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# 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. The legislature finds that wearing a helmet  
3 while operating a moped, powered scooter, or other motorized  
4 cycle decreases fatalities and serious injuries. In August  
5 2017, Alexis "Lexi" Jenkins, a visitor to Maui who was not  
6 wearing a helmet, suffered a fatal accident when the rented  
7 moped she was riding collided with a truck.

8 According to the Hawaii Injury Prevention Plan for 2012-  
9 2017, published by the department of health and emergency  
10 medical services and injury prevention system branch, properly  
11 worn helmets prevent death and brain injuries. In the event of  
12 a crash, helmets reduce the risk of death by forty-two per cent  
13 and the risk of a head injury by sixty-nine per cent. The  
14 legislature recognizes that wearing a helmet can be a  
15 significant factor in helping to reduce fatalities or the  
16 severity of injuries in accidents like this on Hawaii's  
17 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 2. This part shall be known and may be cited as  
6 "Lexi's Law".

7           SECTION 3. Section 286-81, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§286-81 Motorcycle, motor scooter, moped, etc.;**  
10 **protective devices.** (a) No person shall [+  
11 ~~(1) Operate~~] operate a motorcycle or motor scooter, on any  
12 highway in the State unless the person and any  
13 passenger the person carries on the motorcycle or  
14 motor scooter wears:  
15           ~~[(A)]~~ (1) Safety glasses, goggles, or a face shield,  
16 in the case of a motorcycle or motor scooter that is  
17 not equipped with windscreens or windshields; and  
18           ~~[(B)]~~ (2) Any other protective devices, other than a  
19 safety helmet, required by rules adopted by the  
20 director.



1 For the purpose of meeting the requirements of this [~~paragraph,~~  
2 subsection, a required device shall meet the specifications and  
3 requirements established by rules adopted by the director[~~7~~].

4 [~~2~~—Lease] (b) Notwithstanding subsection (a) and section  
5 291C-195, no person shall operate a moped or motor scooter  
6 leased from a rental company on any roadway in the State unless  
7 the person wears a safety helmet, which shall be provided by the  
8 rental company unless the person provides the person's own  
9 safety helmet; provided that this subsection shall not apply to  
10 persons who possess a valid license under this chapter to  
11 operate a motorcycle or an equivalent license issued from  
12 another state. To meet the requirements of this subsection, the  
13 safety helmet shall meet the specifications and requirements  
14 established by rules adopted by the director.

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

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



1           ~~[(b)]~~ (2) Any other protective devices required by  
2           the rules adopted by the director for the use of the  
3           person or persons intending to operate or ride as a  
4           passenger on the motorcycle or motor scooter; provided  
5           that any person to whom a motorcycle or motor scooter  
6           is leased or rented may furnish for the person's own  
7           use the protective devices required by this part.

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

12           ~~[(3) Sell or]~~ (d) No person shall sell, offer for sale, or  
13 furnish any safety helmet, safety glasses, goggles, face shield,  
14 windscreen, windshield, or other protective devices represented  
15 to meet the requirements of this part unless the device meets  
16 the specifications and requirements established by rules adopted  
17 by the director.

18           ~~[(b)]~~ (e) No person less than eighteen years of age shall  
19 operate or ride as a passenger on a motorcycle or motor scooter  
20 on any highway in the State unless the person wears a safety  
21 helmet securely fastened with a chin strap.



1           [~~(e)~~] (f) A safety helmet shall not be required for any  
2 person who operates or rides as a passenger on a motorcycle or  
3 motor scooter; provided that the motorcycle or motor scooter:

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

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

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

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

15           (1) Every motor vehicle that has a handlebar and seating  
16           that requires the operator to straddle or sit astride  
17           on it and is designed to travel on not more than three  
18           wheels in contact with the ground, but excludes a farm  
19           tractor; or

20           (2) Every motor vehicle that has a steering wheel and  
21           seating that does not require the operator to straddle



1           or sit astride on it, and is designed to travel on  
2           three wheels in contact with the ground, called an  
3           autocycle which is certified by the manufacturer to  
4           comply with all applicable Federal Motor Vehicle  
5           Safety Standards as of the date of manufacture,  
6 with a motor which produces not more than five horsepower, but  
7 excludes a moped."

8           SECTION 5. Section 291C-1, Hawaii Revised Statutes, is  
9 amended by amending the definition of "motor scooter" to read as  
10 follows:

11           "Motor scooter" means [~~every motoreycle~~]:

12           (1) Every motor vehicle that has a handlebar and seating  
13           that requires the operator to straddle or sit astride  
14           on it and is designed to travel on not more than three  
15           wheels in contact with the ground, but excludes a farm  
16           tractor; or

17           (2) Every motor vehicle that has a steering wheel and  
18           seating that does not require the operator to straddle  
19           or sit astride on it, and is designed to travel on  
20           three wheels in contact with the ground, called an  
21           autocycle which is certified by the manufacturer to





1 modification to the motor of the moped or the motor of a motor  
2 scooter.

3 SECTION 8. Section 291C-206, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) A motor used to power a moped shall not be modified  
6 in any manner except as authorized by the motor manufacturer and  
7 any such modification shall not increase the power capacity of  
8 the motor above two horsepower (one thousand four hundred  
9 ninety-two watts) [-], and no person shall rent or lease to  
10 another person any moped or motor scooter that has an  
11 aftermarket modification to the motor of the moped or motor  
12 scooter that does not comply with this subsection."

13 PART III

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

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

19 SECTION 11. This Act shall take effect upon its approval.



**Report Title:**

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

**Description:**

Requires all moped and motor scooter rental companies to ensure the rider wears a safety helmet supplied either by the rental company or by the renter prior to operating the moped or motor scooter. Exempts riders with a motorcycle license from this requirement. Prohibits the rental of any moped or motor scooter with aftermarket modifications. Amends the definition of motor scooter. (SD1)

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