAN
Councilmember District VII
Chair, Committee on Transportation
Vice Chair, Committee on Budget
(808) 768-5007
(808) 768-1200 (fax)
e-mail: jmanahan@honolulu.gov

TO: The Honorable Lorraine Inouye, Chair
and Members of the Senate Committee on Transportation and Energy

FROM: Councilmember Joey Manahan, Chair
Honolulu City Council Committee on Transportation

Testimony for Senate Bill 2122 Relating to Mopeds

I support SB 2122, a bill intended for the inclusion of mopeds to be required to have the proper safety inspection.

Along with the number of complaints that I receive from my constituents, many of the Neighborhood Boards in my district, including Kalihi-Palama Neighborhood Board #15, Kalihi Valley Neighborhood Board #16, and the Aliamanu/Salt Lake/ Foster Village Neighborhood Board #18, all have expressed concerns with the regulation of mopeds and support such legislation to address it.

Annual moped safety inspections are currently implemented only in the Counties of Hawaii and Maui, and are not implemented in the Counties of Honolulu and Kauai. Mopeds are driven by residents and visitors alike on Hawaii roadways and streets, interacting with other motor vehicles, bicyclists, and pedestrians. To increase the safety of moped drivers and others traveling on local streets and roadways, it is imperative mopeds be required to meet the safety and other criteria other motor vehicles are subject to.

As an advocate for my district who has many concerns with mopeds, I am open to discussions with the State on this matter and I urge for your support for SB 2122.

Thank you for the opportunity to provide testimony.

From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: Don.Couch@mauicounty.us
Subject: *Submitted testimony for SB2122 on Jan 28, 2016 14:45PM*
Date: Tuesday, January 26, 2016 2:35:10 PM

SB2122

Submitted on: 1/26/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Don Couch	Individual	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

February 10, 2016

TO: The Honorable Lorraine Inouye, Chair and Members of the Committee
Senate Committee on Transportation and Energy

Re: SB2122 Relating to Mopeds

Hearing: Thursday, February 11, 2016
Conference Room 229
State Capital
Support of SB2122

Dear Chair Inouye and Members of the Committee,

There are reportedly more than 36,000 mopeds on Oahu. Mopeds interact with other motor vehicles, bicyclists and even pedestrians on our Hawaii streets and roads. It is imperative that they do so safely and be required to meet the other criteria that motor vehicles are subject to.

Mopeds are hard to identify when stolen and the police need to have a data base in which to refer to when dealing with stolen mopeds. It is just as important to identify a moped by license plate as it is an automobile. Can someone register a stolen moped by "stating garage sale purchase?" Currently mopeds can just speed off and the citizens of Honolulu have no way to identify them. Having license plates along with requiring a safety inspection would greatly help in registering new and used mopeds. Anyone sharing the road must obey the same rules for everyone's safety.

Our Neighborhood #5 (Diamond Head, Kapahulu and St Louis Heights) have passed a Resolution on Mopeds (See attached Resolution dated January 14, 2016)

This Resolution requested the Honolulu City Council and the Hawai'i State Legislature to Enact Laws that reduce excessive Noise. In our resolution we also asked that mopeds shall be required to display a clearly identifiable license plate, as part of their registration and safety check. So we ask that the bill be amended to reflect this. The annual safety inspections will help if the mopeds have been altered in any way to cause excessive noise when operated.

Thank you for your time and consideration regarding our Neighborhood Board #5's resolution and concerns. We have had many people in our board district who have complained regarding mopeds.

Barbra J. Armentrout
Treasurer
Neighborhood Board #5 of the City and County of Honolulu

Attached: Neighborhood Board #5 Resolution dated January 16, 2016



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/ncc>

**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: Klement Kondratovich <klemski@idigedi.com>
Sent: Wednesday, February 10, 2016 7:02 PM
To: TRE Testimony
Subject: Testimony on SB 2122

Chair Inouye and members of the committee:

The headline of the Kokua Line column in the November 23rd 2015 edition of The Honolulu Star-Advertiser was “Noise pollution considered a public health issue in the isles”.

Since that edition, the newspaper has published several letters to the editor that dealt with the problem of motor vehicle noise.

I, too, am troubled by excessive motor vehicle noise.

That being the case, I urge you to pass SB 2122 that would require 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.

Passage of that bill (and it’s enforcement) would go a long way to improve the quality of life in the state of Hawaii.

