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## 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           On June 4, 1967, Hawaii enacted a universal helmet law  
8           which required all riders to wear a helmet. A review of  
9           motorcycle-related fatality data found that while the Hawaii  
10          universal helmet law was operative, the State experienced the  
11          lowest amount of motorcycle deaths. However, the universal  
12          helmet law was repealed in 1977, and after the repeal of the  
13          law, fatalities rose.

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



1           The department of transportation published and distributed  
2 the 2013-2018 Hawaii Strategic Highway Safety Plan (SHSP), with  
3 its mission to "save lives and reduce injuries on Hawaii's  
4 roadways through strategic partnerships and implementation of  
5 the SHSP". The SHSP noted that between 2008-2012, only forty-  
6 six of the one hundred fifty-seven motorcycle, scooter, and  
7 moped drivers that died were wearing helmets. The SHSP also  
8 cited the National Highway Traffic Safety Administration's  
9 findings, which state that from 2008-2012, an average of nine  
10 additional lives per year may have been saved in Hawaii if  
11 helmets had been used. One of the strategies recommended by the  
12 SHSP to reduce motorcycle, scooter, and moped deaths is to enact  
13 a universal helmet law to increase helmet usage.

14           The legislature finds that a universal safety helmet law  
15 will increase traffic safety in Hawaii.

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

19           SECTION 2. Section 286-81, Hawaii Revised Statutes, is  
20 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 ~~(c) 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."



1 SECTION 3. Section 291C-150, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) through (c) to read as  
3 follows:

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

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



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

3 (1) A person who provides bicycles for hire shall not be  
4 in violation of subsection (b) or liable for the  
5 amount of the fine if the person demonstrates that the  
6 person to whom the bicycle was rented was wearing a  
7 safety helmet at the time the bicycle was rented; and

8 (2) The parent or legal guardian having control or custody  
9 of an unemancipated minor whose conduct violates this  
10 section shall be liable for the amount of the fine  
11 imposed pursuant to this section."

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

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



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.  
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# H.B. NO. 2450

**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.

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