

JAN 26 2022

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 107-27, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§107-27 Design of state buildings.** (a) No later than
13 one year after the adoption of codes or standards pursuant to
14 section 107-24(c), the design of all state building construction
15 shall be in compliance with the Hawaii state building codes,
16 except state building construction shall be allowed to be
17 exempted from:

18 (1) County codes that have not adopted the Hawaii state
19 building codes;

20 (2) Any county code amendments that are inconsistent with
21 the minimum performance objectives of the Hawaii state



1 building codes or the objectives enumerated in this
2 part; or

3 (3) Any county code amendments that are contrary to code
4 amendments adopted by another county.

5 (b) Exemptions shall include county ordinances allowing
6 the exercise of indigenous Hawaiian architecture adopted in
7 accordance with section 46-1.55.

8 ~~[(c) The State shall consider hurricane resistant criteria~~
9 ~~when designing and constructing new public schools for the~~
10 ~~capability of providing shelter refuge.]"~~

11 SECTION 4. Section 201B-12, Hawaii Revised Statutes, is
12 amended by amending its title to read as follows:

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

15 SECTION 5. Section 206M-24, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

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

18 "Grant" means financial assistance provided to Hawaii small
19 business innovation research, small business technology
20 transfer, and other agency and private sector awardees and



1 applicants under the terms and conditions provided in this
2 chapter.

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

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

13 "Small business" shall have the same meaning as in section
14 201M-1.

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



SECTION 6. Section 249-1, Hawaii Revised Statutes, is amended by amending the definition of "moped" to read as follows:

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

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

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

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

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



SECTION 7. Section 286-2, Hawaii Revised Statutes, is amended by amending the definition of "moped" to read as follows:

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

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

(2) A motor having a maximum power output capability

measured at the motor output shaft, in accordance with

~~[the Society of Automotive Engineers]~~ SAE

International standards, of two horsepower (one

thousand four hundred ninety-two watts) or less and,

if it is a combustion engine, a maximum piston or

rotor displacement of 3.05 cubic inches (fifty cubic

centimeters) and that will propel the moped,

unassisted, on a level surface at a maximum speed no

greater than thirty miles per hour; and [a]

(3) A direct or automatic power drive system~~[, which]~~ that

requires no clutch or gear shift operation by the

moped driver after the drive system is engaged with

the power unit.

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



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

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

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

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

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

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



1 SECTION 9. Section 291C-202, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

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



1 moped driver after the drive system is engaged with
2 the power unit."

3 SECTION 10. Section 291J-4, Hawaii Revised Statutes, is
4 amended by amending subsection (e) to read as follows:

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

12 SECTION 11. Section 302A-1151.1, Hawaii Revised Statutes,
13 is amended as follows:

14 1. By amending subsection (a) to read:

15 "(a) There shall be established within the school
16 facilities authority a pilot program for the lease of public
17 school land, including facilities. The school facilities
18 authority, in consultation with ~~[the school facilities authority~~
19 ~~and]~~ any other appropriate agency, shall serve as the
20 facilitator of the pilot program."

21 2. By amending subsection (d) to read:



1 "(d) Nothing in this section shall preclude the school
2 facilities authority from working with and receiving assistance
3 from any other [~~school facilities authority~~] department or
4 agency in carrying out the purposes of this section."

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

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

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

14 SECTION 13. Section 445-111, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§445-111 Definitions.** As used in this chapter:

17 [~~(1)~~] "~~Outdoor advertising device~~" means any device which
18 ~~is:~~

19 ~~(A) A writing, picture, painting, light, model,~~
20 ~~display, emblem, sign, or similar device situated~~
21 ~~outdoors, which is so designed that it draws the~~



1 ~~attention of persons in any public highway, park,~~
2 ~~or other public place to any property, services,~~
3 ~~entertainment, or amusement, bought, sold,~~
4 ~~rented, hired, offered, or otherwise traded in by~~
5 ~~any person, or to the place or person where or by~~
6 ~~whom such buying, selling, renting, hiring,~~
7 ~~offering, or other trading is carried on;~~

8 ~~(B) A sign, poster, notice, bill, or word or words in~~
9 ~~writing situated outdoors and so designed that it~~
10 ~~draws the attention of and is read by persons in~~
11 ~~any public highway, park, or other public place,~~
12 ~~or~~

13 ~~(C) A sign, writing, symbol, or emblem made of~~
14 ~~lights, or a device or design made of lights so~~
15 ~~designed that its primary function is not giving~~
16 ~~light, which is situated outdoors and draws the~~
17 ~~attention of persons in any public highway, park~~
18 ~~or other public place.~~

19 ~~(2)]~~ "Billboard" [~~is~~] means any board, fence, or similar
20 structure, whether free-standing or supported by or placed
21 against any wall or structure, [~~which~~] that is designed or used



1 for the principal purpose of having outdoor advertising devices
2 placed, posted, or fastened upon it.