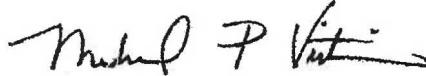
Mahalo,
Klement Kondratovich
McCully-Moiliili Neighborhood Board #8
747 Wiliwili Street
1701
Honolulu, HI 96826

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i & City & County of Honolulu

February 6, 2016

TO: The Honorable Lorraine Inouye, Chair
Senate Committee on Transportation and Energy

FROM: Michael P. Victorino
HSAC President



SUBJECT: HEARING OF FEBRUARY 11, 2016; TESTIMONY IN SUPPORT OF
SB 2122, RELATING TO MOPEDS

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to include mopeds under the definition of motor vehicles required to acquire a safety check.

This measure is included in the 2016 Hawaii State Association of Counties Legislative Package. Therefore, I submit this testimony on HSAC's behalf.

In addition to the reasons stated in my previous testimony, I **support** this measure and offer the following:

1. This measure was introduced by the Honolulu City Council to HSAC, and received approval from all four county councils of Hawaii. Citizen complaints about moped-related noise and accidents demand responsive regulatory action.
2. Mopeds are driven by residents and visitors alike on Hawaii roadways and streets, interacting with other motor vehicles, bicyclists, and pedestrians. To increase public safety and reduce noise pollution, it is imperative mopeds meet the safety and other criteria other motor vehicles are subject to.

For the foregoing reasons, I **support** this measure.

HSAC:FY2016:16Testimony:SB2122c_mkz

TESTIMONY OF MICHAEL ONOFRIETTI

COMMITTEE ON TRANSPORTATION AND ENERGY

Senator Lorraine R. Inouye, Chair

Senator Mike Gabbard, Vice Chair

Thursday, January 28, 2016

2:45 p.m.

SB 2122

Chair Inouye, Vice Chair Gabbard, and members of the Committee on Transportation and Energy, my name is Michael Onofrietti, Chairman of the Board of the Hawaii Insurers Council, a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately thirty-six percent of all property and casualty insurance premiums in the state.

The Hawaii Insurers Council does not take a position on the intent or specific provisions of SB 2122.

However, in order to avoid the unintended consequence of requiring owners of mopeds to purchase automobile insurance policies, the Hawaii Insurers Council recommends that a new SECTION 4 be added to SB 2122, which would read as follows:

SECTION 4. The definition of "motor vehicle" in Section 431:10C-103, Hawaii Revised Statutes, is amended to read as follows:

"'Motor vehicle' means any vehicle of a type required to be registered under chapter 286, including a trailer attached to such a vehicle, but not including motorcycles, ~~[and]~~ motor scooters and mopeds."

Current SECTION 4 and SECTION 5 in SB 2122 should be renumbered to SECTION 5 and SECTION 6, respectively.

The Hawaii Insurers Council welcomes the opportunity to work with this Committee on the above-recommended revision to SB 2122.

Thank you for the opportunity to testify.



January 27, 2016

Dear Council Members,

In review of SB2122 I have the following concerns regarding the requirement of insurance:

- a. SECTION 2. Section 286-26, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) All other vehicles, including mopeds, motorcycles, trailers, semitrailers, and pole trailers having a gross vehicle weight rating of 10,000 pounds or less, and antique motor vehicles as defined in section 249-1, except those in subsections (c) and (d), shall be certified as provided in subsection (e) every twelve months; provided that any vehicle to which this subsection applies shall not require inspection within two years of the date on which the vehicle was first sold."

This fails to mention HRS 286-26 subparagraph "(e)" and "(g)" which states:

(e) Upon application for a certificate of inspection to be issued for a vehicle, an inspection as prescribed by the director under subsection (g) shall be conducted on the vehicle, and if the vehicle is found to be in a safe operating condition, a certificate of inspection shall be issued upon payment of a fee to be determined by the director. The certificate shall state the effective date, the termination date, the name of the issuing insurance carrier, and the policy number of the motor vehicle insurance identification card for the inspected motor vehicle as specified by section 431:10C-107 or state the information contained in the proof of insurance card as specified by section 431:10G-106. A sticker, authorized by the director, shall be affixed to the vehicle at the time a certificate of inspection is issued. An inspection sticker which has been lost, stolen, or destroyed shall be replaced without re-inspection by the inspection station that issued the original inspection sticker upon presentation of the vehicle's current certificate of inspection; provided that the current certificate of inspection and inspection sticker shall not have expired at the time the replacement is requested. The director shall adopt rules to determine the fee for replacement of lost, stolen, or destroyed inspection stickers.

