



GOV. MSG. NO. 1209

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

JUN 17 2022

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 **JUN 17 2022**, the following bill was signed into law:

HB2049 SD1

RELATING TO STATUTORY REVISION:
AMENDING OR REPEALING VARIOUS
PROVISIONS OF THE HAWAII REVISED
STATUTES OR THE SESSION LAWS OF HAWAII
FOR THE PURPOSES OF CORRECTING
ERRORS AND REFERENCES, CLARIFYING
LANGUAGE, OR DELETING OBSOLETE OR
UNNECESSARY PROVISIONS
ACT 109

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor
JUN 17 2022
on _____
HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

ACT 109
H.B. NO. 2049
S.D. 1

A BILL FOR AN ACT

RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS.

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

1 SECTION 1. Section 15-13.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§15-13.5 Eligibility of voter after absentee ballot cast.

4 The absentee ballot of any voter who was eligible to vote at the
5 time the ballot was cast shall not be deemed invalid solely
6 because the voter became ineligible to vote after casting the
7 ballot. For the purposes of this section, "cast" means that the
8 voter has:

9 (1) Deposited the absentee ballot in the mail for ballots
10 mailed in accordance with section [~~15-9(a)(1)~~] 15-9;

11 (2) Delivered the absentee ballot to the appropriate
12 county clerk or polling place in accordance with
13 section 15-9; or

14 (3) Completed voting in person at an absentee polling
15 place."



1 SECTION 2. Section 23-78, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) This section shall apply to the following:

4 (1) Section 237-24.7(1)--Amounts received by hotel
5 operators and hotel suboperators for employee wages
6 and fringe benefits;

7 (2) Section 237-24.7(2)--Amounts received by a county
8 transportation system operator under a contract with
9 the county;

10 (3) Section 237-24.7(4)--Amounts received by orchard
11 property operators for employee wages and fringe
12 benefits;

13 (4) Section 237-24.7(6)--Amounts received from insurers
14 for damage or loss of inventory of businesses located
15 in a natural disaster area;

16 (5) Section 237-24.7(7)--Amounts received by community
17 organizations, school booster clubs, and nonprofit
18 organizations for precinct and other election-related
19 activities;

20 (6) Section 237-24.7(8)--Interest received by persons
21 domiciled outside the State from trust companies



1 acting as payment agents or trustees on behalf of
2 issuers or payees of interest-bearing instruments or
3 obligations;

4 (7) Section 237-24.7(9)--Amounts received by management
5 companies from related entities engaged in interstate
6 or foreign common carrier telecommunications services
7 for employee wages and fringe benefits; and

8 (8) Section 237-24.7(10)--Amounts received from [high]
9 technology research and development grants.

10 SECTION 3. Section 201B-12, Hawaii Revised Statutes, is
11 amended by amending its title to read as follows:

12 "§201B-12 Exemption of authority from taxation [~~and Hawaii~~
13 ~~public procurement code~~]."

14 SECTION 4. Section 206M-24, Hawaii Revised Statutes, is
15 amended by amending subsection (e) to read as follows:

16 "(e) For the purposes of this section:

17 "Grant" means financial assistance provided to Hawaii small
18 business innovation research, small business technology
19 transfer, and other agency and private sector awardees and
20 applicants under the terms and conditions provided in this
21 chapter.



1 "Hawaii small business innovation research", "small
2 business technology transfer", and "sustainable aviation fuel
3 program" means the programs administered by the development
4 corporation to encourage participation by enterprises in federal
5 research and development programs.

6 "Other agency" means an entity that receives an award or
7 contract granted by the United States Departments of
8 Agriculture, Transportation, Energy, Defense, or Commerce, or
9 other federal agencies for activities consistent with those
10 defined in this section.

11 "Small business" shall have the same meaning as in section
12 201M-1.

13 "Sustainable aviation fuel" means [~~American Society for~~
14 ~~Testing and Materials~~] ASTM International D7566-compliant
15 renewable aviation turbine fuel derived from biofuels, as
16 defined in section 269-91, and with a greenhouse gas lifecycle
17 carbon intensity lower than the baseline for jet fuel defined by
18 the International Civil Aviation Organization."