3 ~~[(3) Any person who, by oneself or through any agent or~~
4 ~~independent contractor, maintains]~~ "Displaying an outdoor
5 advertising device" includes any of the following:

6 (1) Maintaining or ~~[displays]~~ displaying any outdoor
7 advertising device~~[, or any person who knowingly~~
8 ~~causes]~~ by oneself or through any agent or independent
9 contractor;

10 (2) Knowingly causing any outdoor advertising device
11 advertising ~~[the person's]~~ one's own products,
12 merchandise, or services to be displayed by oneself or
13 any agent or independent contractor; ~~[or any person~~
14 ~~who, being]~~ or

15 (3) In the case of any person in possession of any land,
16 building, or part of a building, ~~[permits]~~ permitting
17 any outdoor advertising device on the land, building,
18 or part of a building~~[, shall be deemed to be~~
19 ~~displaying an outdoor advertising device]~~.



1 ~~[(4) Any person, who, by oneself or through any agent or~~
2 ~~independent contractor, erects or maintains]~~ "Maintaining a
3 billboard" includes any of the following:

4 (1) Erecting or maintaining a billboard, or [places]
5 placing any outdoor advertising device upon a
6 billboard, ~~[or any person who knowingly causes any of~~
7 ~~the person's]~~ by oneself or through any agent or
8 independent contractor;

9 (2) Knowingly causing any of one's own products,
10 merchandise, or services to be advertised upon a
11 billboard by oneself or through any agent or
12 independent contractor; or

13 (3) In the case of any person [who, being] in possession
14 of any land, building, or part of a building,
15 knowingly ~~[permits]~~ permitting a billboard to be
16 erected or to remain on the land, building, or part of
17 a building~~[, shall be deemed to be maintaining a~~
18 billboard].

19 "Outdoor advertising device" means any device that is:

20 (1) A writing, picture, painting, light, model, display,
21 emblem, sign, or similar device situated outdoors,



1 that is designed in a manner that draws the attention
2 of persons in any public highway, park, or other
3 public place to any property, service, entertainment,
4 or amusement bought, sold, rented, hired, offered, or
5 otherwise traded in by any person, or to the place or
6 person where or by whom the buying, selling, renting,
7 hiring, offering, or other trading is carried on;

8 (2) A sign, poster, notice, bill, or word or words in
9 writing situated outdoors and designed in a manner
10 that draws the attention of and is read by persons in
11 any public highway, park, or other public place; or

12 (3) A sign, writing, symbol, or emblem made of lights, or
13 a device or design made of lights, designed so that
14 its primary function is not giving light, and that is
15 situated outdoors and draws the attention of persons
16 in any public highway, park, or other public place."

17 SECTION 14. Section 486-7, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) The specifications, tolerances, and other technical
20 requirements for measuring devices and the uniform laws and
21 regulations as adopted by the National Conference on Weights and



1 Measures, recommended and published by the National Institute of
2 Standards and Technology and adopted[7] or amended and adopted
3 by the board pursuant to chapter 91, shall be the basis for
4 measurement standards in the State. In addition, the board,
5 pursuant to chapter 91, may adopt or amend and adopt any other
6 measurement standard established by the National Institute of
7 Standards and Technology, [~~the American Society for Testing and~~
8 ~~Materials,~~] ASTM International, the American National Standards
9 Institute, the International Organization of Legal Metrology,
10 the International Bureau of Weights and Measures, and [~~the~~
11 ~~Society of Automotive Engineers,~~] SAE International, among
12 others."

13 SECTION 15. Section 486-56, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§486-56 **Adoption of standards and rules.** The standards
16 as published by [~~the American Society for Testing and Materials~~
17 ~~(ASTM)~~] ASTM International and [~~the Society of Automotive~~
18 ~~Engineers (SAE)~~] SAE International are adopted except as amended
19 or modified by rule of the board pursuant to chapter 91. The
20 board may also adopt rules on the advertising, labeling,
21 standards for, handling, storing, dispensing, and selling of



1 petroleum products. Notwithstanding the foregoing, rules
2 adopted by the board referring to ASTM D4814, relating to
3 standard specification for automotive spark-ignition engine
4 fuel, shall be deemed to refer to version ASTM D4814-13b adopted
5 in 2013, as modified by the National Institute of Standards and
6 Technology Handbook 130, part IV, subpart G, section 2.1 adopted
7 in 2013."