- b. (i) As part of the inspection required by this section, the owner of the vehicle to be inspected shall produce and display the motor vehicle insurance identification card for the inspected motor vehicle required by section 431:10C-107 or the proof of insurance card required by section 431:10G-106. If no card is displayed, then the sticker authorized by the director shall not be affixed to the vehicle and the certificate of inspection shall not be issued. [L 1967, c 214, pt of §2; HRS §286-26; am L 1969, c 128, §1(3); am L 1970, c 73, §1(c); am L 1974, c 98, §2; am L Sp 1977 1st, c 20, §11; am L 1978, c 91, §9; am L 1982, c 13, §§1, 2; am L 1984, c 276, §4; am L



1986, c 33, §1 and c 239, §1; am L 1987, c 222, §1; am L 1988, c 253, §1; am L 1989, c 326, §1; am L 1990, c 34, §14; am L 1992, c 170, §1 and c 242, §1; am L 1997, c 251, §§5, 6; am L 2002, c 138, §1]

Therefore, because of the aforementioned insurance stipulation, I object to this bill. Furthermore, it is hidden in the proposed amendment that the state would require insurance. The overwhelming majority of moped operators cannot afford insurance and drive a moped because of financial reasons. A safety check is fine but to enact mandatory insurance is unjust and unfair. I have never heard of a moped totaling an automobile nor causing thousands of dollars in damages to an automobile. This, in my opinion, is nothing but a ploy by the insurance companies to deepen their pockets and further place financially challenged people at a disadvantage.

If you have any further questions please feel free to contact me at 384-7841.

Most Respectfully,

Joe Shimkonis
President
Mopeds Direct Incorporated

cc: Dinna Schwiering
Office of Councilmember Joey Manahan
District VII, City & County of Honolulu

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2016 12:19 PM
To: TRE Testimony
Cc: carl@stellarloaninc.com
Subject: Submitted testimony for SB2122 on Feb 11, 2016 14:45PM

SB2122

Submitted on: 2/10/2016

Testimony for TRE on Feb 11, 2016 14:45PM in Conference Room 229

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

Comments: Carlyle Cornwell To Senate Committee on Transportation and Energy on SB 2122 February 11, 2016 Chair Inouye and members of the committee, Thank you for allowing me to submit this testimony on SB2122 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.

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Moped Noise Mitigation Working Group

tstreitz.nb8@gmail.com

February 10, 2016

Dear Chair Inouye and Members of the Committee on Transportation and Energy:

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 SB 2122 with amendments.** We propose amendments that allow police to require an inspection or correction of mopeds suspected of illegal modifications, increase fines for illegally modified moped motors and mufflers, and require license plates on mopeds. Also, these amendments make it unnecessary to amend vehicle definitions that impose additional financial burden on this low-cost mode of transportation.

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 including 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 items above are proposed without modifying the definition of motor vehicle, in order to keep mopeds an affordable means of transportation. That is, mopeds would continue to be exempt from insurance and vehicle weight taxes under the existing moped classification, which is not defined as a motor vehicle by law. The specific language that effectuates our amendments is contained in SB 2487.

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.

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 Streitz
Moped Noise Mitigation Working Group

Hawaii State Capitol
415 S. Beretania St.
Honolulu, Hawaii 96813
Senate Committee on Transportation and Energy
SB2122

Dale Krupa
2449 Ala Wai Blvd. # 1
Honolulu, HI 96815
January 26, 2016

Aloha, Honorable Senators,

My name is Dale Krupa. I support SB2122.

I live in Honolulu. Many mopeds here are very dilapidated noisy wrecks. This bill is way overdue. It is a safety concern for the rider and the public. Having brakes and headlights checked annually is vital. I hear many complaints about altered exhausts and souped up engines. As for the noisy exhaust complaints any moped or motorcycle rider will tell you they feel safer when their vehicle is loud. It is a warning signal to cars with windows up and stereos on that they they are in their area. I was in China recently. The rage was electric, silent mopeds everywhere. At night, 75% don't turn on the headlight to conserve battery power. Very dangerous. I support this bill however, there needs to be a balance on how loud a moped can be. Whisper silent is not safe. A decibel measuring device should be used at safety check stations.