19 SECTION 5. Section 249-1, Hawaii Revised Statutes, is
20 amended by amending the definition of "moped" to read as
21 follows:



1 "Moped" means a device upon which a person may ride that
2 has ~~[two]~~:

3 (1) Two or three wheels in contact with the ground ~~[,a]~~;

4 (2) A motor having a maximum power output capability
5 measured at the motor output shaft, in accordance with
6 ~~[the Society of Automotive Engineers]~~ SAE

7 International standards, of two horsepower (one
8 thousand four hundred ninety-two watts) or less and,
9 if it is a combustion engine, a maximum piston or
10 rotor displacement of 3.05 cubic inches (fifty cubic
11 centimeters) and that will propel the device,
12 unassisted, on a level surface at a maximum speed no
13 greater than thirty miles per hour; and [a]

14 (3) A direct or automatic power drive system ~~[,which]~~ that
15 requires no clutch or gear shift operation by the
16 moped driver after the drive system is engaged with
17 the power unit.

18 "Moped" does not include an electric foot scooter."

19 SECTION 6. Section 286-2, Hawaii Revised Statutes, is
20 amended by amending the definition of "moped" to read as
21 follows:



1 "Moped" means a device upon which a person may ride that
2 has ~~[two]~~:

3 (1) Two or three wheels in contact with the ground ~~[,a]~~;

4 (2) A motor having a maximum power output capability
5 measured at the motor output shaft, in accordance with
6 ~~[the Society of Automotive Engineers]~~ SAE
7 International standards, of two horsepower (one
8 thousand four hundred ninety-two watts) or less and,
9 if it is a combustion engine, a maximum piston or
10 rotor displacement of 3.05 cubic inches (fifty cubic
11 centimeters) and that will propel the moped,
12 unassisted, on a level surface at a maximum speed no
13 greater than thirty miles per hour; and [a]

14 (3) A direct or automatic power drive system ~~[,which]~~ that
15 requires no clutch or gear shift operation by the
16 moped driver after the drive system is engaged with
17 the power unit.

18 "Moped" does not include an electric foot scooter."

19 SECTION 7. Section 291C-1, Hawaii Revised Statutes, is
20 amended by amending the definition of "moped" to read as
21 follows:



1 "Moped" means a device upon which a person may ride that
2 has ~~[two]~~ :

3 (1) Two or three wheels in contact with the ground~~[, a]~~ ;

4 (2) A motor having a maximum power output capability
5 measured at the motor output shaft, in accordance with
6 ~~[the Society of Automotive Engineers]~~ SAE
7 International standards, of two horsepower (one
8 thousand four hundred ninety-two watts) or less and,
9 if it is a combustion engine, a maximum piston or
10 rotor displacement of 3.05 cubic inches (fifty cubic
11 centimeters) and that will propel the device,
12 unassisted, on a level surface at a maximum speed no
13 greater than thirty miles per hour; and [a]

14 (3) A direct or automatic power drive system~~[, which]~~ that
15 requires no clutch or gear shift operation by the
16 moped driver after the drive system is engaged with
17 the power unit.

18 "Moped" does not include an electric foot scooter."

19 SECTION 8. Section 291C-202, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Every moped offered for sale for use upon, sold for
2 use upon, or used upon the roadways and highways shall be
3 equipped with:

- 4 (1) A motor having a maximum power output capability,
5 measured at the motor output shaft, in accordance with
6 ~~[the Society of Automotive Engineers]~~ SAE
7 International standards, of two horsepower (one
8 thousand four hundred ninety-two watts) or less and,
9 if it is a combustion engine, a maximum piston or
10 rotor displacement of 3.05 cubic inches (fifty cubic
11 centimeters) and ~~[which]~~ that will propel the moped,
12 unassisted, on a level surface at a maximum speed no
13 greater than thirty miles per hour; provided that
14 those mopeds, including those modified pursuant to
15 section 291C-206, registered prior to April 23, 1998,
16 shall continue to be subject to the prior thirty-five
17 miles per hour maximum speed limitation; and
- 18 (2) A direct or automatic power drive system ~~[which]~~ that
19 requires no clutch or gear shift operation by the
20 moped driver after the drive system is engaged with
21 the power unit."



