

## ACT 188

S.B. NO. 2655

A Bill for an Act Relating to Bicycle and Moped Registration.

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

SECTION 1. Chapter 249, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§249- Procedure when registration of a bicycle or moped transferred.** (a) Upon transfer of registered ownership in or to a bicycle or moped, the person whose interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of registration issued for the bicycle or moped, together with the address of the transferee in the appropriate space provided upon the certificate.

(b) Within thirty calendar days of the transfer of registered ownership of a bicycle or moped, the transferee shall forward the certificate of registration so endorsed to the director of finance who shall file the certificate. The director of finance may charge a fee of \$5 which shall be deposited into the county bikeway fund for each new certificate of registration issued. Whenever a transferee fails to comply with these provisions, the director of finance shall charge a fee of \$10, in addition to the fee provided in this section, for the issuance of a new certificate of registration.

(c) The director of finance, upon receipt of the certificate of registration properly endorsed and the required fee, shall register the bicycle or moped and shall issue to the owner thereof by reason of the transfer a new certificate of registration in the manner and form provided for in an original registration.

(d) Until the director of finance has issued the new certificate of registration as provided in subsection (c), delivery of such bicycle or moped shall be deemed not to have been made and registration thereto shall be deemed not to have passed, and the intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose.

(e) In the event of the transfer by operation of law in or to a bicycle or moped, as upon inheritance, devise, or bequest, order in bankruptcy, or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose interest is to be transferred, the certificate of registration shall be signed upon the spaces provided by the personal representative of, or successor in interest of the person whose registered ownership or interest is so transferred in lieu of such person. Every personal representative, receiver, trustee, sheriff, or other representative hereinabove referred to shall file with the director of finance a notice of any transfer by sale, lease, or otherwise by the person, of any such bicycle or moped, together with evidence satisfactory to the director of finance of all facts entitling such representative to make the transfer.

(f) Any person who refuses or neglects to deliver a certificate of registration to a transferee entitled thereto under this section, shall be punished as provided in section 249-14.6.

(g) Every dealer or manufacturer, upon transferring a bicycle or moped, whether by sale, lease, or otherwise, shall immediately give notice of the transfer to the director of finance upon the official form provided by the director of finance. Every such notice shall contain the date of the transfer, the names and addresses of the transferor and transferee, and such description of the bicycle or moped as may be called for in the official form.

(h) Every person, other than a dealer, upon transferring a bicycle or moped, whether by sale, lease, or otherwise, shall within ten days give notice of the transfer to the director of finance upon the official form provided by the director of finance. Every notice shall contain the date of transfer, the names and addresses of the transferor and transferee, and such description of the bicycle or moped as may be called for in the official form. Any person who violates this subsection shall be fined not more than \$100.

(i) Whenever the registered owner of a bicycle or moped or any dealer or manufacturer has given notice to the director of finance of a transfer of the registered ownership to the bicycle or moped, as provided in subsection (g) or (h), and has delivered the certificate of registration bearing the transferor's signature to the transferee as required by subsection (a), the transferor shall be relieved from liability, civil or criminal, which the transferor might subsequently incur by reason of being the registered owner of the bicycle or moped.

(j) Any person who falsely or fraudulently gives notice to the director of finance of a transfer of registered ownership to a bicycle or moped shall be subject to the penalty provided in section 249-14.6.”

SECTION 2. Section 249-14, Hawaii Revised Statutes, is amended to read as follows:

“**§249-14 Bicycle and moped fee.** (a) Bicycles having two tandem wheels that are twenty inches or more in diameter and all mopeds are required to be registered and shall be subject to a [biennial] permanent registration fee of [\$8,] \$15, to be paid by the owners thereof to the director of finance.

(b) An owner of a bicycle having two tandem wheels that are less than twenty inches in diameter is not required to register such bicycle, but may do so to facilitate the return of recovered stolen bicycles by payment of the [biennial] registration fee. [The biennial registration fee shall become due and payable on January 1 and shall be delinquent on March 1; provided that any bicycle or moped initially acquired after October 31, previously not registered, shall be exempt from the biennial registration fee until January 1 of the next calendar year; provided that the biennial registration fee for the next biennium shall be paid before January 1. The biennial registration of bicycles and mopeds shall expire on December 31 of the second year and may be renewed by the owners beginning November 1 of the second year.] The fee collected shall not be refunded or prorated. Upon receipt of the fee, the director of finance shall number and register each bicycle and moped for which the fee is paid, in the owner's name and furnish the owner with a metallic tag or decal for each bicycle or moped [with number and year marked thereon,] which [tag or decal] shall be attached to the bicycle or moped. On bicycles the decal shall be affixed to the upright post attached to the sprocket facing in the forward direction. On mopeds the decal shall be affixed to the lower portion of the rear fender facing rearward. Upon initial registration by an owner or transferee, the director of finance shall require proof of ownership and require the owner to furnish verification of the serial number and description contained in the proof of ownership and application for registration. The metallic tag<sup>1</sup> or decals shall be in [such] a form as the director of finance shall from time to time prescribe. It shall be the duty of the director of finance of each county to purchase a sufficient number of [such] these tags or decals.

**ACT 188**

(c) All fees collected under this section shall be deposited into the bikeway fund and shall be expended in the county in which the fees are collected as provided in section 249-17.5.”

SECTION 3. Section 249-14.6, Hawaii Revised Statutes, is amended to read as follows:

“**§249-14.6<sup>2</sup> Violations; penalty.** Any seller who violates the provisions of section 249-14.5 or 249-\_\_\_\_ may be fined not exceeding \$500.”

SECTION 4. Section 249-16, Hawaii Revised Statutes, is amended to read as follows:

“**§249-16 Duplicate bicycle and moped tags[.] and certificates of registration.** In the event that a bicycle or moped tag or certificate of registration furnished under section 249-14 or 249-\_\_\_\_ is lost, stolen, or mutilated, or becomes illegible, the person to whom it was furnished may obtain a duplicate thereof by presenting to the county director of finance the number and registration of the bicycle or moped involved. There shall be a charge of \$2 for the duplicate tag[.] and \$5 for the duplicate certificate of registration.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>3</sup>

SECTION 6. This Act shall take effect on January 1, 1999.

(Approved July 17, 1998.)

**Notes**

1. Prior to amendment “tags” appeared here.
2. So in original.
3. Edited pursuant to HRS §23G-16.5.