

---

---

# A BILL FOR AN ACT

RELATING TO MOPED INSURANCE.

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

1 SECTION 1. The purpose of this Act is to require that  
2 persons operating mopeds in the State carry an insurance policy.

3 SECTION 2. Chapter 431, Article 10G, Hawaii Revised  
4 Statutes, is amended by amending its title to read as follows:

5 **"ARTICLE 10G**

6 **MOTORCYCLE, MOPED, AND MOTOR SCOOTER INSURANCE"**

7 SECTION 3. Section 431:10G-101, Hawaii Revised Statutes,  
8 is amended by adding a new definition to be appropriately  
9 inserted and to read as follows:

10 **"Moped" has the same meaning as in section 286-2."**

11 SECTION 4. Section 431:10G-102, Hawaii Revised Statutes,  
12 is amended to read as follows:

13 **"§431:10G-102 Conditions of operation and registration of**  
14 **motorcycles, mopeds, and motor scooters.** No person shall drive  
15 a motorcycle, moped, or motor scooter upon any public street,  
16 road, or highway of this State at any time unless such  
17 motorcycle, moped, or motor scooter is insured at all times



1 under a liability policy as provided in section 431:10G-301;  
2 provided that this article shall not apply to any antique  
3 motorcycle or motor scooter as defined in section 249-1."

4 SECTION 5. Section 431:10G-103, Hawaii Revised Statutes,  
5 is amended to read as follows:

6 "**§431:10G-103 Motorcycle, moped, or motor scooter self-**  
7 **insurance.** The motorcycle, moped, or motor scooter insurance  
8 required by section 431:10G-102 may be satisfied by any owner of  
9 a motorcycle, moped, or motor scooter if:

10 (1) Such owner provides proof of qualifications as a self-  
11 insurer, and a surety bond or other securities  
12 affording security substantially equivalent to that  
13 afforded under a policy meeting the requirements of  
14 section 431:10G-301 and providing coverage at all  
15 times for the entire motorcycle, moped, or motor  
16 scooter registration period, as determined and  
17 approved by the commissioner under rules; and

18 (2) The commissioner is satisfied that in case of injury,  
19 death, or property damage, any claimant would have the  
20 same rights against such owner as the claimant would  
21 have had if a policy meeting the requirements of



1 section 431:10G-301 had been applicable to such  
2 motorcycle, moped, or motor scooter."

3 SECTION 6. Section 431:10G-201, Hawaii Revised Statutes,  
4 is amended by amending its title and subsection (a) to read as  
5 follows:

6 "**§431:10G-201 Making of motorcycle, moped, and motor**  
7 **scooter insurance rates.** (a) All premium rates for motorcycle,  
8 moped, and motor scooter insurance shall be made in accordance  
9 with the following provisions:

10 (1) Rates shall not be excessive, inadequate, or unfairly  
11 discriminatory;

12 (2) Due consideration shall be given to:

13 (A) Past and prospective loss experience within and  
14 outside this State, catastrophe hazards, if any,  
15 reasonable margin for profit, and contingencies,  
16 dividends, savings, or unabsorbed premium  
17 deposits allowed or returned by insurers to their  
18 policyholders, members or subscribers;

19 (B) Past and prospective expenses both country-wide  
20 and those specially applicable to this State in



1                   the sale and administration of motorcycles,  
2                   moped, and motor scooters insurance; and  
3           (C) Investment income from reserves, unearned  
4                   insurance premiums, and other unearned proceeds  
5                   received on account of motorcycle, moped, and  
6                   motor scooter insurance sold, and all other  
7                   factors that may be deemed relevant, if they are  
8                   established to have a probable effect upon  
9                   losses, expense, or rates, such as but not  
10                  limited to types of vehicles, occupations, and  
11                  involvement in past accidents;  
12           (3) The systems of expense provisions included in the  
13                  rates for use by any insurer or group of insurers may  
14                  differ from those of other insurers or groups of  
15                  insurers to reflect the requirements of the operating  
16                  methods of any insurer or group with respect to any  
17                  class of insurance, or with respect to any subdivision  
18                  or combination thereof for which subdivision or  
19                  combination separate expense provisions are  
20                  applicable; and



1 (4) Risks may be grouped by classifications for the  
 2 establishing of rates and minimum premiums.  
 3 Classification rates may be modified to produce rates  
 4 for individual risks in accordance with rating plans  
 5 which establish standards for measuring variations in  
 6 hazards or expense provisions, or both. The standards  
 7 may measure any differences among risks that can be  
 8 demonstrated to have a probable effect upon losses or  
 9 expenses."

10 SECTION 7. Section 431:10G-301, Hawaii Revised Statutes,  
 11 is amended to read as follows:

12 **"§431:10G-301 Required motorcycle, moped, and motor**  
 13 **scooter policy coverage.** (a) An insurance policy covering a  
 14 motorcycle, moped, or motor scooter shall provide insurance in  
 15 the following amounts to pay, on behalf of the owner or any  
 16 operator of the insured motorcycle, moped, or motor scooter,  
 17 sums that the owner or any operator may legally be obligated to  
 18 pay for injury, death, or damage to the property of others,  
 19 except property owned by, being transported by, or in charge of  
 20 the insured that arise out of the ownership, operation,  
 21 maintenance, or use of the motorcycle, moped, or motor scooter:



- 1           (1) Liability coverage of not less than \$20,000 per  
2           person, with an aggregate limit of \$40,000 per  
3           accident, for all damages arising out of accidental  
4           harm sustained as a result of any one accident; and  
5           (2) Liability coverage of not less than \$10,000 for all  
6           damages arising out of injury to or destruction of  
7           property, including motorcycles, mopeds, or motor  
8           scooters and including the loss of use thereof, but  
9           not including property owned by, being transported by,  
10          or in the charge of the insured, as a result of any  
11          one accident.
- 12          (b) At the option of the owner, each insurer shall:
- 13          (1) Offer medical payment coverage up to \$10,000 to pay  
14          all reasonable expenses incurred within one year from  
15          the date of accident for necessary medical, surgical,  
16          dental, ambulance, hospital, professional, and nursing  
17          services;
- 18          (2) Offer an income disability plan; and
- 19          (3) Offer liability coverage in excess of the minimum  
20          coverages required by this section.



1 (c) Any operator or passenger of a motorcycle, moped, or  
2 motor scooter as defined in section 286-2 who receives injuries  
3 or dies in a motor vehicle accident may not claim personal  
4 injury protection benefits under a motor vehicle insurance  
5 policy, unless expressly provided for in the motor vehicle  
6 policy."

7 SECTION 8. New statutory material is underscored.

8 SECTION 9. This Act shall take effect on July 1, 3000.



H.B. NO. 2112  
H.D. 1

**Report Title:**

Mopeds; Insurance

**Description:**

Requires that moped operators carry an insurance policy. Makes conforming amendments. Effective 7/1/3000. (HD1)

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

2024-1375 HB2112 HD1 HMSO