1 SECTION 9. Section 291J-4, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) During the first thirty days of operation of an
4 individual photo red light imaging detector system at a
5 particular traffic signal, a warning shall be issued for any
6 violation of section 291C-32(c) and mailed to the registered
7 owner of the motor vehicle at the address on record [a~~s~~] at the
8 vehicle licensing division in lieu of a summons or citation
9 pursuant to section 291J-6."

10 SECTION 10. Section 350-1, Hawaii Revised Statutes, is
11 amended by amending the definitions of "severe forms of
12 trafficking in persons" and "sex trafficking" to read as
13 follows:

14 "Severe forms of trafficking in persons" has the same
15 meaning as provided in title 22 United States Code Annotated
16 section [~~7102(9)-.~~] 7102.

17 "Sex trafficking" has the same meaning as provided in
18 title 22 United States Code Annotated section [~~7102(10)-.~~] 7102."

19 SECTION 11. Section 486-7, Hawaii Revised Statutes, is
20 amended by amending subsection (d) to read as follows:



1 "(d) The specifications, tolerances, and other technical
2 requirements for measuring devices and the uniform laws and
3 regulations as adopted by the National Conference on Weights and
4 Measures, recommended and published by the National Institute of
5 Standards and Technology and adopted[7] or amended and adopted
6 by the board pursuant to chapter 91, shall be the basis for
7 measurement standards in the State. In addition, the board,
8 pursuant to chapter 91, may adopt or amend and adopt any other
9 measurement standard established by the National Institute of
10 Standards and Technology, [~~the American Society for Testing and~~
11 ~~Materials,~~] ASTM International, the American National Standards
12 Institute, the International Organization of Legal Metrology,
13 the International Bureau of Weights and Measures, and [~~the~~
14 ~~Society of Automotive Engineers,~~] SAE International, among
15 others."

16 SECTION 12. Section 486-56, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§486-56 Adoption of standards and rules.** The standards
19 as published by [~~the American Society for Testing and Materials~~
20 ~~(ASTM)~~] ASTM International and [~~the Society of Automotive~~
21 ~~Engineers (SAE)~~] SAE International are adopted except as amended



1 or modified by rule of the board pursuant to chapter 91. The
2 board may also adopt rules on the advertising, labeling,
3 standards for, handling, storing, dispensing, and selling of
4 petroleum products. Notwithstanding the foregoing, rules
5 adopted by the board referring to ASTM D4814, relating to
6 standard specification for automotive spark-ignition engine
7 fuel, shall be deemed to refer to version ASTM D4814-13b adopted
8 in 2013, as modified by the National Institute of Standards and
9 Technology Handbook 130, part IV, subpart G, section 2.1 adopted
10 in 2013."

11 SECTION 13. Section 706-606.5, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "(1) Notwithstanding section 706-669 and any other law to
14 the contrary, any person convicted of murder in the second
15 degree, any class A felony, any class B felony, or any of the
16 following class C felonies:

17 (a) Section 134-7 relating to persons prohibited from
18 owning, possessing, or controlling firearms or
19 ammunition;

20 (b) Section 134-8 relating to ownership, etc., of certain
21 prohibited weapons;



- 1 (c) Section 134-17 only as it relates to providing false
2 information or evidence to obtain a permit under
3 section 134-9;
- 4 (d) Section 188-23 relating to possession or use of
5 explosives, electrofishing devices, and poisonous
6 substances in state waters;
- 7 (e) Section 386-98(d)(1) relating to fraud violations and
8 penalties;
- 9 (f) Section 431:2-403(b)(2) relating to insurance fraud;
- 10 (g) Section 707-703 relating to negligent homicide in the
11 second degree;
- 12 (h) Section 707-711 relating to assault in the second
13 degree;
- 14 (i) Section 707-713 relating to reckless endangering in
15 the first degree;
- 16 (j) Section 707-716 relating to terroristic threatening in
17 the first degree;
- 18 (k) Section 707-721 relating to unlawful imprisonment in
19 the first degree;
- 20 (l) Section 707-732 relating to sexual assault in the
21 third degree;



