THE SENATE
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

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

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   PART I

2   SECTION 1. This part shall be known and may be cited as

3 "Lexi's Law".

4   SECTION 2. The legislature finds that wearing a helmet

5 while operating a moped, powered scooter, or other motorized

6 cycle decreases fatalities and serious injuries. In

7 August 2017, Alexis "Lexi" Jenkins, a visitor to Maui who was

8 not wearing a helmet, suffered a fatal accident when the rented

9 moped she was riding collided with a truck.

10   According to the Hawaii Injury Prevention Plan for

11 2012-2017, published by the emergency medical services and

12 injury prevention system branch of the department of health,

13 properly worn helmets prevent death and brain injuries. In the

14 event of a crash, helmets reduce the risk of death by

15 forty-two per cent and the risk of a head injury by

16 sixty-nine per cent. The legislature recognizes that wearing a

17 helmet can be a significant factor in helping to reduce

1 fatalities or the severity of injuries in accidents on Hawaii's

2 roadways.

3   The purpose of this part is to mitigate fatalities and

4 traumatic brain injuries on Hawaii's roadways by strengthening

5 helmet safety laws as they relate to mopeds and motor scooters

6 that are rented.

7   SECTION 3. Chapter 286, Hawaii Revised Statutes, is

8 amended by adding a new section to be appropriately designated

9 and to read as follows:

10   "§286-   **Leased or rented moped or motor scooter; flag**

11 **required.** No person shall lease or rent a moped or motor

12 scooter to another person unless the moped or motor scooter is

13 equipped with a flag."

14   SECTION 4. Section 286-2, Hawaii Revised Statutes, is

15 amended by amending the definition of "motor scooter" to read as

16 follows:

17   ""Motor scooter" means [every motorcycle]:

18   (1) Every motor vehicle that has a handlebar and seating

19   that requires the operator to straddle or sit astride

20   on it and is designed to travel on no more than

1   three wheels in contact with the ground, but excludes

2   a farm tractor; or

3   (2) Every motor vehicle that has a steering wheel and

4   seating that does not require the operator to straddle

5   or sit astride on it, and is designed to travel on

6   three wheels in contact with the ground, called an

7   autocycle, which is certified by the manufacturer to

8   comply with all applicable Federal Motor Vehicle

9   Safety Standards as of the date of manufacture,

10   with a motor [which] that produces [not] no more than five

11   horsepower, but excludes a moped."

12   SECTION 5. Section 286-81, Hawaii Revised Statutes, is

13   amended to read as follows:

14   **"§286-81 Motorcycle, motor scooter, moped, etc.;**

15   **protective devices.** (a) No person shall[÷

16   (1) Operate] operate a motorcycle or motor scooter, on any

17   highway in the State unless the person and any

18   passenger the person carries on the motorcycle or

19   motor scooter wears:

1   [(A)] (1) Safety glasses, goggles, or a face shield,

2   in the case of a motorcycle or motor scooter that is

3   not equipped with windscreens or windshields; and

4   [(B)] (2) Any other protective devices, other than a

5   safety helmet, required by rules adopted by the

6   director.

7 For the purpose of meeting the requirements of this [paragraph,]

8 subsection, a required device shall meet the specifications and

9 requirements established by rules adopted by the director[+].

10   [(2) Lease] (b) Notwithstanding subsection (a) and

11 section 291C-195, no person shall operate a moped or motor

12 scooter leased from a rental company on any roadway in the State

13 unless the person wears a safety helmet, which shall be provided

14 by the rental company unless the person provides the person's

15 own safety helmet; provided that this subsection shall not apply

16 to persons who possess a valid license under this chapter to

17 operate a motorcycle or an equivalent license issued from

18 another state. To meet the requirements of this subsection, the

19 safety helmet shall meet the specifications and requirements

20 established by rules adopted by the director.

