

ACT 197

H.B. NO. 931

A Bill for an Act Relating to Mopeds.

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

SECTION 1. Section 291C-195, Hawaii Revised Statutes, is amended to read as follows:

“§291C-195 Driving of mopeds. (a) No person less than fifteen years of age shall drive a moped on a highway, street, roadway, or any other public property in the [State.] state. No person less than eighteen years of age shall drive a moped unless the person wears a safety helmet securely fastened with a chin strap. The safety helmet shall meet the specifications and requirements established by rules adopted by the director.

(b) No person shall drive a moped except while sitting astride the seat, facing forward, with one leg on each side of the moped.

(c) No person shall drive a moped which is carrying any other person nor shall any person other than the driver ride upon a moped.

(d) Subsections (b) and (c) shall not apply to three-wheeled mopeds designed to carry a driver and passenger seated side by side.

(e) Three-wheeled mopeds shall be insured for liability and property damage, excluding personal injury protection.”

SECTION 2. Section 291C-196, Hawaii Revised Statutes, is amended to read as follows:

“§291C-196 Driving mopeds on roadways. (a) Every person driving a moped, except a three-wheeled moped, upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction, except under any of the following situations:

- (1) When preparing for a left turn at an intersection or into a private road or driveway, except where prohibited by official traffic-control devices;
- (2) When reasonably necessary to avoid conditions (including, but not limited to fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge; and
- (3) When a roadway is designated and signposted to carry traffic in one direction only and has two or more marked traffic lanes, a person operating a moped may ride as near to the left-hand side of the roadway as practicable.

(b) Persons driving mopeds upon a roadway shall drive in single file.

(c) No person shall drive a moped on any sidewalk or area intended for use as a sidewalk, nor shall any person drive a moped on any path or other area intended for the exclusive use of pedestrians.

(d) A three-wheeled moped shall be restricted to traveling on roadways with a posted speed limit of thirty-five miles per hour or less.”

SECTION 3. Section 291C-197, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~291C-197~~§~~ Driving mopeds on bicycle lanes and paths. (a) Whenever bicycle lanes are provided on the roadway, moped drivers shall use such bicycle lanes.

(b) The director of transportation by rule and the counties by ordinance may with respect to bicycle paths under their respective jurisdictions restrict or prohibit the use of such bicycle paths by mopeds. Signs clearly visible to an ordinarily observant person indicating the restriction or prohibition shall be placed along bicycle paths so designated and every moped driver shall obey the directions thereof.

(c) This section shall not apply to a three-wheeled moped.”

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

SECTION 5. This Act shall take effect on July 1, 2008.

(Approved June 19, 2008.)