

ACT 120

H.B. NO. 3255

A Bill for an Act Relating to Motor Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The steady decline of the sugar industry has threatened the economic stability of the entire Hamakua Coast on the island of Hawaii. As a result, the social structure of the community is at risk of collapse. Committed to working together to save their community, Hilo-Hamakua residents have focused their collective efforts to, among other things, offering training programs and identifying employment opportunities for dislocated sugar workers. To date, progress has been made in attracting new employment opportunities to the Hamakua Coast, and there is significant potential for the creation of additional jobs in the immediate future.

One potential job generator for the Hamakua Coast is a solar electric car manufacturer who is considering construction of a manufacturing facility in Honokaa. This project recently received a federal Department of Defense grant to deliver several prototype solar electric cars to the Advance Research Projects Agency.

Because of the unique design of these solar electric cars, existing vehicle regulations need to be modified to eliminate requirements that do not apply to these types of solar electric cars. For example, one of these regulations currently requires all motorcycles and mopeds to be equipped with mufflers. This regulation is unnecessary for motorcycles or mopeds powered by electric motors because these vehicles do not have internal combustion engines that would require mufflers. By exempting these vehicles from the existing muffler requirement, this Act eliminates one of the obstacles that may affect the ability of solar electric car manufacturers from successfully marketing these vehicles in this State.

The purpose of this Act is to authorize the operation of solar electric cars, thereby increasing the likelihood of creating job opportunities related to the construction of these unique vehicles in the State.

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

“§286-81 Motorcycle, motor scooter, etc.; protective devices. (a) No person shall:

- (1) Operate a motorcycle or motor scooter, on any highway in the State unless the person and any passenger the person carries on the motorcycle or motor scooter wears:
 - (A) [safety] Safety glasses, goggles, or a face shield, in the case of a motorcycle or motor scooter that is not equipped with wind-screens or windshields; and
 - (B) [any] Any other protective devices, other than a safety helmet, required by rules [and regulations] adopted by the [state] director [of transportation].

For the purpose of meeting the requirements of this paragraph, a required device [must] shall meet the specifications and requirements established by rules [and regulations] adopted by the director [of transportation].;

- (2) Lease or rent a motorcycle or motor scooter to another person unless the person furnishes:
 - (A) [safety] Safety glasses, goggles, or a face shield, in the case of a motorcycle or motor scooter that is not equipped with wind-screens or windshields; and
 - (B) [any] Any other protective devices required by the rules [and regulations] adopted by the director [of transportation] for the use of the person or persons intending to operate or ride as a passenger on the motorcycle or motor scooter; provided that any person to whom a motorcycle or motor scooter is leased or rented may furnish for the person’s own use the protective devices required by this part.

For the purposes of meeting the requirements of this paragraph, a required device [must] shall meet the specifications and requirements established by rules [and regulations] adopted by the [state] director [of transportation].; or

- (3) Sell or offer for sale or furnish any safety helmet, safety glasses, goggles, face shield, windscreen, windshield, or other protective devices represented to meet the requirements of this part unless the device meets the specifications and requirements established by rules [and regulations] adopted by the [state] director [of transportation].

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

(c) A safety helmet shall not be required for any person who operates or rides as a passenger on a motorcycle or motor scooter; provided that the motorcycle or motor scooter:

- (1) Has three wheels;
- (2) Is powered by an electric motor;
- (3) Has a full body enclosed cab; and

(4) Has a seat belt assembly or a child restraint system for the driver and passenger;
and the operator and passenger uses the seat belt or child restraint system pursuant to sections 291-11.5 and 291-11.6.”

SECTION 3. Section 291-11, Hawaii Revised Statutes, is amended to read as follows:

“§291-11 Riders and passengers under seven years of age on motorcycles and motor scooters prohibited; penalty. (a) It shall be unlawful for any driver of a motorcycle or motor scooter to carry as a passenger or to permit to ride thereon any person under the age of seven years.

(b) A driver of a motorcycle or motor scooter shall be permitted to carry as a passenger or permit to ride thereon any person under the age of seven years; provided that the motorcycle or motor scooter:

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

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

(c) A motorcycle or motor scooter driver who violates this section shall be fined not more than \$200.”

SECTION 4. Section 291-24, Hawaii Revised Statutes, is amended to read as follows:

“§291-24 Motorcycles and mopeds, noisy mufflers; penalty. (a) Every motorcycle and moped moving under its own power on a public highway shall at all times be equipped with a muffler in constant operation to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motorcycle or a moped in a manner which will amplify or increase the noise emitted by the motor of such motorcycle or moped above that emitted by the muffler originally installed on the motorcycle or moped[. A muffler is] except a motorcycle or moped that:

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

shall not be required to be equipped with a muffler.

(b) As used in this section, “muffler” means a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from the engine of the motorcycle or moped, and being effective in reducing noise.

(c) Whoever violates this section shall be fined not more than \$100.”

SECTION 5. The director of transportation shall publish in a newspaper of general circulation printed and published within the State, a notice of regulatory compliance that the manufacturer of the solar electric motor vehicle has

submitted proof to the department of transportation that the vehicle meets all applicable standards, regulations, and exemptions, including but not limited to the National Electric Code and the Federal Motor Vehicle Safety Standards pursuant to 49 CFR Part 571.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon publication by the director of transportation in a newspaper of general circulation printed and published within the State, a notice of regulatory compliance as set forth in section 5; except that should the notice not be published by June 30, 1995, this Act shall be repealed.

(Approved June 8, 1994.)