

JAN 19 2007

A BILL FOR AN ACT

RELATING TO MOTOR SCOOTER AND MOPED HELMET USAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 63, Session Laws of Hawaii 2006, requires a
2 person under the age of eighteen to wear a safety helmet when
3 operating a moped or riding as a passenger on a moped. The
4 legislature finds that helmets should be required to be worn by
5 all persons while operating or riding as a passenger on a moped,
6 or while operating or riding as a passenger on a motor scooter,
7 regardless of age. The same safety and policy issues pertain to
8 a motor scooter, which is only slightly more powerful, as to a
9 moped.

10 The purpose of this Act is to require all persons to wear a
11 helmet while operating or riding as a passenger on a moped, or
12 while operating or riding as a passenger on a motor scooter.

13 SECTION 2. Section 286-81, Hawaii Revised Statutes, is
14 amended by amending subsections (a) and (b) to read as follows:

15 "(a) No person shall:

16 (1) Operate a motorcycle or motor scooter, on any highway
17 in the State unless the person and any passenger the



1 person carries on the motorcycle or motor scooter
2 wears:

3 (A) A safety helmet with a chinstrap for secure
4 fastening, in the case of a motor scooter;

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

9 ~~[(B)]~~ (C) Any other protective devices, other than a
10 safety helmet~~[7]~~ in the case of a motorcycle, as
11 required by rules adopted by the director.

12 For the purpose of meeting the requirements of this
13 paragraph, a required device shall meet the
14 specifications and requirements established by rules
15 adopted by the director;

16 (2) Lease or rent a motorcycle or motor scooter to another
17 person unless the person furnishes:

18 (A) A safety helmet with a chin strap for secure
19 fastening, in the case of a motor scooter;

20 ~~[(A)]~~ (B) Safety glasses, goggles, or a face shield,
21 in the case of a motorcycle or motor scooter that

1 is not equipped with windscreens or windshields;
2 and

3 [~~(B)~~] (C) Any other protective devices required by the
4 rules adopted by the director for the use of the
5 person or persons intending to operate or ride as
6 a passenger on the motorcycle or motor scooter;
7 provided that any person to whom a motorcycle or
8 motor scooter is leased or rented may furnish for
9 the person's own use the protective devices
10 required by this part.

11 For the purposes of meeting the requirements of this
12 paragraph, a required device shall meet the
13 specifications and requirements established by rules
14 adopted by the director; or

15 (3) Sell or offer for sale or furnish any safety helmet,
16 safety glasses, goggles, face shield, windscreen,
17 windshield, or other protective devices represented to
18 meet the requirements of this part unless the device
19 meets the specifications and requirements established
20 by rules adopted by the director.

21 (b) No person less than eighteen years of age shall
22 operate or ride as a passenger on a motorcycle [~~or motor~~

1 ~~seeter]~~ on any highway in the State unless the person wears a
2 safety helmet securely fastened with a chin strap."

3 SECTION 3. Section 291C-195, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) No person less than fifteen years of age shall drive
6 a moped on a highway, street, roadway, or any other public
7 property in the state. No person [~~less than eighteen years of~~
8 ~~age]~~ shall drive a moped unless the person wears a safety helmet
9 securely fastened with a chin strap. The safety helmet shall
10 meet the specifications and requirements established by rules
11 adopted by the director."

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

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

15

INTRODUCED BY: *Shianne Chun Oakland*

16

Report Title:

Motor Scooters; Mopeds; Helmets

Description:

Requires all operators and passengers of motor scooters and mopeds to wear helmets.

