

ACT 264

S.B. NO. 587

A Bill for an Act Relating to Bicycle and Moped Licenses.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 249-14, Hawaii Revised Statutes, is amended to read as follows:

“§249-14 Bicycle and moped [tax.] fee. (a) [All bicycles and mopeds used for the conveyance of persons] Bicycles having two tandem wheels that are twenty inches or more in diameter and all mopeds are required to be registered and shall be subject to [an annual tax of \$3 each] a biennial registration fee of \$8, to be paid by the owners thereof to the director of finance.

(b) An owner of a bicycle having two tandem wheels that are less than twenty inches in diameter is not required to register such bicycle, but may do so to facilitate the return of recovered stolen bicycles by payment of the biennial fee. [This tax] The biennial registration fee shall become due and payable on January 1 and shall be delinquent on March 1 [of each year]; provided that any bicycle or moped initially acquired after [November 30] October 31 [of a calendar year], previously not registered, shall be exempt from [taxation] the biennial registration fee until January 1 of the next calendar year[,]; provided that the [tax] biennial registration fee for the next [calendar year] biennium shall be paid before January 1. The biennial registration of bicycles and mopeds shall expire on December 31 of the second year and may be renewed by the owners beginning November 1 of the second year. The fee collected shall not be refunded or prorated. Upon receipt of the [tax,] fee, the director of finance shall number and register each bicycle and moped for which the [tax] fee is paid, in the owner's name and furnish the owner with a metallic tag or decal for each bicycle or moped with number and year marked thereon, [charging therefor the sum of 10 cents,] which tag or decal shall be attached to the bicycle or moped. On bicycles the decal shall be affixed to the upright post attached to the sprocket facing in the forward direction. On mopeds the decal shall be affixed to the lower portion of the rear fender facing rearward. Upon initial registration by an owner or transferee, the director of finance shall require proof of ownership and require the owner to furnish verification of the serial number and description contained in the proof of ownership and application for registration. The metallic tags or decals shall be in such form as the director of finance shall from time to time prescribe. It shall be the duty of the [council] director of finance of each county to purchase a sufficient number of such tags or decals.

[(b)] (c) All [taxes] fees collected under this section shall be deposited into the bikeway fund and shall be expended in the county in which the [taxes] fees are collected as provided in section 249-17.5.”

SECTION 2. Section 249-14.3, Hawaii Revised Statutes, is amended to read as follows:

“[§249-14.3] Exemption from [tax] fee and tag. Any bicycle [owned and] brought into the State [by any person] shall be exempt from [this chapter

relative to] the payment of [taxes] fees and display of State of Hawaii bicycle tag for the remaining period [of the year] for which the taxes or fees have been paid on such bicycle [by the owner] in compliance with the law of the state or country [of the owner's residence, and shall display on the] from which it was brought, if the bicycle [the] displays a tag for the current year as required by the law of such state or country."

SECTION 3. Section 249-14.5, Hawaii Revised Statutes, is amended to read as follows:

"§249-14.5 New bicycles and mopeds. All new bicycles and mopeds, otherwise [taxable] requiring the payment of fees under section 249-14, held in stock for purposes of sale shall be exempt from the [tax] fee. [herein provided for; provided that at] At the time of first sale, the dealer selling the new bicycle or moped shall:

- (1) Require the buyer to complete a license application [forms] form furnished by the director of finance;
- (2) Issue a copy of the completed [forms] form to the buyer; and
- (3) Transmit a copy of the completed [forms] form to the director of finance with the required [tax and] fees which the dealer has collected from the buyer.

Upon receipt of the [tax, fees,] fee and the completed license application [forms,] form, the director of finance shall mail a tag or decal and certificate of registration to the registered owner. Until the tag or decal is received [from the county], the bicycle or moped owner shall keep a copy of the completed application form upon the owner's person when riding the [owner's] bicycle or moped on a public street."

SECTION 4. Section 249-15, Hawaii Revised Statutes, is amended to read as follows:

"§249-15 Seizure and sale. The directors of finance [, and deputy director of finance and], any person authoritatively acting on behalf of the director of finance, or [deputy director of finance and all members of the] any member of a police force of the several [districts] counties of the State may seize any bicycle or moped liable [to taxation] for the payment of the required fees or which has no tag or decal affixed as required by section 249-14, and may hold the bicycle or moped for a period of ten days, during which time it shall be subject to redemption by its owner on payment of the [tax] fee due and a penalty of [50 cents.] \$1. All bicycles and mopeds not so redeemed shall be sold by [any] the county chief of police [or the chief's authorized subordinate, or director of finance or deputy director of finance,] or director of finance or their authorized representative, at public auction after first giving five [days'] days public notice of the time and place of sale by advertisement in a newspaper [published in the district, if any,] of general circulation in the [or by posting notices in at least three public places in the district] county where the sale is to be held. Sale shall be made for the best price obtainable, which amount shall be forthwith paid over to the director of finance [or the director's deputy], accompanied by a statement containing a description of the bicycles or mopeds, their serial number, makes, and any other marks of identification. The director of finance [or the director's deputy] shall [thereupon], after deducting from the amount so received the amount of the [tax] fee and penalty due and costs of advertising, pay [over] any surplus to the previous registered owners of the bicycles or mopeds [any surplus there may be if it is possible to ascertain who the owners are]. If at the expiration of ninety days the previous registered owners remain unknown, the surplus shall be paid into the treasury of the county, as a government realization, and all claims to such sums shall be forever barred."

SECTION 5. Section 249-16, Hawaii Revised Statutes, is amended to read as follows:

“§249-16 Duplicate bicycle and moped tags. In the event that a bicycle or moped tag furnished under section 249-14 is lost, the person to whom it was furnished may obtain a duplicate thereof by presenting to the county director of finance [or the director’s deputy] the number and registration of the bicycle or moped involved. There shall be [charged] a charge of \$2 for the duplicate tag [issued the sum of 10 cents].”

SECTION 6. Section 249-17, Hawaii Revised Statutes, is amended to read as follows:

“§249-17 False tag, bicycle or moped, penalty. Any person who uses a tag not furnished in accordance with section 249-14, [or uses any tag described in such section for two consecutive years,] or who counterfeits any such tag or who fraudulently removes such a tag from any bicycle or moped, shall be fined not more than \$500.”

SECTION 7. Section 249-17.5, Hawaii Revised Statutes, is amended to read as follows:

“§249-17.5 Bikeway fund; established. All [taxes] fees collected under section 249-14 and 249-14.5 shall be deposited in a fund to be known as the “bikeway fund” and shall be expended in the county in which the [taxes] fees are collected for the following purposes:

- (1) For acquisition, design, construction, improvement, repair, and maintenance of bikeways, including the installation and repair of storm drains and bridges;
- (2) For installation, maintenance, and repair of bikeway lights and power, including replacement of old bikeway lights;
- (3) For purposes and functions connected with traffic control and preservation of safety upon bikeways;
- (4) For payment of interest on and redemption of bonds issued to finance bikeway construction and improvements; and
- (5) For the promotion of bicycling transportation and recreation.”

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect November 1, 1988.

(Approved June 13, 1988.)