



GOV. MSG. NO. 1342

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 6, 2021

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2021, the following bill was signed into law:

SB0615 SD1 HD2 CD1

RELATING TO RENTALS OF MOPEDS AND  
MOTOR SCOOTERS.  
**ACT 214 (21)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

---

# A BILL FOR AN ACT

RELATING TO RENTALS OF MOPEDS AND MOTOR SCOOTERS.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

PART I

SECTION 1. This part shall be known and may be cited as "Lexi's Law".

SECTION 2. The legislature finds that wearing a helmet while operating a moped, powered scooter, or other motorized cycle decreases fatalities and serious injuries. In August 2017, Alexis "Lexi" Jenkins, a visitor to Maui who was not wearing a helmet, suffered a fatal accident when the rented moped she was riding collided with a truck.

According to the Hawaii Injury Prevention Plan for 2012-2017, published by the emergency medical services and injury prevention system branch of the department of health, properly worn helmets prevent death and brain injuries. In the event of a crash, helmets reduce the risk of death by forty-two per cent and the risk of a head injury by sixty-nine per cent. The legislature recognizes that wearing a helmet can be a significant factor in helping to reduce fatalities or the severity of injuries in accidents on Hawaii's roadways.



1           The purpose of this part is to mitigate fatalities and  
2 traumatic brain injuries on Hawaii's roadways by strengthening  
3 helmet safety laws as they relate to mopeds and motor scooters  
4 that are rented.

5           SECTION 3. Chapter 286, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8           "§286-       Leased or rented moped or motor scooter; flag  
9 required. No person shall lease or rent a moped or motor  
10 scooter to another person unless the moped or motor scooter is  
11 equipped with a safety flag that shall extend not less than five  
12 feet above the ground and be permanently affixed to the rear of  
13 the moped or motor scooter. The safety flag shall be triangular  
14 in shape with an area of not less than thirty square inches.  
15 The safety flag and the pole that secures the flag to the moped  
16 or motor scooter shall be fluorescent orange in color."

17           SECTION 4. Section 286-2, Hawaii Revised Statutes, is  
18 amended by amending the definition of "motor scooter" to read as  
19 follows:

20           "Motor scooter" means [~~every motorcycle~~]:



1        (1) Every motor vehicle that has a handlebar and seating  
2                    that requires the operator to straddle or sit astride  
3                    on it and is designed to travel on no more than three  
4                    wheels in contact with the ground, but excludes a farm  
5                    tractor; or  
6        (2) Every motor vehicle that has a steering wheel and  
7                    seating that does not require the operator to straddle  
8                    or sit astride on it, and is designed to travel on  
9                    three wheels in contact with the ground, called an  
10                   autocycle, which is certified by the manufacturer to  
11                   comply with all applicable Federal Motor Vehicle  
12                   Safety Standards as of the date of manufacture,  
13 with a motor [~~which~~] that produces [~~not~~] no more than five  
14 horsepower, but excludes a moped."

15        SECTION 5. Section 286-81, Hawaii Revised Statutes, is  
16 amended to read as follows:

17        "§286-81 Motorcycle, motor scooter, moped, etc.;

18 protective devices. (a) No person shall [-  
19        ~~(1) Operate~~] operate a motorcycle or motor scooter, on any  
20        highway in the State unless the person and any



1 passenger the person carries on the motorcycle or  
2 motor scooter wears:

3 ~~[(A)]~~ (1) Safety glasses, goggles, or a face shield,  
4 in the case of a motorcycle or motor scooter that is  
5 not equipped with windscreens or windshields; and

6 ~~[(B)]~~ (2) Any other protective devices, other than a  
7 safety helmet, required by rules adopted by the  
8 director.

9 For the purpose of meeting the requirements of this ~~[paragraph,~~  
10 subsection, a required device shall meet the specifications and  
11 requirements established by rules adopted by the director~~]~~.

