
A BILL FOR AN ACT

RELATING TO SAFETY HELMETS.

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

1 SECTION 1. The department of health advocated in its
2 Hawai'i Injury Prevention Plan for 2012-2017 for a universal
3 moped and motorcycle helmet law to increase traffic safety. The
4 plan cited a study that concluded that helmets reduced the risk
5 of death by forty-two per cent and the risk of head injury by
6 sixty-nine per cent for riders involved in an accident.

7 Between 2007 and 2011, motorcycle deaths were the sixth
8 leading cause of fatal unintentional injuries in Hawaii. During
9 that same period, fifteen bicyclists died.

10 The legislature finds that a universal safety helmet law
11 would increase traffic safety in Hawaii.

12 The purpose of this Act is to require all operators and
13 riders of motorcycles, motor scooters, mopeds, and bicycles to
14 wear protective or safety helmets.

15 SECTION 2. Section 286-81, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§286-81 Motorcycle, motor scooter, etc.; protective

2 devices. (a) No person shall:

3 (1) Operate a motorcycle or motor scooter, on any highway
4 in the State unless the person and any passenger the
5 person carries on the motorcycle or motor scooter
6 wears:

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

10 (B) A safety helmet securely fastened with a chin
11 strap; and

12 ~~[(B)]~~ (C) Any other protective devices ~~[, other than a~~
13 ~~safety helmet,~~] required by rules adopted by the
14 director.

15 For the purpose of meeting the requirements of this
16 paragraph, a required device shall meet the
17 specifications and requirements established by rules
18 adopted by the director;

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



1 (A) Safety glasses, goggles, or a face shield, in the
2 case of a motorcycle or motor scooter that is not
3 equipped with windscreens or windshields; ~~and~~

4 (B) A safety helmet that has a chin strap; provided
5 that any person to whom a motorcycle or motor
6 scooter is leased or rented may furnish a safety
7 helmet for the person's own use; and

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

16 For the purposes of meeting the requirements of this
17 paragraph, a required device shall meet the
18 specifications and requirements established by rules
19 adopted by the director; or

20 (3) Sell or offer for sale or furnish any safety helmet,
21 safety glasses, goggles, face shield, windscreen,



1 windshield, or other protective devices represented to
2 meet the requirements of this part unless the device
3 meets the specifications and requirements established
4 by rules adopted by the director.

5 ~~[(b) No person less than eighteen years of age shall~~
6 ~~operate or ride as a passenger on a motorcycle or motor scooter~~
7 ~~on any highway in the State unless the person wears a safety~~
8 ~~helmet securely fastened with a chin strap.~~

9 ~~(e) A]~~ (b) Notwithstanding subsection (a) to the
10 contrary, a safety helmet shall not be required for any person
11 who operates or rides as a passenger on a motorcycle or motor
12 scooter; provided that the motorcycle or motor scooter:

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

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

20 SECTION 3. Section 291C-150, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[+]~~ §291C-150 ~~[+]~~ **Bicycle helmets.** (a) No person ~~[under~~
2 ~~sixteen years of age]~~ shall operate a bicycle upon a street,
3 bikeway, or any other public property unless that person is
4 wearing a properly fitted and fastened bicycle helmet that has
5 been tested by a nationally recognized agency such as the
6 National Highway Traffic Safety Administration, the National
7 Safety Council, or the Children's Safety Network, and is
8 designed to fit the user and protect against head trauma. This
9 requirement also applies to a person who rides upon a bicycle
10 while in a restraining seat that is attached to the bicycle or
11 who rides in a trailer towed by the bicycle.

12 (b) A person who provides bicycles for hire shall not rent
13 a bicycle to any person unless every person ~~[who is under age~~
14 ~~sixteen]~~ is wearing a bicycle helmet, as required in subsection
15 (a), while operating the rented bicycle, occupying a restraining
16 seat that is attached to the rented bicycle, or riding in a
17 trailer towed by the rented bicycle.

18 (c) A violation of this section is punishable by a fine of
19 not more than \$25 ~~[-]~~; provided that:

20 (1) A person who provides bicycles for hire shall not be
21 in violation of subsection (b) or liable for the



1 amount of the fine if the person demonstrates that the
 2 person to whom the bicycle was rented was wearing a
 3 safety helmet at the time the bicycle was rented; and

4 (2) The parent or legal guardian having control or custody
 5 of an unemancipated minor whose conduct violates this
 6 section shall be liable for the amount of the fine
 7 imposed pursuant to this section.

8 (d) Notwithstanding any law to the contrary, the fines
 9 collected for a violation of this section shall be paid into the
 10 state treasury to the credit of the state general fund."

11 SECTION 4. Section 291C-195, Hawaii Revised Statutes, is
 12 amended by amending subsection (a) to read as follows:

13 "(a) No person less than fifteen years of age shall drive
 14 a moped on a highway, street, roadway, or any other public
 15 property in the State. No person [~~less than eighteen years of~~
 16 age] shall drive a moped unless the person wears a safety helmet
 17 securely fastened with a chin strap. The safety helmet shall
 18 meet the specifications and requirements established by rules
 19 adopted by the director."

20 SECTION 5. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.



H.B. NO. 1749

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

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INTRODUCED BY:

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Nadine K. Nakamura

JAN 16 2018



H.B. NO. 1749

Report Title:

Safety Helmets; Motorcycle; Moped; Motor Scooter; Bicycle

Description:

Requires operators and passengers of motorcycles, motor scooters, mopeds, and bicycles to wear safety helmets.

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

