

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~~[, or]~~.

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.



S.B. NO. 615
S.D. 1
H.D. 2
C.D. 1

Report Title:

Mopeds; Motor Scooters; Rentals; Lexi's Law; Helmet Requirements; Violation

Description:

Requires all moped and motor scooter rental companies to ensure that mopeds and motor scooters are equipped with flags and that riders wear safety helmets, subject to certain circumstances. Amends the definition of motor scooter. Prohibits the rental of any moped or motor scooter with aftermarket modifications.
(CD1)

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