

## ACT 85

S.B. NO. 2118

A Bill for an Act Relating to Traffic Violations.

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

SECTION 1. The legislature finds that the current language in section 291C-194, Hawaii Revised Statutes, has created confusion for law enforcement regarding its applicability. This section relates specifically to moped operation and the requirement to possess and present a valid driver's license upon request by a police officer. Section 291C-194, Hawaii Revised Statutes, is necessary to define the immediate license possession requirement specifically for moped operation and aligns with the same requirement for operators of all other motor vehicles covered under section 286-116, Hawaii Revised Statutes.

The legislature recognizes, however, that section 291C-194, Hawaii Revised Statutes, could also be interpreted to conflict with section 286-102, Hawaii Revised Statutes, which requires a driver of a moped to be properly licensed to operate a moped.

Accordingly, the purpose of this Act is to amend section 291C-194, Hawaii Revised Statutes, to clarify that this law relates specifically to the requirement for an operator of a moped to have in their immediate physical possession their current driver's license or instruction permit and to present it to a police officer upon demand.

SECTION 2. Section 291C-194, Hawaii Revised Statutes, is amended by amending the title and subsection (a) to read as follows:

**“§291C-194 Driver's license possession; required.** (a) No person shall drive a moped unless the person[:

(1) ~~Possesses a valid driver's license of any category listed in section 286-102 or 286-239; and~~

(2) ~~Meets the requirements of section 286-105(3);]~~

is in immediate possession of a valid driver's license or instruction permit at all times.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)