



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:
S.B. NO. 3055, RELATING TO MOPEDS.

BEFORE THE:

SENATE COMMITTEES ON TRANSPORTATION AND ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

LATE

DATE: Friday, February 7, 2020 **TIME:** 12:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Clare E. Connors, Attorney General, or
William F. Cooper, Deputy Attorney General

Chairs Inouye and Baker and Members of the Committees:

The Department of the Attorney General offers the following comments on this bill.

The purpose of SB 3055 is to reduce urban noise pollution, air pollution, and adverse health impacts by banning all sales of mopeds with internal combustion engines after January 1, 2022. Section 2(a), on page 3, lines 8 to 12, states that:

Beginning January 1, 2022, no retailer shall sell or offer for sale any combustion engine-powered moped unless the moped was purchased in a consumer transaction prior to January 1, 2022.

These restrictions could conflict with the federal Clean Air Act (CAA). The CAA provides that:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

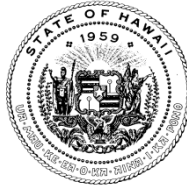
42 United States Code (USC) §7543(a).

The CAA, at 42 USC §7550(a), defines a motor vehicle as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” A moped is considered a motor vehicle. Because one of the stated

purposes of the bill is to reduce air pollution, the bill's ban on the sale of internal combustion engine mopeds would impact air pollution because no new internal combustion mopeds would mean zero emissions for new mopeds. As mopeds are vehicles under the CAA, and a zero emission level standard is a control of emissions, there is a potential conflict with the CAA.

Thank you for the opportunity to provide comments.

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 7, 2020
1:15 P.M.
State Capitol, Room 225

S.B. 3055
RELATING TO MOPEDS

Senate Committee(s) on Commerce, Consumer Protection, and Health

The Department of Transportation **supports** S.B. 3055 which requires a transition to silent, clean electric mopeds by prohibiting a retailer from selling or offering for sale combustion engine-powered mopeds beginning January 1, 2022.

As the State moves away from its dependence on fossil fuels, electric mopeds are part of this transition. Electric mopeds can provide the public with a clean and quiet transportation alternative to traditional mopeds.

Thank you for the opportunity to provide testimony.

TESTIMONY OF
LARRY S VERAY

TO THE SENATE COMMITTEE ON TRANSPORTATION; COMMERCE, CONSUMER PROTECTION,
AND HEALTH

IN SUPPORT OF SB3055 RELATING TO MOPEDS

FEBRUARY 5, 2020

Aloha Chair Inouye, Vice Chair Harimoto (Committee on Transportation) and Chair Baker, Vice Chair Chang (Committee on Commerce, Consumer Protection, and Health) and Committee members. Thank you for allowing me the opportunity to provide testimony in support of SB3055 with recommended amendments. I am Chair for the Pearl City Neighborhood Board and member of the Neighborhood Board Moped Noise Mitigation Working Group. I also represent the many citizens who are negatively impacted by frequent excessive moped exhaust noise and where loud noise impacts individuals and families at all hours of the day. Our citizens deserve the best quality of life in Hawaii. Previously, the Pearl City Neighborhood Board unanimously passed a board resolution on January 26, 2016 asking for legislation to control excessive moped noise. Many other Neighborhood Boards on Oahu, part of the Moped Mitigation Working Group, also supported legislation to help reduce noise from illegally modified mufflers on mopeds. There continues to be a huge community requirement for legislation to direct moped dealers and individuals from modifying the speed limiter on their mopeds to include HPD enforcement. Our Board submits and requires the following provisions:

- Prohibit the owner of a moped, a vehicle mechanic, vehicle dealer or vehicle repair shop from modifying a moped vehicle speed limiter for the purpose of increasing the vehicles speed, horsepower and noise. This directive would hold everyone accountable for any modification to the moped speed limiter. Our citizens have witnessed numerous mopeds exceeding the 30-35 mph that is mandated for moped speeds. Some mopeds have been modified to speed travel as much as 50-60 mph thus the result of many moped drivers involved in fatal crashes on our highways. The planned State Department of Transportation Safety Inspection plan should catch most of these law breakers; however, there are those who swap out their loud modified muffler for a quiet muffler prior to safety inspection. Individuals need to be strongly held accountable for any modification of a muffler to increase the moped exhaust noise level. We ask you to amend this bill to include this community requirement.

