#### THE SENATE TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII

#### S.B. NO. <sup>828</sup> S.D. 1

# A BILL FOR AN ACT

PART I

RELATING TO HELMET USE.

1

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

2 SECTION 1. The United States Consumer Product Safety 3 Commission estimates that the number of emergency-room treated 4 injuries relating to using all-terrain vehicles was 135,100 in 5 2008. For children under age sixteen, the estimated number of 6 emergency-room treated injuries in 2008 was 37,700. The United 7 States Consumer Product Safety Commission also estimates that 8 the number of deaths relating to the use of all-terrain vehicles 9 was seven hundred eighty in 2008.

10 Hawaii does not currently have a law that requires the use 11 of helmets while operating all-terrain vehicles.

12 The legislature finds that with the increasing use of all-13 terrain vehicles in the State and the concomitant risk of 14 serious injury and death from head trauma, the State needs to 15 enact legislation to require the wearing of helmets while 16 operating or riding in all-terrain vehicles.



#### Page 2

#### S.B. NO. <sup>828</sup> S.D. 1

1 The purpose of this part is to require the wearing of a 2 helmet by all persons while operating or riding all-terrain 3 vehicles. 4 SECTION 2. Chapter 286, Hawaii Revised Statutes, is 5 amended by adding a new section to part IV to be appropriately 6 designated and to read as follows: 7 "§286-Operation of all-terrain vehicles; safety 8 helmet. (a) No person shall operate, ride, or otherwise be 9 propelled on an all-terrain vehicle unless the person wears a 10 safety helmet. 11 (b) No person shall lease, rent, loan, or sell an all-terrain vehicle to a person unless the person furnishes a 12 13 safety helmet for the person operating and riding in the all-14 terrain vehicle. 15 (c) As used in this section: 16 "All-terrain vehicle" means a motorized flotation-tired 17 vehicle of not less than three low pressure tires, but not more 18 than six tires, that is limited in engine displacement of less 19 than 960 cubic centimeters, and that has a net weight of not 20 more than 1,800 pounds. 21 "Safety helmet" means a helmet that:



1	(1) Meets the requirements of the Federal Motor Vehicle
2	Safety Standard 218, Title 49 Code of Federal
3	Regulations Section 571.218;
4	(2) Is worn on the person's head and is fastened with
5	helmet or chin straps; and
6	(3) Is of a size that fits the person's head securely
7	without excessive lateral or vertical movement.
8	(d) A person who violates this section shall be subject
9	to a fine of not more than \$ for each violation upon
10	issuance of a citation under section 286-10."
11	PART II
12	SECTION 3. According to the American College of Emergency
13	Physicians, helmet use is the single most important factor in
14	people surviving motorcycle crashes. Helmets reduce the risk of
14 15	people surviving motorcycle crashes. Helmets reduce the risk of head, brain, and facial injury among motorcyclists of all ages
15	head, brain, and facial injury among motorcyclists of all ages
15 16	head, brain, and facial injury among motorcyclists of all ages and crash severities. Unhelmeted motorists are forty per cent
15 16 17	head, brain, and facial injury among motorcyclists of all ages and crash severities. Unhelmeted motorists are forty per cent more likely to die from a head injury, according to the National
15 16 17 18	head, brain, and facial injury among motorcyclists of all ages and crash severities. Unhelmeted motorists are forty per cent more likely to die from a head injury, according to the National Highway Traffic Safety Administration. Motorcycle fatalities
15 16 17 18 19	head, brain, and facial injury among motorcyclists of all ages and crash severities. Unhelmeted motorists are forty per cent more likely to die from a head injury, according to the National Highway Traffic Safety Administration. Motorcycle fatalities nationally have increased every year for the past ten years.
15 16 17 18 19 20	head, brain, and facial injury among motorcyclists of all ages and crash severities. Unhelmeted motorists are forty per cent more likely to die from a head injury, according to the National Highway Traffic Safety Administration. Motorcycle fatalities nationally have increased every year for the past ten years. Motorcyclists make up thirteen per cent of all traffic deaths

1	The purpose of this part is to require helmet use for
2	motorcyclists.
3	SECTION 4. Chapter 291C, Hawaii Revised Statutes, is
4	amended by adding a new section to part XIV be appropriately
5	designated and to read as follows:
6	" <u>§291C-</u> Motorcycle helmets. (a) No person shall
7	operate a motorcycle or ride as a passenger on a motorcycle upon
8	a street or highway, unless that person is wearing a properly
9	fitted and fastened motorcycle helmet that is approved in
10	accordance with the standards of the Federal Motor Carrier
11	Safety Administration, 49 Code of Federal Regulations Section
1 <b>2</b>	571.218.
13	(b) A person who provides motorcycles for hire shall not
14	rent a motorcycle to any person unless that person is wearing a
15	motorcycle helmet approved as required in subsection (a).
16	(c) A violation of this section is punishable by a fine of
17	not more than \$
18	(d) Notwithstanding any law to the contrary, the fines
19	collected for a violation of this section shall be paid into the
20	state treasury to the credit of the general fund."
21	PART III



1	SECTION 5. The legislature finds that operators and		
2	passengers of motor scooters require the same protection as		
3	operators and riders of motorcycles.		
4	The purpose of this part is to require motor scooter		
5	operators and passengers to wear safety helmets.		
6	SECTION 6. Section	on 286-81, Hawaii Revised Statutes, is	
7	amended to read as fol	lows:	
8	"§286-81 Motorcy	cle, motor scooter, etc.; protective	
9	devices. (a) No perso	on shall:	
10	(1) Operate a mo	corcycle or motor scooter, on any highway	
11	in the State	unless the person and any passenger the	
12	person carrie	es on the motorcycle or motor scooter	
13	wears:		
14	(A) Safety o	glasses, goggles, or a face shield, in the	
15	case of	a motorcycle or motor scooter that is not	
16	equipped	d with windscreens or windshields; and	
17	(B) [ <del>Any</del> ] <u>A</u>	safety helmet and other protective	
18	devices	[, other than a safety helmet,] required	
19	by rules	adopted by the director.	
20	For the purpo	ose of meeting the requirements of this	
21	paragraph, a	required device shall meet the	