1   (c) In addition to the requirements of subsection (b), no

2   person shall lease or rent a motorcycle or motor scooter to

3   another person unless the person furnishes:

4   [(A)] (1) Safety glasses, goggles, or a face shield,

5   in the case of a motorcycle or motor scooter that is

6   not equipped with windscreens or windshields; and

7   [(B)] (2) Any other protective devices required by

8   the rules adopted by the director for the use of the

9   person or persons intending to operate or ride as a

10   passenger on the motorcycle or motor scooter; provided

11   that any person to whom a motorcycle or motor scooter

12   is leased or rented may furnish for the person's own

13   use the protective devices required by this part.

14 For the purposes of meeting the requirements of this

15 [paragraph,] subsection, a required device shall meet the

16 specifications and requirements established by rules adopted by

17 the director[; or].

18   [(3) Sell or] (d) No person shall sell, offer for sale,

19 or furnish any safety helmet, safety glasses, goggles, face

20 shield, windscreen, windshield, or other protective devices

21 represented to meet the requirements of this part unless the

1   device meets the specifications and requirements established by

2   rules adopted by the director.

3   [(b)] (e) No person less than eighteen years of age shall

4   operate or ride as a passenger on a motorcycle or motor scooter

5   on any highway in the State unless the person wears a safety

6   helmet securely fastened with a chin strap.

7   [(c)] (f) A safety helmet shall not be required for any

8   person who operates or rides as a passenger on a motorcycle or

9   motor scooter; provided that the motorcycle or motor scooter:

10   (1) Has three wheels;

11   (2) Is powered by an electric motor;

12   (3) Has a full body enclosed cab; and

13   (4) Has a seat belt assembly or a child restraint system

14   for the driver and passenger;

15   and the operator and passenger uses the seat belt or child

16   restraint system pursuant to sections 291-11.5 and 291-11.6."

17   SECTION 6. Section 291C-1, Hawaii Revised Statutes, is

18   amended by amending the definition of "motor scooter" to read as

19   follows:

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

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

4   three wheels in contact with the ground, but excludes

5   a farm 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 that produces [not] no more than five horsepower,

14 [and] but excludes a moped."

15   SECTION 7. Section 291C-195, Hawaii Revised Statutes, is

16 amended by amending subsection (a) to read as follows:

17   "(a) [No] Notwithstanding section 286-81(b), no person

18 [less]:

19   (1) Less than fifteen years of age shall drive a moped on

20   a highway, street, roadway, or any other public

21   property in the State[. No person less]; and

1   (2)   Less than eighteen years of age shall drive a moped

2   unless the person wears a safety helmet securely

3   fastened with a chin strap.

4 The safety helmet shall meet the specifications and requirements

5 established by rules adopted by the director."

6   PART II

7   SECTION 8. The purpose of this part is to encourage safety

8 on Hawaii's roadways through motor vehicle safety standards by

9 prohibiting moped and motor scooter rental companies from

10 renting any moped or motor scooter that has an aftermarket

11 modification to the motor of the moped or the motor of a motor

12 scooter.

13   SECTION 9. Section 291C-206, Hawaii Revised Statutes, is

14 amended to read as follows:

15   "§291C-206 **Modifying moped motor; violation.** (a) A motor

16 used to power a moped shall not be modified in any manner except

17 as authorized by the motor manufacturer and any [~~such~~]

18 modification shall not increase the power capacity of the motor

19 above two horsepower (one thousand four hundred ninety-two

20 watts).

1   (b) No person shall rent or lease to another person any

2 moped or motor scooter that has an aftermarket modification to

3 the motor of the moped or motor scooter that does not comply

4 with this subsection.

5   [(b)] (c) Any person who violates this section shall be

6 fined not more than $500."

7   PART III

8   SECTION 10. This Act does not affect rights and duties

9 that matured, penalties that were incurred, and proceedings that

10 were begun before its effective date.

11   SECTION 11. Statutory material to be repealed is bracketed

12 and stricken. New statutory material is underscored.

13   SECTION 12. This Act shall take effect on July 1, 2050.

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. Effective 7/1/2050. (HD2)

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