

A Bill for an Act Relating to Mopeds.

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

SECTION 1. Chapter 249, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§249- Number plates for mopeds; registration.** (a) The director of finance shall cause to be produced number plates and tags or emblems for the registration of mopeds operated in the State.

(b) The director of finance shall number and register the moped in the owner's name in a permanent record or book to be kept by the director of finance for this purpose, and shall furnish the owner thereof with a receipt showing upon its face the license number issued for the moped. The registration of mopeds shall occur on a staggered basis as agreed upon by the counties' director of finance. The registration fee shall be \$27 per year. The director of finance shall also furnish the owner, upon the original registration of the moped, one plate with the registration number marked thereon. Upon the payment of a registration fee for each year, a tag or emblem bearing a serial number and the month and year of expiration shall be provided to the owner. Transfer of current number plates, tag, or emblem, except as authorized by this chapter, is punishable by a fine of not more than \$50 for each offense.

(c) Upon an original registration the director of finance shall fix, and shall charge to the owner, a fee equal to the cost of the number plate and tag or emblem plus the administrative cost of furnishing the plate and tag or emblem and effecting the registration. Upon the issuance of a new series of number plates, the director of finance shall charge the owner a fee equal to the costs of the number plate plus the administrative cost of furnishing the plate. Upon issuing a tag or emblem, the director of finance shall charge the owner a fee of 50 cents. The owner shall securely fasten the number plate on the rear of the moped at a location provided by the manufacturer or in the absence of such a location upon the bumper of the moped and in conformance with section 291-31, in such a manner as to prevent the plate from swinging. The number plate shall at all times be displayed entirely unobscured and be kept reasonably clean.

(d) Upon the issuance of the tag or emblem, the owner shall affix the tag or emblem to the top right portion of the rear number plate.”

SECTION 2. Section 249-14, Hawaii Revised Statutes, is amended to read as follows:

**“§249-14 Bicycle [~~and-moped~~] fee.** (a) 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 a permanent registration fee of \$15, 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 registration fee. The fee collected shall not be refunded or prorated. Upon receipt of the fee, the director of finance shall number and register each bicycle [~~and-moped~~] for which the fee is paid, in the owner's name and furnish the owner with a metallic tag or decal for each bicycle [~~or moped~~] which 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 a form as the director of finance shall from time to time prescribe. It shall be the duty of the director of finance of each county to purchase a sufficient number of these tags or decals.

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

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 requiring the payment of fees under section 249-14, held in stock for purposes of sale shall be exempt from the fee. At the time of first sale, the dealer selling the new bicycle or moped shall:

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

Upon receipt of the fee and the completed license application form, the director of finance shall mail a license plate and tags or emblems for mopeds, or tag or decal for bicycles, and certificate of registration to the registered owner. Until the license plate and tags or emblems for mopeds, or<sup>1</sup> tag or decal for bicycles, is received, the bicycle or moped owner shall keep a copy of the completed application form upon the owner’s person when riding the 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, any person authoritatively acting on behalf of the director of finance, or any member of a police force of the several counties of the State may seize any bicycle or moped liable for the payment of the required fees or which has no tag or decal affixed as required by section 249-14 for bicycles, or license plate and tag or emblem affixed as required by section 249- for mopeds, 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 fee due and a penalty of [~~\$1~~] **\$25**. All bicycles and mopeds not so redeemed shall be sold by the county chief of police or director of finance or their authorized representative, at public auction after first giving five days public notice of the time and place of sale in the 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, 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, after deducting from the amount so received the amount of the fee and penalty due and costs of giving public notice, shall pay any surplus to the previous registered owners of the bicycles or mopeds. If at the expiration of ninety days the previous registered owners remain unknown, the surplus shall be paid into the treasury of the

## ACT 200

county, as a government realization, and all claims to the 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~~ tag; duplicate moped license plate and tag; and duplicate certificates of registration.** In the event that a bicycle ~~[or moped]~~ tag or certificate of registration furnished under section 249-14 or 249-14.2 ~~or moped license plate, tag, or certificate of registration furnished under section 249-~~ is lost, stolen, or mutilated, or becomes illegible, the person to whom it was furnished may obtain a duplicate thereof by presenting to the county director of finance the number and registration of the bicycle or moped involved. There shall be a charge of \$2 for the duplicate ~~tag, a fee as determined by the county director of finance for the duplicate license plate,~~ and \$5 for the duplicate certificate of registration.”

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

“**§249-17 False tag, license plate,<sup>2</sup> bicycle or moped, penalty.** Any person who uses a ~~tag, or license plate,~~ not furnished in accordance with section 249-14 ~~or section 249-~~, or who counterfeits any such ~~tag, or license plate,~~ or who fraudulently removes such a ~~tag, or license plate,~~ from any bicycle or moped, shall be fined not more than \$500.”

SECTION 7. Section 286-21, Hawaii Revised Statutes, is amended to read as follows:

“**§286-21 Vehicles ~~and mopeds~~ without required equipment or in unsafe condition.** No person shall drive or cause to move on any highway any motor vehicle, ~~moped,~~ trailer, semitrailer, or pole trailer, or any combination thereof, unless the equipment thereon is in good working order and adjustment as required in this part ~~[so as not to]~~ ~~and does not~~ endanger the driver or other occupant or any person upon the highway.”

