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# A BILL FOR AN ACT

RELATING TO RENTALS OF MOPEDS AND MOTOR SCOOTERS.

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

1 PART I

2 SECTION 1. This part shall be known and may be cited as  
3 "Lexi's Law".

4 SECTION 2. The legislature finds that wearing a helmet  
5 while operating a moped, powered scooter, or other motorized  
6 cycle decreases fatalities and serious injuries. In August  
7 2017, Alexis "Lexi" Jenkins, a visitor to Maui who was not  
8 wearing a helmet, suffered a fatal accident when the rented  
9 moped she was riding collided with a truck.

10 According to the Hawaii Injury Prevention Plan for  
11 2012-2017, published by the emergency medical services and  
12 injury prevention system branch of the department of health,  
13 properly worn helmets prevent death and brain injuries. In the  
14 event of a crash, helmets reduce the risk of death by forty-two  
15 per cent and the risk of a head injury by sixty-nine per cent.  
16 The legislature recognizes that wearing a helmet can be a  
17 significant factor in helping to reduce fatalities or the  
18 severity of injuries in accidents 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 3. Chapter 286, Hawaii Revised Statutes, is  
6       amended by adding a new section to be appropriately designated  
7       and to read as follows:

8       "§286-       Leased or rented moped or motor scooter; flag  
9       required. No person shall lease or rent a moped or motor  
10       scooter to another person unless the moped or motor scooter is  
11       equipped with a safety flag that shall extend not less than five  
12       feet above the ground and be permanently affixed to the rear of  
13       the moped or motor scooter. The safety flag shall be triangular  
14       in shape with an area of not less than thirty square inches.  
15       The safety flag and the pole that secures the flag to the moped  
16       or motor scooter shall be fluorescent orange in color."

17       SECTION 4. Section 286-2, Hawaii Revised Statutes, is  
18       amended by amending the definition of "motor scooter" to read as  
19       follows:

20       "Motor scooter" means [every ~~motorcycle~~]:



1        (1) Every motor vehicle that has a handlebar and seating  
2        that requires the operator to straddle or sit astride  
3        on it and is designed to travel on no more than three  
4        wheels in contact with the ground, but excludes a farm  
5        tractor; or  
6        (2) Every motor vehicle that has a steering wheel and  
7        seating that does not require the operator to straddle  
8        or sit astride on it, and is designed to travel on  
9        three wheels in contact with the ground, called an  
10       autocycle, which is certified by the manufacturer to  
11       comply with all applicable Federal Motor Vehicle  
12       Safety Standards as of the date of manufacture,  
13 with a motor [~~which~~] that produces [~~not~~] no more than five  
14 horsepower, but excludes a moped."

15       SECTION 5. Section 286-81, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       "**§286-81 Motorcycle, motor scooter, moped, etc.;**

18 **protective devices. (a) No person shall[+]**

19       ~~(1) Operate]~~ operate a motorcycle or motor scooter, on any  
20       highway in the State unless the person and any



1 passenger the person carries on the motorcycle or  
2 motor scooter wears:

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

6 ~~[(B)]~~ (2) Any other protective devices, other than a  
7 safety helmet, required by rules adopted by the  
8 director.

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

12 ~~[(2) Lease]~~ (b) Notwithstanding subsection (a) and  
13 section 291C-195, no person shall operate a moped or motor  
14 scooter leased from a rental company on any roadway in the State  
15 unless the person wears a safety helmet, which shall be provided  
16 by the rental company unless the person provides the person's  
17 own safety helmet; provided that this subsection shall not apply  
18 to persons who possess a valid license under this chapter to  
19 operate a motorcycle or an equivalent license issued from  
20 another state. To meet the requirements of this subsection, the



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

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

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

9 ~~[-B-]~~ (2) Any other protective devices required by  
10 the rules adopted by the director for the use of the  
11 person or persons intending to operate or ride as a  
12 passenger on the motorcycle or motor scooter; provided  
13 that any person to whom a motorcycle or motor scooter  
14 is leased or rented may furnish for the person's own  
15 use the protective devices required by this part.

16 For the purposes of meeting the requirements of this  
17 ~~[paragraph]~~ subsection, a required device shall meet the  
18 specifications and requirements established by rules adopted by  
19 the director~~[-or]~~.

20 ~~[-3- Sell-or]~~ (d) No person shall sell, offer for sale,  
21 or furnish any safety helmet, safety glasses, goggles, face



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

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

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

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

19 SECTION 6. Section 291C-1, Hawaii Revised Statutes, is  
20 amended by amending the definition of "motor scooter" to read as  
21 follows:



1       ""Motor scooter" means [~~every motorcycle which~~]:

2       (1) Every motor vehicle that has a handlebar and seating  
3       that requires the operator to straddle or sit astride  
4       on it and is designed to travel on no more than  
5       three wheels in contact with the ground, but excludes  
6       a farm tractor; or

7       (2) Every motor vehicle that has a steering wheel and  
8       seating that does not require the operator to straddle  
9       or sit astride on it, and is designed to travel on  
10      three wheels in contact with the ground, called an  
11      autocycle, which is certified by the manufacturer to  
12      comply with all applicable Federal Motor Vehicle  
13      Safety Standards as of the date of manufacture,  
14      with a motor that produces [~~not~~] no more than five horsepower,  
15      ~~[and]~~ but excludes a moped."

16       SECTION 7. Section 291C-195, Hawaii Revised Statutes, is  
17      amended by amending subsection (a) to read as follows:

18       "(a) [~~No~~] Notwithstanding section 286-81(b), no person  
19      [less]:



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

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

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

## 9 PART II

10           SECTION 8. The purpose of this part is to encourage safety  
11 on Hawaii's roadways through motor vehicle safety standards by  
12 prohibiting moped and motor scooter rental companies from  
13 renting any moped or motor scooter that has an aftermarket  
14 modification to the motor of the moped or the motor of a motor  
15 scooter.

16           SECTION 9. Section 291C-206, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "§291C-206   Modifying moped motor; violation.   (a)   A motor  
19   used to power a moped shall not be modified in any manner except  
20   as authorized by the motor manufacturer and any [such]  
21   modification shall not increase the power capacity of the motor





1 above two horsepower (one thousand four hundred ninety-two  
2 watts).

3 (b) No person shall rent or lease to another person any  
4 moped or motor scooter that has an aftermarket modification to  
5 the motor of the moped or motor scooter that does not comply  
6 with this subsection.

7 ~~[(b)]~~ (c) Any person who violates this section shall be  
8 fined not more than \$500."

9 PART III

10 SECTION 10. This Act does not affect rights and duties  
11 that matured, penalties that were incurred, and proceedings that  
12 were begun before its effective date.

13 SECTION 11. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 12. This Act shall take effect on July 1, 2021.



**Report Title:**

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

**Description:**

Requires all moped and motor scooter rental companies to ensure that mopeds and motor scooters are equipped with flags and that riders wear safety helmets, subject to certain circumstances. Amends the definition of motor scooter. Prohibits the rental of any moped or motor scooter with aftermarket modifications.  
(CD1)

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