

1 The purpose of this part is to require the wearing of a
2 helmet by all persons while operating or riding all-terrain
3 vehicles.

4 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
5 amended by adding a new section to part IV to be appropriately
6 designated and to read as follows:

7 "§286- Operation of all-terrain vehicles; safety
8 helmet. (a) No person shall operate, ride, or otherwise be
9 propelled on an all-terrain vehicle unless the person wears a
10 safety helmet.

11 (b) No person shall lease, rent, loan, or sell an
12 all-terrain vehicle to a person unless the person furnishes a
13 safety helmet for the person operating and riding in the all-
14 terrain vehicle.

15 (c) As used in this section:

16 "All-terrain vehicle" means a motorized flotation-tired
17 vehicle of not less than three low pressure tires, but not more
18 than six tires, that is limited in engine displacement of less
19 than 960 cubic centimeters, and that has a net weight of not
20 more than 1,800 pounds.

21 "Safety helmet" means a helmet that:



1 SECTION 5. The legislature finds that operators and
2 passengers of motor scooters require the same protection as
3 operators and riders of motorcycles.

4 The purpose of this part is to require motor scooter
5 operators and passengers to wear safety helmets.

6 SECTION 6. Section 286-81, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§286-81 Motorcycle, motor scooter, etc.; protective**
9 **devices.** (a) No person shall:

10 (1) Operate a motorcycle or motor scooter, on any highway
11 in the State unless the person and any passenger the
12 person carries on the motorcycle or motor scooter
13 wears:

14 (A) Safety glasses, goggles, or a face shield, in the
15 case of a motorcycle or motor scooter that is not
16 equipped with windscreens or windshields; and

17 (B) ~~[Any]~~ A safety helmet and other protective
18 devices [~~other than a safety helmet,~~] required
19 by rules adopted by the director.

20 For the purpose of meeting the requirements of this
21 paragraph, a required device shall meet the



1 specifications and requirements established by rules
2 adopted by the director;

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

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

9 (B) Any other protective devices required by the
10 rules adopted by the director for the use of the
11 person or persons intending to operate or ride as
12 a passenger on the motorcycle or motor scooter;
13 provided that any person to whom a motorcycle or
14 motor scooter is leased or rented may furnish for
15 the person's own use the protective devices
16 required by this part.

17 For the purposes of meeting the requirements of this
18 paragraph, a required device shall meet the
19 specifications and requirements established by rules
20 adopted by the director; or

21 (3) Sell or offer for sale or furnish any safety helmet,
22 safety glasses, goggles, face shield, windscreen,



1 windshield, or other protective devices represented to
2 meet the requirements of this part unless the device
3 meets the specifications and requirements established
4 by rules adopted by the director.

5 (b) No person [~~less than eighteen years of age~~] shall
6 operate or ride as a passenger on a motorcycle or motor scooter
7 on any highway in the State unless the person wears a safety
8 helmet securely fastened with a chin strap.

9 ~~[(c) A safety helmet shall not be required for any person
10 who operates or rides as a passenger on a motorcycle or motor
11 scooter; provided that the motorcycle or motor scooter:~~

12 ~~(1) Has three wheels;~~

13 ~~(2) Is powered by an electric motor;~~

14 ~~(3) Has a full body enclosed cab; and~~

15 ~~(4) Has a seat belt assembly or a child restraint system
16 for the driver and passenger;~~

17 ~~and the operator and passenger uses the seat belt or child
18 restraint system pursuant to sections 291-11.5 and 291-11.6.] "~~

19 **PART IV**

20 SECTION 7. Current law requiring the wearing of bicycle
21 helmets exempts persons age sixteen and over. The legislature



1 finds that as bicycle riding becomes increasingly commonplace,
2 more protection is needed for all ages.

3 The purpose of this part is to require the use of bicycle
4 helmets for persons of all ages.

5 SECTION 8. Section 291C-150, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

7 "(a) No person [~~under sixteen years of age~~] shall operate
8 a bicycle upon a street, bikeway, or any other public property
9 unless that person is wearing a properly fitted and fastened
10 bicycle helmet that has been tested by a nationally recognized
11 agency such as the National Highway Traffic Safety
12 Administration, the National Safety Council, or the Children's
13 Safety Network, and is designed to fit the user and protect
14 against head trauma. This requirement also applies to a person
15 who rides upon a bicycle while in a restraining seat that is
16 attached to the bicycle or who rides in a trailer towed by the
17 bicycle.

18 (b) A person who provides bicycles for hire shall not rent
19 a bicycle to any person unless [~~every~~] that person [~~who is under~~
20 ~~age sixteen~~] is wearing a bicycle helmet, as required in
21 subsection (a); while operating the rented bicycle, occupying a



1 restraining seat that is attached to the rented bicycle, or
2 riding in a trailer towed by the rented bicycle."

3 **PART V**

4 SECTION 9. The danger of head injuries to moped riders is
5 comparable to or greater than that of motorcycle riders. The
6 Wisconsin department of transportation warns that a moped offers
7 the rider almost no protection in case of a crash. Even at
8 relatively slow moped speeds, head injuries in moped crashes are
9 common.

10 The purpose of this part is to require helmet use for moped
11 riders.

12 SECTION 10. Section 291C-195, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) No person less than fifteen years of age shall drive
15 a moped on a highway, street, roadway, or any other public
16 property in the State.

17 No person [~~less than eighteen years of age~~] shall drive a
18 moped or a three-wheeled moped or ride a moped or a three-
19 wheeled moped as a passenger unless the person wears a [safety
20 helmet securely fastened with a chin strap. The safety helmet
21 shall meet the specifications and requirements established by
22 rules adopted by the director.] properly fitted and fastened



1 motorcycle helmet that is approved in accordance with the
2 standards of the Federal Motor Carrier Safety Administration, 49
3 Code of Federal Regulations Section 571.218."

4 **PART VI**

5 SECTION 11. This Act does not affect rights and duties
6 that matured, penalties that were incurred, and proceedings that
7 were begun before its effective date.

8 SECTION 12. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 13. This Act shall take effect upon its approval.

11



Report Title:

Helmets

Description:

Requires helmet use when operating or riding motorcycles, bicycles, motor scooters, mopeds, and all-terrain vehicles.

(SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

