

JAN 25 2023

A BILL FOR AN ACT

RELATING TO PROTECTIVE DEVICES FOR MOTORCYCLES, MOTOR SCOOTERS,
AND MOPEDS.

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

1 SECTION 1. Section 286-81, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§286-81 Motorcycle, motor scooter, moped, etc. ;
4 protective devices. (a) No person shall operate a motorcycle
5 or motor scooter, on any highway in the State unless the person
6 and any passenger the person carries on the motorcycle or motor
7 scooter wears:

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

11 (2) A safety helmet securely fastened with a chin strap,
12 and

13 [~~(2)~~] (3) Any other protective devices [~~, other than a~~
14 ~~safety helmet,~~] required by rules adopted by the
15 director.

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

4 (b) Notwithstanding subsection (a) and section 291C-195,
5 no person shall operate a moped or motor scooter leased from a
6 rental company on any roadway in the State unless the person
7 wears a safety helmet, which shall be provided by the rental
8 company unless the person provides the person's own safety
9 helmet; provided that this subsection shall not apply to persons
10 who possess a valid license under this chapter to operate a
11 motorcycle or an equivalent license issued from another
12 state. To meet the requirements of this subsection, the safety
13 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 (1) Safety glasses, goggles, or a face shield, in the case
19 of a motorcycle or motor scooter that is not equipped
20 with a windscreens or windshields; ~~and~~
- 21 (2) A safety helmet that has a chin strap; provided that
22 any person to whom a motorcycle or motor scooter is

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1 leased or rented may furnish a safety helmet for the
2 person's own use; and

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

10 For the purposes of meeting the requirements of this subsection,
11 a required device shall meet the specifications and requirements
12 established by rules adopted by the director.

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

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

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

5 (1) Has three wheels;

6 [~~(2) Is powered by an electric motor,~~

7 ~~(3)] (2) Has a roll bar, roll cage, or full body enclosed
8 cab; and~~

9 [~~(4)] (3) Has a seat belt assembly or a child~~

10 restraint system for the driver and the passenger;

11 and the operator and passenger uses the seat belt or

12 child restraint system pursuant to sections 291-11.5

13 and 291-11.6."

14 SECTION 2. Section 291C-195, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Notwithstanding section 286-81(b), no person:

17 (1) Less than fifteen years of age shall drive a moped on
18 a highway, street, roadway, or any other public
19 property in the State; and

20 (2) [~~Less than eighteen years of age shall~~] Shall drive a
21 moped unless the person wears a safety helmet securely
22 fastened with a chin strap.

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1 The safety helmet shall meet the specifications and requirements
2 established by rules adopted by the director."

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

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

9

BY REQUEST

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Report Title:

Highway Safety; Safety Equipment; Protective Devices;
Motorcycles, Motor Scooters, and Mopeds

Description:

Requires operators and passengers of motorcycles, motor scooters, to wear a helmet secured by a chin strap. Requires operators of a moped to wear a helmet with a chin strap.

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

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JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO PROTECTIVE DEVICES FOR MOTORCYCLES, MOTOR SCOOTERS, AND MOPEDS.

PURPOSE: To require operators and passengers of motorcycles and motor scooters to wear a helmet secured by a chin strap and require operators of a moped to wear a helmet with a chin strap.

MEANS: Amend sections 286-81 and 291C-195(a), Hawaii Revised Statutes.

JUSTIFICATION: Motorcycles and motor scooter registrations represent approximately only 3 percent of registered vehicles in the State of Hawaii. Yet, in 2021, motorcycle and moped operators and their passengers represented 35 percent of all the roadway fatalities.

In 2021, Hawaii gas prices were at an average of \$4.08 a gallon that probably caused more people to purchase and operate more motorcycles and mopeds instead of motor vehicles. With the additional motorcycles and mopeds on the roadways, the fatalities rose from 18 in 2020 to 33 in 2021. Of these 33 fatalities, 32 were the vehicle operator and one was a passenger.

Of the 33 riders, 21 riders (64 percent) were not wearing helmets. Helmets are still the best way to save lives and prevent head injuries. Hawaii only has a partial helmet law that only requires helmets for those under the age of 18 years old.

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Impact on the public: This bill will lessen the impact on motorcycle, motor scooter, and moped riders involved in crashes.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: TRN-595.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.