1		specifications and requirements established by rules
2		adopted by the director;
3	(2)	Lease or rent a motorcycle or motor scooter to another
4		person unless the person furnishes:
5		(A) Safety glasses, <u>safety helmets,</u> goggles, or a
6		face shield, in the case of a motorcycle or motor
7		scooter that is not equipped with windscreens or
8		windshields; and
<b>9</b> .		(B) Any other protective devices required by the
10		rules adopted by the director for the use of the
11		person or persons intending to operate or ride as
12		a passenger on the motorcycle or motor scooter;
13		provided that any person to whom a motorcycle or
14		motor scooter is leased or rented may furnish for
15		the person's own use the protective devices
16		required by this part.
17		For the purposes of meeting the requirements of this
18		paragraph, a required device shall meet the
19		specifications and requirements established by rules
20		adopted by the director; or
21	(3)	Sell or offer for sale or furnish any safety helmet,
22		safety glasses, goggles, face shield, windscreen,



Page 6

1	windshield, or other protective devices represented to
2	meet the requirements of this part unless the device
3	meets the specifications and requirements established
4	by rules adopted by the director.
5	(b) No person [ <del>less than eighteen years of age</del> ] shall
6	operate or ride as a passenger on a motorcycle or motor scooter
7	on any highway in the State unless the person wears a safety
8	helmet securely fastened with a chin strap.
9	[ <del>(c) A safety helmet shall not be required for any person</del>
10	who operates or rides as a passenger on a motorcycle or motor
11	scooter; provided that the motorcycle or motor scooter:
12	(1) Has three wheels;
13	(2) Is powered by an electric motor;
14	-(3) Has a full body enclosed cab; and
15	(4) Has a seat belt assembly or a child restraint system
16	for the driver and passenger;
17	and the operator and passenger uses the seat belt or child
18	restraint system pursuant to sections 291 11.5 and 291-11.6.]"
19	PART IV
20	SECTION 7. Current law requiring the wearing of bicycle
21	helmets exempts persons age sixteen and over. The legislature

finds that as bicycle riding becomes increasingly commonplace, 1 more protection is needed for all ages. 2 The purpose of this part is to require the use of bicycle 3 4 helmets for persons of all ages. SECTION 8. Section 291C-150, Hawaii Revised Statutes, is 5 6 amended by amending subsections (a) and (b) to read as follows: 7 No person [under sixteen years of age] shall operate "(a) a bicycle upon a street, bikeway, or any other public property 8 unless that person is wearing a properly fitted and fastened 9 10 bicycle helmet that has been tested by a nationally recognized 11 agency such as the National Highway Traffic Safety 12 Administration, the National Safety Council, or the Children's Safety Network, and is designed to fit the user and protect 13 14 against head trauma. This requirement also applies to a person 15 who rides upon a bicycle while in a restraining seat that is attached to the bicycle or who rides in a trailer towed by the 16 17 bicycle. 18 (b) A person who provides bicycles for hire shall not rent

(b) A person who provides bicycles for hire shall not rent
a bicycle to any person unless [every] that person [who is under
age sixteen] is wearing a bicycle helmet, as required in
subsection (a), while operating the rented bicycle, occupying a

Page 9

1	restraining seat that is attached to the rented bicycle, or
2	riding in a trailer towed by the rented bicycle."
3	PART V
4	SECTION 9. The danger of head injuries to moped riders is
5	comparable to or greater than that of motorcycle riders. The
6	Wisconsin department of transportation warns that a moped offers
7	the rider almost no protection in case of a crash. Even at
8	relatively slow moped speeds, head injuries in moped crashes are
9	common.
10	The purpose of this part is to require helmet use for moped
11	riders.
12	SECTION 10. Section 291C-195, Hawaii Revised Statutes, is
13	amended by amending subsection (a) to read as follows:
14	"(a) No person less than fifteen years of age shall drive
15	a moped on a highway, street, roadway, or any other public
16	property in the State.
17	No person [ <del>less than eighteen years of age</del> ] shall drive a
18	moped or a three-wheeled moped or ride a moped or a three-
19	wheeled moped as a passenger unless the person wears a [ <del>safety</del>
20	helmet-securely fastened with a chin strap. The safety helmet
21	shall meet the specifications and requirements established by
22	rules adopted by the director.] properly fitted and fastened
	2011-0968 SB828 SD1 SMA-1.doc

Page 10

## S.B. NO. <sup>828</sup> S.D. 1

1	motorcycle helmet that is approved in accordance with the
2	standards of the Federal Motor Carrier Safety Administration, 49
3	Code of Federal Regulations Section 571.218."
4	PART VI
5	SECTION 11. This Act does not affect rights and duties
6	that matured, penalties that were incurred, and proceedings that
7	were begun before its effective date.
8	SECTION 12. Statutory material to be repealed is bracketed
9	and stricken. New statutory material is underscored.
10	SECTION 13. This Act shall take effect upon its approval.
11	



Report Title: Helmets

#### Description:

Requires helmet use when operating or riding motorcycles, bicycles, motor scooters, mopeds, and all-terrain vehicles. (SD1)

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