8 SECTION 16. Section 706-606.5, Hawaii Revised Statutes, is
9 amended by amending subsection (1) to read as follows:

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

14 (a) Section 134-7 relating to persons prohibited from
15 owning, possessing, or controlling firearms or
16 ammunition;

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

19 (c) Section 134-17 only as it relates to providing false
20 information or evidence to obtain a permit under
21 section 134-9;



- 1 (d) Section 188-23 relating to possession or use of
2 explosives, electrofishing devices, and poisonous
3 substances in state waters;
- 4 (e) Section 386-98(d)(1) relating to fraud violations and
5 penalties;
- 6 (f) Section 431:2-403(b)(2) relating to insurance fraud;
- 7 (g) Section 707-703 relating to negligent homicide in the
8 second degree;
- 9 (h) Section 707-711 relating to assault in the second
10 degree;
- 11 (i) Section 707-713 relating to reckless endangering in
12 the first degree;
- 13 (j) Section 707-716 relating to terroristic threatening in
14 the first degree;
- 15 (k) Section 707-721 relating to unlawful imprisonment in
16 the first degree;
- 17 (l) Section 707-732 relating to sexual assault in the
18 third degree;
- 19 (m) Section 707-752 relating to promoting child abuse in
20 the third degree;



- 1 (n) Section 707-757 relating to electronic enticement of a
2 child in the second degree;
- 3 (o) Section 707-766 relating to extortion in the second
4 degree;
- 5 (p) Section 708-811 relating to burglary in the second
6 degree;
- 7 (q) Section 708-821 relating to criminal property damage
8 in the second degree;
- 9 (r) Section 708-831 relating to theft in the second
10 degree;
- 11 (s) Section 708-835.5 relating to theft of livestock;
- 12 (t) Section 708-836 relating to unauthorized control of a
13 propelled vehicle[+] in the first degree;
- 14 (u) Section 708-839.55 relating to unauthorized possession
15 of confidential personal information;
- 16 (v) Section 708-839.8 relating to identity theft in the
17 third degree;
- 18 (w) Section 708-852 relating to forgery in the second
19 degree;
- 20 (x) Section 708-854 relating to criminal possession of a
21 forgery device;



1 (y) Section 708-875 relating to trademark counterfeiting;
2 (z) Section 710-1071 relating to intimidating a witness;
3 (aa) Section 711-1103 relating to riot;
4 (bb) Section 712-1221 relating to promoting gambling in the
5 first degree;
6 (cc) Section 712-1224 relating to possession of gambling
7 records in the first degree;
8 (dd) Section 712-1247 relating to promoting a detrimental
9 drug in the first degree; or
10 (ee) Section 846E-9 relating to failure to comply with
11 covered offender registration requirements,
12 or who is convicted of attempting to commit murder in the second
13 degree, any class A felony, any class B felony, or any of the
14 class C felony offenses enumerated above and who has a prior
15 conviction or prior convictions for the following felonies,
16 including an attempt to commit the same: murder, murder in the
17 first or second degree, a class A felony, a class B felony, any
18 of the class C felony offenses enumerated above, or any felony
19 conviction of another jurisdiction, shall be sentenced to a
20 mandatory minimum period of imprisonment without possibility of
21 parole as provided in subsection (2)."



1 SECTION 17. Act 173, Session Laws of Hawaii 2021, is
2 amended by amending section 3 to read as follows:

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

8 SECTION 18. Act 1, Special Session Laws of Hawaii 2021, is
9 amended by amending section 25 to read as follows:

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

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

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

19 (3) The amendments made to section 237D-6.5(b), Hawaii
20 Revised Statutes, in section 13 of this Act shall not
21 be repealed when that subsection is reenacted on




1 June 30, 2023, pursuant to section 9 of Act 229,
2 Session Laws of Hawaii 2021."

3 SECTION 19. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 20. This Act shall take effect upon its approval.

6

INTRODUCED BY: 
By Request



S.B. NO. 3309

Report Title:

Revision Bill

Description:

Amends or repeals 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.

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