12 ~~[(2) Lease]~~ (b) Notwithstanding subsection (a) and  
13 section 291C-195, no person shall operate a moped or motor  
14 scooter leased from a rental company on any roadway in the State  
15 unless the person wears a safety helmet, which shall be provided  
16 by the rental company unless the person provides the person's  
17 own safety helmet; provided that this subsection shall not apply  
18 to persons who possess a valid license under this chapter to  
19 operate a motorcycle or an equivalent license issued from  
20 another state. To meet the requirements of this subsection, the



1 safety helmet shall meet the specifications and requirements  
2 established by rules adopted by the director.

3 (c) In addition to the requirements of subsection (b), no  
4 person shall lease or rent a motorcycle or motor scooter to  
5 another person unless the person furnishes:

6 ~~[(A)]~~ (1) Safety glasses, goggles, or a face shield,  
7 in the case of a motorcycle or motor scooter that is  
8 not equipped with windscreens or windshields; and

9 ~~[(B)]~~ (2) Any other protective devices required by  
10 the rules adopted by the director for the use of the  
11 person or persons intending to operate or ride as a  
12 passenger on the motorcycle or motor scooter; provided  
13 that any person to whom a motorcycle or motor scooter  
14 is leased or rented may furnish for the person's own  
15 use the protective devices required by this part.

16 For the purposes of meeting the requirements of this  
17 ~~[paragraph]~~ subsection, a required device shall meet the  
18 specifications and requirements established by rules adopted by  
19 the director ~~[there]~~.

20 ~~[(3) Sell or]~~ (d) No person shall sell, offer for sale,  
21 or furnish any safety helmet, safety glasses, goggles, face



1 shield, windscreen, windshield, or other protective devices  
2 represented to meet the requirements of this part unless the  
3 device meets the specifications and requirements established by  
4 rules adopted by the director.

5 [~~(b)~~] (e) No person less than eighteen years of age 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 [~~(e)~~] (f) A safety helmet shall not be required for any  
10 person who operates or rides as a passenger on a motorcycle or  
11 motor 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 SECTION 6. Section 291C-1, Hawaii Revised Statutes, is  
20 amended by amending the definition of "motor scooter" to read as  
21 follows:



1        "Motor scooter" means [~~every motorcycle which~~]:  
2        (1) Every motor vehicle that has a handlebar and seating  
3        that requires the operator to straddle or sit astride  
4        on it and is designed to travel on no more than  
5        three wheels in contact with the ground, but excludes  
6        a farm tractor; or  
7        (2) Every motor vehicle that has a steering wheel and  
8        seating that does not require the operator to straddle  
9        or sit astride on it, and is designed to travel on  
10       three wheels in contact with the ground, called an  
11       autocycle, which is certified by the manufacturer to  
12       comply with all applicable Federal Motor Vehicle  
13       Safety Standards as of the date of manufacture,  
14 with a motor that produces [~~not~~ no more than five horsepower,  
15 [~~and~~] but excludes a moped."

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

18        "(a) [~~No~~] Notwithstanding section 286-81(b), no person  
19 [~~less~~]:





1 above two horsepower (one thousand four hundred ninety-two  
2 watts).

3 (b) No person shall rent or lease to another person any  
4 moped or motor scooter that has an aftermarket modification to  
5 the motor of the moped or motor scooter that does not comply  
6 with this subsection.

7 ~~[(b)]~~ (c) Any person who violates this section shall be  
8 fined not more than \$500."

9 PART III

10 SECTION 10. This Act does not affect rights and duties  
11 that matured, penalties that were incurred, and proceedings that  
12 were begun before its effective date.

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

15 SECTION 12. This Act shall take effect on July 1, 2021.

APPROVED this 06 day of JUL , 2021

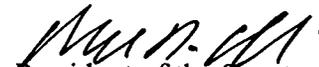


GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 27, 2021  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.

  
President of the Senate



Clerk of the Senate

SB No. 615, SD 1, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives