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## A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1           SECTION 1. Mopeds are a cheaper alternative to driving a  
2 vehicle. According to the city and county of Honolulu, the  
3 number of registered mopeds in Honolulu increased every year  
4 between 2006 and 2012. Additionally, there were three hundred  
5 fifty-four mopeds involved in major traffic accidents on public  
6 roadways in 2012.

7           The legislature finds that public safety is a state  
8 priority. Accordingly, the purpose of this Act is to increase  
9 public safety by, among other things:

- 10           (1) Prohibiting the use of a moped that is not in good  
11                 working order on public roadways;
- 12           (2) Extending certain police powers dealing with vehicle  
13                 inspections to include mopeds; and
- 14           (3) Requiring a certificate of inspection for all mopeds.

15           SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
16 amended by amending the title of part II to read as follows:



1                   "PART II. INSPECTION OF VEHICLES AND MOPEDS"

2           SECTION 3. Section 286-21, Hawaii Revised Statutes, is  
3 amended to read as follows:

4           "§286-21 Vehicles and mopeds without required equipment or  
5 in unsafe condition. No person shall drive or cause to move on  
6 any highway any motor vehicle, moped, trailer, semitrailer, or  
7 pole trailer, or any combination thereof, unless the equipment  
8 thereon is in good working order and adjustment as required in  
9 this part [~~se as not to~~] and does not endanger the driver [~~or~~],  
10 any other occupant, or any person [~~upon~~] on the highway."

11           SECTION 4. Section 286-22, Hawaii Revised Statutes, is  
12 amended by amending subsections (a) through (c) to read as  
13 follows:

14           "(a) [~~The chief of police or any police officer of any~~  
15 ~~county may, at~~] At any time when the chief of police or police  
16 officer has reasonable cause to believe that a vehicle or moped  
17 is unsafe or not equipped as required by law, the chief of  
18 police or any police officer of any county may require the owner  
19 or driver of the vehicle or moped to submit the vehicle or moped  
20 to an inspection or make the necessary corrections or repairs.

21           (b) If the vehicle or moped is found to be in an unsafe  
22 condition or if any required part or equipment is not present or



1 if any required part or equipment is present but not in proper  
2 repair, the officer shall issue a citation to the owner or  
3 driver stating the reasons that the vehicle is deemed unsafe or  
4 the moped is deemed unsafe or not equipped as required and shall  
5 require that a new certificate of inspection as provided in  
6 section 286-26 be obtained within five days or that the defect  
7 be cured.

8 (c) If upon inspection, the chief of police or any police  
9 officer determines that any vehicle or moped is in such unsafe  
10 condition as to constitute a menace to the public or determines  
11 that the moped is not equipped as required in this part and  
12 cannot reasonably be restored to a safe condition or with  
13 respect to mopeds, equipped as required in this part, the chief  
14 of police or police officer shall remove the sticker [~~which~~]  
15 that signifies the certificate of inspection and, with regard to  
16 vehicles, inform the director of finance, who shall [~~forthwith~~]  
17 immediately suspend the registration of the vehicle and give  
18 notice of the suspension to its owner. Whenever the director of  
19 finance has suspended the registration of any vehicle under this  
20 part, the owner of the vehicle shall immediately surrender and  
21 forward to the director of finance the certificate of



1 registration and the license plates last issued upon  
2 registration of the vehicle for the current year."

3 SECTION 5. Section 286-23, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) No person shall operate any vehicle or moped after  
6 receiving a citation with reference thereto as provided in  
7 section 286-22(b), except that if the driver is authorized to do  
8 so by the police officer, the driver may return the vehicle or  
9 moped to the driver's residence or place of business or the  
10 residence or place of business of the owner of the vehicle[~~7~~] or  
11 moped, or to an automotive repair shop, if within a distance of  
12 twenty miles, until a certificate of inspection is obtained or  
13 the necessary corrections or repairs are made."

14 SECTION 6. Section 286-24, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "~~§286-24 [Registered owner's responsibility, registration~~  
17 ~~plates as prima facie evidence as to the fault of the registered~~  
18 ~~owner.] Responsibility of owner or operator for violation. In~~  
19 any proceeding for violation of this part[~~7~~the]:

20 (1) The registered owner of a vehicle shall be deemed  
21 responsible for the unsafe condition of the  
22 vehicle[~~7~~]; and



1        (2) The owner or operator of a moped shall be deemed  
2                    responsible for the failure to equip the moped as  
3                    required by law."