- 1 (m) Section 707-752 relating to promoting child abuse in
2 the third degree;
- 3 (n) Section 707-757 relating to electronic enticement of a
4 child in the second degree;
- 5 (o) Section 707-766 relating to extortion in the second
6 degree;
- 7 (p) Section 708-811 relating to burglary in the second
8 degree;
- 9 (q) Section 708-821 relating to criminal property damage
10 in the second degree;
- 11 (r) Section 708-831 relating to theft in the second
12 degree;
- 13 (s) Section 708-835.5 relating to theft of livestock;
- 14 (t) Section 708-836 relating to unauthorized control of a
15 propelled vehicle[+] in the first degree;
- 16 (u) Section 708-839.55 relating to unauthorized possession
17 of confidential personal information;
- 18 (v) Section 708-839.8 relating to identity theft in the
19 third degree;
- 20 (w) Section 708-852 relating to forgery in the second
21 degree;



1 (x) Section 708-854 relating to criminal possession of a
2 forgery device;

3 (y) Section 708-875 relating to trademark counterfeiting;

4 (z) Section 710-1071 relating to intimidating a witness;

5 (aa) Section 711-1103 relating to riot;

6 (bb) Section 712-1221 relating to promoting gambling in the
7 first degree;

8 (cc) Section 712-1224 relating to possession of gambling
9 records in the first degree;

10 (dd) Section 712-1247 relating to promoting a detrimental
11 drug in the first degree; or

12 (ee) Section 846E-9 relating to failure to comply with
13 covered offender registration requirements,

14 or who is convicted of attempting to commit murder in the second
15 degree, any class A felony, any class B felony, or any of the
16 class C felony offenses enumerated above and who has a prior
17 conviction or prior convictions for the following felonies,
18 including an attempt to commit the same: murder, murder in the
19 first or second degree, a class A felony, a class B felony, any
20 of the class C felony offenses enumerated above, or any felony
21 conviction of another jurisdiction, shall be sentenced to a



1 mandatory minimum period of imprisonment without possibility of
2 parole as provided in subsection (2)."

3 SECTION 14. Act 173, Session Laws of Hawaii 2021, is
4 amended by amending section 3 to read as follows:

5 "SECTION 3. This Act shall take effect upon its approval
6 ~~[and shall be repealed]~~; provided that on June 30, 2025[-], this
7 Act shall be repealed and section 302L-1.6(c), Hawaii Revised
8 Statutes, shall be reenacted in the form in which it read on the
9 day prior to the effective date of this Act."

10 SECTION 15. Act 1, Special Session Laws of Hawaii 2021, is
11 amended by amending section 25 to read as follows:

12 "SECTION 25. This Act shall take effect on July 1, 2021;
13 provided that ~~[parts]~~:

14 (1) Parts VI and VII of this Act shall take effect on
15 January 1, 2022[-];

16 (2) The amendments made to section 87A-42, Hawaii Revised
17 Statutes, in section 8 of this Act shall take effect
18 upon the reenactment of that section on June 30, 2023,
19 pursuant to section 9 of Act 229, Session Laws of
20 Hawaii 2021; and



1 (3) The amendments made to section 237D-6.5(b), Hawaii
2 Revised Statutes, in section 13 of this Act shall not
3 be repealed when that subsection is reenacted on
4 June 30, 2023, pursuant to section 9 of Act 229,
5 Session Laws of Hawaii 2021."

6 SECTION 16. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 17. This Act shall take effect upon its approval.

APPROVED this 17 day of June , 2022



GOVERNOR OF THE STATE OF HAWAII



HB No. 2049, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
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 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: March 28, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.


President of the Senate


Clerk of the Senate