
A BILL FOR AN ACT

RELATING TO RENTALS OF MOPEDS AND MOTOR SCOOTERS.

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

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PART I

SECTION 1. The legislature finds that wearing a helmet while operating a moped, powered scooter, or other motorized cycle decreases fatalities and serious injuries. In August 2017, Alexis "Lexi" Jenkins, a visitor to Maui who was not wearing a helmet, suffered a fatal accident when the rented moped she was riding collided with a truck.

According to the Hawaii Injury Prevention Plan for 2012-2017, published by the Hawaii state department of health and emergency medical services and injury prevention system branch, properly worn helmets prevent death and brain injuries. In the event of a crash, helmets reduce the risk of death by forty-two per cent and the risk of a head injury by sixty-nine per cent. The legislature recognizes that wearing a helmet can be a significant factor in helping to reduce fatalities or the severity of injuries in accidents like this on Hawaii's roadways.



1 The purpose of this part is to mitigate fatalities and
2 traumatic brain injuries on Hawaii's roadways by strengthening
3 helmet safety laws as they relate to mopeds and motor scooters
4 that are rented.

5 SECTION 2. This part shall be known and may be cited as
6 "Lexi's Law".

7 SECTION 3. Section 286-81, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§286-81 Motorcycle, motor scooter, moped, etc.;

10 protective devices. (a) No person shall [→

11 ~~(1) Operate]~~ operate a motorcycle or motor scooter, on any
12 highway in the State unless the person and any
13 passenger the person carries on the motorcycle or
14 motor scooter wears:

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

18 [~~(B)~~] (2) Any other protective devices, other than a
19 safety helmet, required by rules adopted by the
20 director.



1 For the purpose of meeting the requirements of this [~~paragraph~~,]
2 subsection, a required device shall meet the specifications and
3 requirements established by rules adopted by the director[~~7~~].

4 [~~(2) Lease~~] (b) Notwithstanding subsection (a) and section
5 291C-195, no person shall operate a moped or motor scooter
6 leased from a rental company on any roadway in the State unless
7 the person wears a safety helmet, which shall be provided by the
8 rental company unless the person provides their own safety
9 helmet; provided that this subsection shall not apply to persons
10 who possess a valid license under this chapter to operate a
11 motorcycle or an equivalent license issued from another state.
12 To meet the requirements of this subsection, the safety helmet
13 shall meet the specifications and requirements established by
14 rules adopted by the director.

15 (c) In addition to the requirements of subsection (b), no
16 person shall lease or rent a motorcycle or motor scooter to
17 another person unless the person furnishes:

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



1 ~~[(B)]~~ (2) Any other protective devices required by
2 the rules adopted by the director for the use of the
3 person or persons intending to operate or ride as a
4 passenger on the motorcycle or motor scooter; provided
5 that any person to whom a motorcycle or motor scooter
6 is leased or rented may furnish for the person's own
7 use the protective devices required by this part.

8 For the purposes of meeting the requirements of this
9 ~~[paragraph]~~ subsection, a required device shall meet the
10 specifications and requirements established by rules adopted by
11 the director~~[, or]~~.

12 ~~[(3) Sell or]~~ (d) No person shall sell, offer for sale, or
13 furnish any safety helmet, safety glasses, goggles, face shield,
14 windscreen, windshield, or other protective devices represented
15 to meet the requirements of this part unless the device meets
16 the specifications and requirements established by rules adopted
17 by the director.

18 ~~[(b)]~~ (e) No person less than eighteen years of age shall
19 operate or ride as a passenger on a motorcycle or motor scooter
20 on any highway in the State unless the person wears a safety
21 helmet securely fastened with a chin strap.



1 [~~e~~] (f) A safety helmet shall not be required for any
2 person who operates or rides as a passenger on a motorcycle or
3 motor scooter; provided that the motorcycle or motor scooter:

- 4 (1) Has three wheels;
- 5 (2) Is powered by an electric motor;
- 6 (3) Has a full body enclosed cab; and
- 7 (4) Has a seat belt assembly or a child restraint system
- 8 for the driver and passenger;

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

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

13 "(a) [~~Ne~~] Notwithstanding section 286-81(b), no person
14 [less]:"

15 (1) Less than fifteen years of age shall drive a moped on
16 a highway, street, roadway, or any other public
17 property in the State [~~— No person less~~]; and

18 (2) Less than eighteen years of age shall drive a moped
19 unless the person wears a safety helmet securely
20 fastened with a chin strap.



1 The safety helmet shall meet the specifications and requirements
2 established by rules adopted by the director."

3 PART II

4 SECTION 5. The purpose of this part is to encourage safety
5 on Hawaii's roadways through motor vehicle safety standards by
6 prohibiting moped and motor scooter rental companies from
7 renting any moped or motor scooter that has an aftermarket
8 modification to the motor of the moped or the motor of a motor
9 scooter.

10 SECTION 6. Section 291C-206, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) A motor used to power a moped shall not be modified
13 in any manner except as authorized by the motor manufacturer and
14 any such modification shall not increase the power capacity of
15 the motor above two horsepower (one thousand four hundred
16 ninety-two watts) [-], and no person shall rent or lease to
17 another person any moped or motor scooter that has an
18 aftermarket modification to the motor of the moped or motor
19 scooter that does not comply with this subsection."



Report Title:

Mopeds; Motor Scooters; Rentals; Lexi's Law; Helmet Requirements; Violation

Description:

Requires all moped and motor scooter rental companies to ensure the rider wears a safety helmet supplied either by the rental company or by the renter prior to operating the moped or motor scooter. Exempts riders with a motorcycle license from this requirement. Prohibits the rental of any moped or motor scooter with aftermarket modifications. (SB824 HD1)

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