

ACT 216

H.B. No. 1258

A Bill for an Act Relating to Transportation.

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

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§286- Autocycles. (a) Every autocycle, as described in paragraph (2) of the definition of “motorcycle” in section 286-2, operated in this State shall first be registered as a motor vehicle as provided in section 286-41.

(b) No person shall operate an autocycle on a public street, road, or highway in this State unless the person possesses a valid type 3 driver’s license pursuant to section 286-102(b)(2) and the autocycle has been duly registered pursuant to subsection (a).

(c) Occupants in an autocycle not equipped with a front windshield shall use eye protection.

(d) All occupants in an autocycle shall comply with the seat belt requirements under section 291-11.6.

(e) All dealers, sellers, lessors, and rental agencies shall be required to disclose the following, if true, regarding each autocycle offered for sale, lease, or rent, as applicable:

- (1) The autocycle does not meet the federal Motor Vehicle Safety Standards for passenger vehicles and light trucks;
- (2) The autocycle is not equipped with airbags; and
- (3) Autocycle rollover protection has not been certified to protect an occupant from injury in the event of a rollover; therefore, the use of a department of transportation certified safety helmet is recommended when operating an autocycle.”

SECTION 2. Section 286-2, Hawaii Revised Statutes, is amended by amending the definition of “motorcycle” to read as follows:

““Motorcycle” means [every]:

- (1) Every motor vehicle [having a seat or saddle for use of the rider] that has a handlebar and seating that requires the operator to straddle or sit astride on it and is designed to travel on not more than three wheels in contact with the ground, but excludes a farm tractor and a moped[-]; or
- (2) Every motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride on it, and is designed to travel on three wheels in contact with the ground, called an autocycle which is certified by the manufacturer to comply with all applicable federal motor vehicle safety standards as of the date of manufacture.”

SECTION 3. Section 291C-152, Hawaii Revised Statutes, is amended to read as follows:

“[§291C-152] Riding on motorcycles. (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle, except for an autocycle, only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle. A person shall ride upon an autocycle only while sitting in the seat and facing forward.

(c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents the person from keeping both hands on the handlebars[-] or, for an autocycle, on the steering wheel.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on January 1, 2018.

(Became law on July 11, 2017, without the governor’s signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.