In Honolulu County mopeds and bicycles are given a permanent registration. I favor one that must be renewed every two years. I found a junky abandoned bicycle in the trash and went to the DMV to register it. The clerk said "you can't register an abandoned bike" and then said, "just check the box that says garage sale purchase" Does this loophole exist for Mopeds also? Many bicycles change hands in Honolulu illegally because of this. I assume Mopeds also. Bicycles and perhaps Mopeds do not carry VIN numbers like automobiles. Their serial numbers don't mean anything except to the manufacturer. Are their serial numbers in a data base the Police have access to? I doubt it. That may be why so many stolen ones end up back on the road legally A renewable Registration may give the State or County the ability to put a "stopper" on renewals so citations, violations can be cleared up and stolen ones can be recovered. But, please pass SB2122 it is a good bill and a good start.

Thank you for your attention,

Sincerely, Dale Krupa

January 26, 2016

From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: ryan_mandado@yahoo.com
Subject: Submitted testimony for SB2122 on Jan 28, 2016 14:45PM
Date: Wednesday, January 27, 2016 8:19:03 AM

SB2122

Submitted on: 1/27/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Mandado	Individual	Support	No

Comments: Aloha Committee on Transportation! I am in complete support of this bill. As Chair of the Kalihi-Palama neighborhood board, I have heard many concerns about the loud noises that modified mopeds have been making. It is crucial that all mopeds receive safety checks for the benefit of all communities. Mahalo! Ryan Mandado Chair, Kalihi-Palama Neighborhood Board

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From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: floralaloha@yahoo.com
Subject: Submitted testimony for SB2122 on Jan 28, 2016 14:45PM
Date: Wednesday, January 27, 2016 5:19:09 PM

SB2122

Submitted on: 1/27/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
caroline ginnane	Individual	Oppose	No

Comments: I do not support imposing additional safety requirements upon mopeds. In a state as expensive as Hawai'i, the people need affordable transportation. Mopeds are cheap, but this regulation will make them more expensive. This hurts the poorest people- people who can't afford a bus pass or car. Secondly, mopeds alleviate traffic. Imposing further rules and regulations may put more cars on the road. We do not need this! Parking is impossible in many places and traffic is out of control. Thirdly, Hawai'i's public transportation is terrible. When I lived in Waikiki, and went to school downtown at HPU, it took me between 40-60+ minutes one way to make the commute on the bus. My moped cut the time to 20 minutes. It literally changed my life because I had freedom to go where I wanted when I wanted because the bus system is terrible here. Finally, imposing regulations makes mopeds no more safe than they already are. The biggest danger of riding a moped is being hit by a car. Adding regulations does not protect the moped driver. Good driving skills is the best preventive and no piece of paper can impose that. Mahalo for listening.

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From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: protechoahu@gmail.com
Subject: *Submitted testimony for SB2122 on Jan 28, 2016 14:45PM*
Date: Tuesday, January 26, 2016 5:50:09 PM

SB2122

Submitted on: 1/26/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Clayton Silva	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: ryan.oswald@aol.com
Subject: *Submitted testimony for SB2122 on Jan 28, 2016 14:45PM*
Date: Tuesday, January 26, 2016 11:10:36 AM

SB2122

Submitted on: 1/26/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Oswald	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: robyn.c.smith@maine.edu
Subject: Submitted testimony for SB2122 on Jan 28, 2016 14:45PM
Date: Thursday, January 28, 2016 1:02:29 PM

SB2122

Submitted on: 1/28/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
robyn smith	Individual	Oppose	No

Comments: Come on Man, another bill where Uncle Sam goes sticking his nose where he don't belong. This bill's got to be killed for good this time

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From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: mz9995@hotmail.com
Subject: *Submitted testimony for SB2122 on Jan 28, 2016 14:45PM*
Date: Wednesday, January 27, 2016 2:54:41 PM

SB2122

Submitted on: 1/27/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Individual	Oppose	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: kathyk323@hotmail.com
Subject: *Submitted testimony for SB2122 on Jan 28, 2016 14:45PM*
Date: Monday, January 25, 2016 5:36:54 PM

SB2122

Submitted on: 1/25/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Kim	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [TRE Testimony](#)
Cc: Bethenikeanaaina@yahoo.com
Subject: *Submitted testimony for SB2122 on Jan 28, 2016 14:45PM*
Date: Thursday, January 28, 2016 1:03:38 PM

SB2122

Submitted on: 1/28/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Betheni	Individual	Oppose	No

Comments:

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Tuesday, January 26, 2016

Aloha Chair Inouye and Vice Chair Gabbard: Is the Honolulu Police department setting the two, three four and more wheeled internal combustion engine powered motor vehicle noise pollution standards for the rest of us to ignore? SB2122 selects mopeds: What about all other noisy motor vehicles ? Are we planning to address each category and class individually? How many more SB2122-style bills will it take before we are finally rid of all motor vehicle generated noise pollution?