- Increase fines for any individual illegally modifying moped motors and mufflers. Higher fines are justified when moped owners intentionally break the law by modifying their speed limiter and muffler, which results in higher than allowed speeds and excessive noise. Our board submits this requirement for your consideration as an amendment to SB3055.

- HPD immediately confiscate mopeds from individuals who have not registered their moped, obtained a license plate, no safety inspection sticker and illegally modified their muffler. Most strongly recommend adding an amendment to SB3055 to allow HPD to impound the moped for 90 days until the moped owner can register the vehicle with DMV and obtain a license plate. If moped owner complies with DMV requirements, the moped would be release back to owner and allowed 10 days to show proof of safety inspection and installation of legal**

muffler.

The Law was past two years ago and moped operators have had plenty of time to obtain their registration, license plate and annual safety check. Numerous individuals have been observed daily driving their illegal mopeds through Aiea, Pearl City and Waipahu with no license plates and driving through neighborhoods waking people at all hours of the day. These are individuals who will not follow the law and have no concern for others. We need HPD enforcement with "Tough Love" for those who will not obey the law.

In closing, I urge you to please pass SB3055 with aforementioned recommended amendments. If you pass this legislation, the next step is the Neighborhood Boards working with HPD developing a plan of action for their community to enforce and prevent the loss of life from mopeds speeding on our roads thus mitigating excessive moped exhaust noise. Mahalo for your support.

Very respectfully,

Larry S. Veray

Chair, Pearl City Neighborhood Board #21

SB-3055

Submitted on: 2/4/2020 2:37:39 PM

Testimony for TRS on 2/7/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Noel Morin	Testifying for Big Island EV Association, Hawaii Electric Vehicle Association	Support	No

Comments:

Aloha,

I support SB3055. Mopeds and other small vehicles are now available as electric vehicles. The electric version of mopeds are more efficient, cleaner to run, emission-free, and more cost-effective to operate and maintain. Electric vehicles of all shapes and sizes are an important part of our decarbonization strategy. The transportation sector consumes a significant amount of our fossil fuel imports and contributes to significant carbon emissions. Importantly, our gasoline consumption and emissions continue to rise.

We have the opportunity to lead in the electrification of transportation and we have many reasons for doing so – to contribute to the healing of our planet, to enable our energy independence, to improve the quality of life of Hawaii’s residents, and the create a livable world for future generations.

SB3055 offers the opportunity to transition small gas-powered vehicles to more modern, clean-running, and silent vehicles. This will be a boon for in-town commuters, tourists, and students.

Please support SB3055.

Noel Morin

Noel Morin

President – Big Island Electric Vehicle Association, Hawaii Electric Vehicle Association

SB-3055

Submitted on: 2/4/2020 6:59:19 PM

Testimony for TRS on 2/7/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

Electric Vehicles are not Feasible yet and there is a big problem to dispose of Batterys that are Highly Toxic!!

SB-3055

Submitted on: 2/6/2020 3:41:49 PM

Testimony for TRS on 2/7/2020 12:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Tricia Nakamatsu	Individual	Support	No

Comments:

As a private citizen, I strongly support this measure or any measure that could potentially decrease the number of noisy mopeds that rip past my home on a daily basis. Many homes in Honolulu--like mine--are still "single-wall construction," so the noise literally travels through our walls, interrupting our conversations & leisure time, and generally disturbing the peace & quiet of our lives.

I whole-heartedly agree with the proposal to "phase out" combustion engine mopeds, but I am concerned that mopeds purchased in a consumer transaction prior to 1/1/22 could still be on our roads for years, particularly if private individuals or retailers are permitted to reconstruct and resell these vehicles (I'm not entirely sure they are). If there's any way to limit that, that would be preferable...but if not, we'll take what we can get!!

One other suggestion would be to have increasing levels of fines for repeated offenses.