

JAN 20 2017

A BILL FOR AN ACT

RELATING TO SAFETY HELMETS.

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

1 SECTION 1. Section 286-81, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§286-81 Motorcycle, motor scooter, etc.; protective
4 devices. (a) No person shall:

5 (1) Operate a motorcycle or motor scooter, on any highway
6 in the State unless the person and any passenger the
7 person carries on the motorcycle or motor scooter
8 wears:

9 (A) Safety glasses, goggles, or a face shield, in the
10 case of a motorcycle or motor scooter that is not
11 equipped with windscreens or windshields; ~~and~~

12 (B) A safety helmet, if the person or any passenger
13 the person carries is under the age of twenty-
14 five; and

15 ~~(B)~~ (C) Any other protective devices, other than a
16 safety helmet ~~[,]~~ except as provided in



1 subparagraph (B), required by rules adopted by
2 the director.

3 For the purpose of meeting the requirements of this
4 paragraph, a required device shall meet the
5 specifications and requirements established by rules
6 adopted by the director;

7 (2) Lease or rent a motorcycle or motor scooter to another
8 person unless the person furnishes:

9 (A) Safety glasses, goggles, or a face shield, in the
10 case of a motorcycle or motor scooter that is not
11 equipped with windscreens or windshields; [and]

12 (B) A safety helmet, if the person to whom a
13 motorcycle or motor scooter is leased or rented
14 or any passenger that person carries is under the
15 age of twenty-five; and

16 [~~(B)~~] (C) Any other protective devices required by the
17 rules adopted by the director for the use of the
18 person or persons intending to operate or ride as
19 a passenger on the motorcycle or motor scooter;
20 provided that any person to whom a motorcycle or
21 motor scooter is leased or rented may furnish for



1 the person's own use the protective devices
2 required by this part.

3 For the purposes of meeting the requirements of this
4 paragraph, a required device shall meet the
5 specifications and requirements established by rules
6 adopted by the director; or

7 (3) Sell or offer for sale or furnish any safety helmet,
8 safety glasses, goggles, face shield, windscreen,
9 windshield, or other protective devices represented to
10 meet the requirements of this part unless the device
11 meets the specifications and requirements established
12 by rules adopted by the director.

13 (b) No person less than [~~eighteen~~] twenty-five years of
14 age shall operate or ride as a passenger on a motorcycle or
15 motor scooter on any highway in the State unless the person
16 wears a safety helmet securely fastened with a chin strap.

17 (c) [A] Notwithstanding subsections (a) or (b) to the
18 contrary, a safety helmet shall not be required for any person
19 who operates or rides as a passenger on a motorcycle or motor
20 scooter; provided that the motorcycle or motor scooter:

21 (1) Has three wheels;



- 1 (2) Is powered by an electric motor;
- 2 (3) Has a full body enclosed cab; and
- 3 (4) Has a seat belt assembly or a child restraint system
- 4 for the driver and passenger;

5 and the operator and passenger uses the seat belt or child
 6 restraint system pursuant to sections 291-11.5 and 291-11.6."

7 SECTION 2. Section 291C-195, Hawaii Revised Statutes, is
 8 amended by amending subsection (a) to read as follows:

9 "(a) No person less than fifteen years of age shall drive
 10 a moped on a highway, street, roadway, or any other public
 11 property in the State. No person less than [~~eighteen~~] twenty-
 12 five years of age shall drive a moped or ride as a passenger on
 13 a moped unless the person wears a safety helmet securely
 14 fastened with a chin strap. The safety helmet shall meet the
 15 specifications and requirements established by rules adopted by
 16 the director."

17 SECTION 3. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *John M. ...*
Paul E. ...



S.B. NO. 179

Breene Hunt



S.B. NO. 179

Report Title:

Safety Helmets; Motorcycle; Motor Scooter; Moped

Description:

Requires safety helmets to be worn by drivers and passengers of motorcycles, motor scooters, and mopeds, who are under the age of twenty-five.

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