Please focus SB2122 on the problem, not just one target source. I believe subject noise pollution limits are already set. Let's apply these existing rules and regulations, universally, so peace and quiet can prevail, in my neighborhood, for example.

I have shared my sentiments regarding SB2122's principle target, with my State House Representative:: She understands that I have no problem treating a moped as if it were a bicycle, if it doesn't make any noise.

Thank you for being there for us,



Dennis Egge;
2920 Ala Ilima #703, Honolulu HI 96818; 808-382-5833

Aloha Chair Inouye and members of the committee,

Thank you for the opportunity to submit comments on SB2122.

I support the requirement of mopeds to have annual safety inspections.

In addition, I would request that the bill be **amended** to include the following language as introduced in **SB2487**:

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

This is another way to deter the illegal moped modifications that cause excessive noise. Police officers, 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 members of our communities 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, the proposed language may create unintended consequences that would trigger insurance, taxes and fees to moped owners.

I support the intent of SB2122, however, a collaborative community working group has identified the above to have less impact on current moped commuters and administrative agencies, while efficiently working to reduce the noise created by modified mopeds.

Thanks very much for your consideration.

Respectfully,
Antonia Agbannawag

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2016 11:01 AM
To: TRE Testimony
Cc: ejcarmody@hawaiiantel.net
Subject: Submitted testimony for SB2122 on Feb 11, 2016 14:45PM

SB2122

Submitted on: 2/10/2016

Testimony for TRE on Feb 11, 2016 14:45PM in Conference Room 229

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

Comments: Testimony from: Elise Carmody To Senate Committee on Transportation and Energy on SB 2122 February 10, 2016 Chair Inouye and members of the committee, Thank you for allowing me to submit this testimony on SB2122 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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Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2016 6:49 PM
To: TRE Testimony
Cc: joyamarshall0416@gmail.com
Subject: *Submitted testimony for SB2122 on Feb 11, 2016 14:45PM*

SB2122

Submitted on: 2/10/2016

Testimony for TRE on Feb 11, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

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TESTIMONY OF BOB KERN

TO THE SENATE COMMITTEE ON TRANSPORTATION AND ENERGY

ON SB 2122 RELATING TO MOPEDS

Chair Inouye and members of the committee, thank you for the opportunity to provide testimony regarding SB 2122.

SB 2122 is a good start toward the protection of citizens who are disturbed by the sound of illegally modified mopeds and protecting riders from hazards of increased speeds achievable by modified mopeds. In its current form, however, SB 2122 will not accomplish either. In order to ensure that it does, I would like to suggest the following amendments that can be found in SB 2487.

1. SB 2487 requires modified mopeds to be identified and their riders held accountable for illegally modifying their moped. SB 2487,
 - a. Requires mopeds to have annual safety inspections,
 - b. Authorizes police to require inspection and correction of mopeds suspected of illegal modifications,
 - c. Requires license plates for easier identification of violators, and
 - d. Increases fines for modifying moped motors and mufflers.

These criteria were developed by the Moped Noise Mitigation Working Group and citizens from around the island. Two community meetings were held at which consensus was reached that these four criteria are essential in order to minimize the noise of illegally modified mopeds. Importantly, the consensus was reached by citizens who are directly affected by and knowledgeable about the effects of the noise and are asking the legislature's help to relieve their distress.

2. SB 2122 amends the definition of motor vehicle to include mopeds. By doing so, unintended consequences will occur which I believe will defeat the bill.

SB 2487 was designed to maximize its chance of being passed by minimizing the requirements placed on moped owners, many of whom have limited finances. Including mopeds as "motor vehicles" means moped owners will have to pay annual registration fees. It is no one's intent to overburden responsible moped riders. The requirements of SB 2487 ensure that riders who illegally modify their mopeds can be identified and held accountable while not overburdening responsible riders. Classifying mopeds as "motor vehicles" adds increased costs to responsible riders while doing little to change the actions of irresponsible ones.

SB 2122 as it is now may result in its defeat and leave citizens who now suffer the noise of modified mopeds still helpless..

As one of those citizens, I strongly encourage the committee to amend SB 2122 to include the four tenets of SB 2487 and to remove content that defines mopeds as "motor vehicles."

Thank you for considering my testimony. I look forward to a quieter O'ahu.

Respectfully Submitted

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