SECTION 8. Section 286-22, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) The chief of police or any police officer of any county may, at any time when the chief of police or police officer has reasonable cause to believe that a vehicle ~~or moped~~ is unsafe or not equipped as required by law, require the owner or driver of the vehicle ~~or moped~~ to submit the vehicle ~~or moped~~ to an inspection or make the necessary corrections or repairs.

(b) If the vehicle ~~or moped~~ is found to be in an unsafe condition or if any required part or equipment is not present or if any required part or equipment is present but not in proper repair, the officer shall issue a citation to the owner or driver stating the reasons that the vehicle ~~or moped~~ is deemed unsafe ~~or is not equipped as required~~ and shall require that a new certificate of inspection as provided in section 286-26 be obtained within five days or that the defect be cured.

(c) If upon inspection, the chief of police or any police officer determines that any vehicle ~~or moped~~ is in such unsafe condition as to constitute a menace to the public ~~or is not equipped as required~~ and cannot reasonably be restored to a safe condition as required in this part, the chief of police or police

officer shall remove the sticker which signifies the certificate of inspection and inform the director of finance who shall ~~forthwith~~ immediately suspend the registration of the vehicle or moped and give notice of the suspension to its owner. Whenever the director of finance has suspended the registration of any vehicle or moped under this part, the owner of the vehicle or moped shall immediately surrender and forward to the director of finance the certificate of registration and the license plates last issued upon registration of the vehicle for the current year.”

SECTION 9. Section 286-23, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) No person shall operate any vehicle or moped after receiving a citation with reference thereto as provided in section 286-22(b), except that if the driver is authorized to do so by the police officer, the driver may return the vehicle or moped to the driver’s residence or place of business or the residence or place of business of the owner of the vehicle[-] or moped, or to an automotive repair shop, if within a distance of twenty miles, until a certificate of inspection is obtained or the necessary corrections or repairs are made.”

SECTION 10. Section 286-25, Hawaii Revised Statutes, is amended to read as follows:

“§286-25 **Operation of a vehicle or moped without a certificate of inspection.** Whoever operates, permits the operation of, causes to be operated, or parks any vehicle or moped on a public highway without a current official certificate of inspection, issued under section 286-26, shall be fined not more than \$100.”

SECTION 11. Section 286-26, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a), (b), (c), (d), and (e) to read:

“(a) The following vehicles shall be certified as provided in subsection (e) once every year:

- (1) Trucks, truck-tractors, semitrailers, and pole trailers having a gross vehicle weight rating of more than 10,000 pounds;
- (2) Buses;
- (3) Rental or U-drive motor vehicles two years of age or older; [~~and~~]
- (4) Taxicabs[-]; and
- (5) Mopeds.

Ambulances shall be certified as provided in subsection (e) once every six months.

(b) All other vehicles, including motorcycles, mopeds, trailers, semitrailers, and pole trailers having a gross vehicle weight rating of 10,000 pounds or less, and antique motor vehicles as defined in section 249-1, except those in subsections (c) and (d), shall be certified as provided in subsection (e) every twelve months; provided that any vehicle to which this subsection applies, except a moped, shall not require inspection within two years of the date on which the vehicle was first sold.

(c) Any vehicle or moped that has been involved in an accident shall be certified as provided in subsection (e) before it is operated again if:

- (1) It is determined by a police officer or an insurer that the vehicle’s or moped’s equipment has been damaged so as to render the vehicle or moped unsafe; or
- (2) It is rebuilt or restored.

(d) Every vehicle or moped shall be certified prior to the issuance of a temporary or permanent registration by the director of finance and prior to the

transfer of any registration; provided that this requirement shall not apply to a subsequent transfer of registration in a vehicle or moped that carries a current certificate of inspection.

(e) Upon application for a certificate of inspection to be issued for a vehicle<sup>[,]</sup> or moped, an inspection as prescribed by the director under subsection (g) shall be conducted on the vehicle<sup>[,]</sup> or moped, and if the vehicle or moped is found to be in a safe operating condition, a certificate of inspection shall be issued upon payment of a fee to be determined by the director. The certificate shall state the effective date, the termination date, the name of the issuing insurance carrier, and the policy number of the motor vehicle insurance identification card for the inspected motor vehicle as specified by section 431:10C-107 or state the information contained in the proof of insurance card as specified by section 431:10G-106. A sticker, authorized by the director, shall be affixed to the vehicle or moped at the time a certificate of inspection is issued. An inspection sticker which has been lost, stolen, or destroyed shall be replaced without reinspection by the inspection station that issued the original inspection sticker upon presentation of the ~~vehicle's~~ current certificate of inspection; provided that the current certificate of inspection and inspection sticker shall not have expired at the time the replacement is requested. The director shall adopt rules to determine the fee for replacement of lost, stolen, or destroyed inspection stickers.”

2. By amending subsection (i) to read:

“(i) As part of the inspection required by this section, the owner of the vehicle to be inspected, except for mopeds, shall produce and display the motor vehicle insurance identification card for the inspected motor vehicle required by section 431:10C-107 or the proof of insurance card required by section 431:10G-106. If no card is displayed, then the sticker authorized by the director shall not be affixed to the vehicle and the certificate of inspection shall not be issued.”

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>3</sup>

SECTION 13. This Act shall take effect on January 1, 2017; provided that the staggering of registration and issuance of license plates for the current permanent registered mopeds shall be completed by December 31, 2017.

(Approved July 5, 2016.)

#### Notes

1. Prior to amendment “the” appeared here.
2. “License plate,” should be underscored.
3. Edited pursuant to HRS §23G-16.5.