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# A BILL FOR AN ACT

RELATING TO TWO-WHEELED MOTORIZED VEHICLES.

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

1           SECTION 1. The legislature finds that vehicular safety has  
2 significantly improved in recent decades. Seatbelts have become  
3 mandatory, drivers cannot exceed a blood alcohol content of  
4 0.008 while legally operating a vehicle, car seats and booster  
5 seats for children have become mandatory, and cell phone usage  
6 while driving has been restricted. These changes have increased  
7 safety on our roads and survivability in the case of accidents.  
8 While there was resistance to each of these safety measures,  
9 they have all become normalized and largely seen as necessary  
10 precautions to promote public safety.

11           The legislature further finds that operators and passengers  
12 two-wheeled motorized vehicles are particularly susceptible to  
13 injuries and fatalities, as they are fully exposed and lack the  
14 protections of cars and other vehicles. One of the easiest  
15 methods to increase survivability and lower the chances of brain  
16 injury during a crash is to wear a helmet. In cases involving  
17 crashes, national statistics show that motorcycle helmets are



1 thirty-seven per cent and forty-one per cent effective in  
2 preventing deaths of operators and passengers respectively, and  
3 sixty-seven per cent effective at preventing head injuries. The  
4 data clearly shows that wearing a helmet can save lives.

5 Accordingly, the purpose of this Act is to require all  
6 operators and passengers of two-wheeled motorized vehicles to  
7 wear safety helmets with securely fastened chin straps while  
8 operating or riding on two-wheeled motorized vehicles on  
9 highways, streets, roadways, or any other public property in the  
10 State.

11 SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14 "§286- Two-wheeled motorized vehicles; helmets. (a)  
15 All operators and passengers of two-wheeled motorized vehicles  
16 shall wear a safety helmet with a securely fastened chin strap  
17 that meets the specifications and requirements established by  
18 rules adopted by the director while operating two-wheeled  
19 motorized vehicles on highways, streets, roadways, or any other  
20 public property in the State.



1        (b) For the purposes of this section, "two-wheeled  
2 motorized vehicle" means any motor vehicle, moped, motor  
3 scooter, electric bicycle, electric foot scooter, or any other  
4 vehicle that is at least partially self-propelled, and has two  
5 wheels in contact with the ground."

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

8        **"§286-81 Motorcycle, motor scooter, moped, etc.;**

9 **protective devices.** (a) No person shall operate a motorcycle  
10 or motor scooter, on any highway in the State unless the person  
11 and any passenger the person carries on the motorcycle or motor  
12 scooter wears:

13        (1) Safety glasses, goggles, or a face shield, in the case  
14        of a motorcycle or motor scooter that is not equipped  
15        with windscreens or windshields; and

16        (2) Any other protective devices [~~other than a safety~~  
17 ~~helmet,~~] required by law or rules adopted by the  
18 director.

19 For the purpose of meeting the requirements of this subsection,  
20 a required device shall meet the specifications and requirements  
21 established by rules adopted by the director.



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

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

15 (1) Safety glasses, goggles, or a face shield, in the case  
16 of a motorcycle or motor scooter that is not equipped  
17 with windscreens or windshields; and

18 (2) Any other protective devices required by the rules  
19 adopted by the director for the use of the person or  
20 persons intending to operate or ride as a passenger on  
21 the motorcycle or motor scooter; provided that any



1 person to whom a motorcycle or motor scooter is leased  
2 or rented may furnish for the person's own use the  
3 protective devices required by this part.

4 For the purposes of meeting the requirements of this subsection,  
5 a required device shall meet the specifications and requirements  
6 established by rules adopted by the director.

7 (d) No person shall sell, offer for sale, or furnish any  
8 safety helmet, safety glasses, goggles, face shield, windscreen,  
9 windshield, or other protective devices represented to meet the  
10 requirements of this part unless the device meets the  
11 specifications and requirements established by rules adopted by  
12 the director.

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

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

20 (1) Has three wheels;

21 (2) Is powered by an electric motor;



1 (3) Has a roll bar, roll cage, or full body enclosed cab;  
2 and

3 (4) Has a seat belt assembly or a child restraint system  
4 for the driver and passenger;

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

7 SECTION 4. Section 291C-139, Hawaii Revised Statutes, is  
8 amended as follows:

9 1. By amending (d) to read:

10 "(d) No person under fifteen years of age shall operate an  
11 electric foot scooter on a highway, street, roadway, or any  
12 other public property in the State. [~~No person under sixteen  
13 years of age shall operate an electric foot scooter unless the  
14 person wears a safety helmet securely fastened with a chin  
15 strap. The safety helmet shall meet the specifications of and  
16 requirements for a bicycle helmet as set out in section 291C-  
17 150.]"~~

18 2. By amending subsection (j) to read:

19 "(j) A person or entity that provides electric foot  
20 scooters for hire shall not rent or lease an electric foot  
21 scooter to any person unless:



1           (1) Each renter or lessee [~~that is under the age of~~  
 2           ~~sixteen~~] wears a safety helmet [~~, as required by~~  
 3           ~~subsection (d),~~] while operating the electric foot  
 4           scooter; and

5           (2) Each renter or lessee is provided with a copy of the  
 6           electric foot scooter ordinances or rules that have  
 7           been adopted by the applicable county."

8           SECTION 5. Section 291C-195, Hawaii Revised Statutes, is  
 9           amended by amending subsection (a) to read as follows:

10          "(a) Notwithstanding section 286-81(b), no person [~~+~~  
 11          ~~(1) Less~~] less than fifteen years of age shall drive a  
 12          moped on a highway, street, roadway, or any other  
 13          public property in the State [~~+~~and

14          ~~(2) Less than eighteen years of age shall drive a moped~~  
 15          ~~unless the person wears a safety helmet securely~~  
 16          ~~fastened with a chin strap.~~

17          ~~The safety helmet shall meet the specifications and requirements~~  
 18          ~~established by rules adopted by the director]."~~

19          SECTION 6. This Act does not affect rights and duties that  
 20          matured, penalties that were incurred, and proceedings that were  
 21          begun before its effective date.

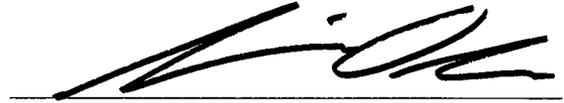


1 SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:



JAN 17 2025



# H.B. NO. 537

**Report Title:**

Two-wheeled Motorized Vehicle; Moped; Motor Scooter; Bicycle;  
Electric Foot Scooter; Helmet

**Description:**

Requires all operators and passengers of two-wheeled motorized vehicles to wear safety helmets with securely fastened chin straps while operating two-wheeled motorized vehicles on highways, streets, roadways, or any other public property in the State. Defines "two-wheeled motorized vehicles".

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