4        SECTION 7. Section 286-25, Hawaii Revised Statutes, is  
5 amended to read as follows:

6            **"§286-25 Operation of a vehicle or moped without a**  
7 **certificate of inspection.** Whoever operates, permits the  
8 operation of, causes to be operated, or parks any vehicle or  
9 moped on a public highway without a current official certificate  
10 of inspection, issued under section 286-26, shall be fined not  
11 more than \$100."

12        SECTION 8. Section 286-26, Hawaii Revised Statutes, is  
13 amended as follows:

14        1. By amending subsections (b) and (c) to read:

15        "(b) [~~All other~~] Mopeds and vehicles[~~7~~] other than those  
16 under subsection (a), including motorcycles, trailers,  
17 semitrailers, and pole trailers having a gross vehicle weight  
18 rating of 10,000 pounds or less, and antique motor vehicles as  
19 defined in section 249-1, except those in subsections (c) and  
20 (d), shall be certified as provided in subsection (e) every  
21 twelve months; provided that any vehicle or moped to which this



1 subsection applies shall not require inspection within two years  
2 of the date on which the vehicle or moped was first sold.

3 (c) Any vehicle or moped that has been involved in an  
4 accident shall be certified as provided in subsection (e) before  
5 it is operated again if:

6 (1) It is determined by a police officer or an insurer  
7 that the vehicle's or moped's equipment has been  
8 damaged so as to render the vehicle or moped unsafe;  
9 or

10 (2) It is rebuilt or restored."

11 2. By amending subsections (e) through (g) to read:

12 "(e) Upon application for a certificate of inspection to  
13 be issued for a vehicle[~~7~~] or moped, an inspection as prescribed  
14 by the director under subsection (g) shall be conducted on the  
15 vehicle[~~7~~] or moped, and if the vehicle or moped is found to be  
16 in a safe operating condition, a certificate of inspection shall  
17 be issued upon payment of a fee to be determined by the  
18 director. The certificate for a motor vehicle shall state the  
19 effective date, the termination date, the name of the issuing  
20 insurance carrier, and the policy number of the motor vehicle  
21 insurance identification card for the inspected motor vehicle as  
22 specified by section 431:10C-107 or state the information



1 contained in the proof of insurance card as specified by section  
2 431:10G-106. A sticker, authorized by the director, shall be  
3 affixed to the vehicle or moped at the time a certificate of  
4 inspection is issued. An inspection sticker [~~which~~] that has  
5 been lost, stolen, or destroyed shall be replaced without  
6 reinspection by the inspection station that issued the original  
7 inspection sticker upon presentation of the [~~vehicle's~~] current  
8 certificate of inspection[+] for the vehicle or moped; provided  
9 that the current certificate of inspection and inspection  
10 sticker shall not have expired at the time the replacement is  
11 requested. The director shall adopt rules to determine the fee  
12 for replacement of lost, stolen, or destroyed inspection  
13 stickers.

14 (f) The operator of an official inspection station shall  
15 pay, from the fee in subsection (e), an amount to be determined  
16 by rules adopted pursuant to chapter 91 to the director of  
17 transportation. This amount shall be expended only for  
18 administration and enforcement of the periodic motor vehicle and  
19 moped inspection program. The funds collected pursuant to this  
20 subsection shall be deposited into the highway special fund.

21 (g) The director of transportation shall adopt necessary  
22 rules for the administration of inspections and the issuance of



1 certificates of inspection[-]; provided that mopeds manufactured  
 2 after December 31, 2015, shall be issued a certificate of  
 3 inspection only if the exhaust system of the moped meets the  
 4 specifications of the original manufacturer, and all other  
 5 applicable requirements for the issuance of a certificate of  
 6 inspection are satisfied."

7 SECTION 9. This Act does not affect rights and duties that  
 8 matured, penalties that were incurred, and proceedings that were  
 9 begun before its effective date.

10 SECTION 10. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 11. This Act shall take effect on January 1, 2016.

13

INTRODUCED BY:

*[Signature]*  
*[Signature]*  
*[Signature]*

JAN 29 2015



# H.B. NO. 1396

**Report Title:**

Mopeds; Registration; Safety Inspections

**Description:**

Requires annual registration and inspection of mopeds.

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

