
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 0.08
4 while legally operating a vehicle, car seats and booster seats
5 for children have become mandatory, and cell phone usage while
6 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 of two-wheeled motorized vehicles, like motorcycles, are
13 particularly susceptible to injuries and fatalities, as they are
14 fully exposed and lack the protections of cars and other
15 vehicles. One of the easiest methods to increase survivability
16 and lower the chances of brain injury during a crash is to wear
17 a helmet. In cases involving crashes, national statistics show



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

6 Accordingly, the purpose of this Act is to:

- 7 (1) Repeal the exception for when a person is not required
8 to wear a safety helmet when operating a moped or
9 motor scooter leased from a rental company;
- 10 (2) Require all operators and passengers of motorcycles to
11 wear safety helmets with securely fastened chin straps
12 while operating or riding on a motorcycle on highways,
13 streets, roadways, or any other public property in the
14 State; and
- 15 (3) Require all renters or lessees of an electric foot
16 scooter to wear a safety helmet regardless of their
17 age.

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

20 **"§286-81 Motorcycle, motor scooter, moped, etc.;**
21 **protective devices.** (a) No person shall operate a motorcycle



1 or motor scooter, on any highway in the State unless the person
2 and any passenger the person carries on the motorcycle or motor
3 scooter wears:

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

7 (2) Any other protective devices, other than a safety
8 helmet[7] for an operator or passenger of a motor
9 scooter, required by rules adopted by the director.

10 For the purpose 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 (b) Notwithstanding subsection (a) and section 291C-195,
14 no person shall operate a moped or motor scooter leased from a
15 rental company on any roadway in the State unless the person
16 wears a safety helmet, which shall be provided by the rental
17 company unless the person provides the person's own safety
18 helmet[; ~~provided that this subsection shall not apply to~~
19 ~~persons who possess a valid license under this chapter to~~
20 ~~operate a motorcycle or an equivalent license issued from~~
21 ~~another state~~]. To meet the requirements of this subsection,



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

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

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

9 (2) Any other protective devices required by the rules
10 adopted by the director for the use of the person or
11 persons intending to operate or ride as a passenger on
12 the motorcycle or motor scooter; provided that any
13 person to whom a motorcycle or motor scooter is leased
14 or rented may furnish for the person's own use the
15 protective devices required by this part.

16 For the purposes of meeting the requirements of this subsection,
17 a required device shall meet the specifications and requirements
18 established by rules adopted by the director.

19 (d) No person shall sell, offer for sale, or furnish any
20 safety helmet, safety glasses, goggles, face shield, windscreen,
21 windshield, or other protective devices represented to meet the



1 requirements of this part unless the device meets the
2 specifications and requirements established by rules adopted by
3 the director.

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

8 (f) No person shall operate or ride as a passenger on a
9 motorcycle on any highway, street, roadway, or other public
10 property in the State unless the person wears a safety helmet
11 securely fastened with a chin strap that meets the
12 specifications and requirements established by rules adopted by
13 the director.

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

17 (1) Has three wheels;

18 (2) Is powered by an electric motor;

19 (3) Has a roll bar, roll cage, or full body enclosed cab;

20 and



1 (4) Has a seat belt assembly or a child restraint system
2 for the driver and passenger[+],
3 and the operator and passenger uses the seat belt or child
4 restraint system pursuant to sections 291-11.5 and 291-11.6."

5 SECTION 3. Section 291C-139, Hawaii Revised Statutes, is
6 amended by amending subsection (j) to read as follows:

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

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

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

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Motorcycles; Moped and Motor Scooter Rentals; Electric Foot
Scooter Rentals; Helmets

Description:

Repeals the exception for when a person is not required to wear a safety helmet when operating a moped or motor scooter leased from a rental company. Requires operators and passengers of motorcycles 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. Requires all renters or lessees of an electric foot scooter to wear a safety helmet regardless of their age. Effective 7/1/3000. (HD1)

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