



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

GOV. MSG. NO. 1330

July 12, 2017

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

Re: HB1258 HD2 SD2 CD1

HB1258 HD2 SD2 CD1, entitled "A BILL FOR AN ACT RELATING TO TRANSPORTATION" will become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This purpose of this bill is to define and establish licensing and registration requirements for autocycles.

There is a concern that the legislative intent was to have autocycles be licensed under section 286-102(b)(3). However, the bill references section 286-102(b)(2) instead. Although this is a substantive error and does raise legal concern, it appears to be a housekeeping error that can be corrected in the next legislative session.

For the foregoing reasons, HB1258 HD2 SD2 CD1 will become law as Act 216, Session Laws of Hawaii 2017, effective July 12, 2017, without my signature.

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§286- Autocycles. (a) Every autocycle, as described
5 in paragraph (2) of the definition of "motorcycle" in section
6 286-2, operated in this State shall first be registered as a
7 motor vehicle as provided in section 286-41.

8 (b) No person shall operate an autocycle on a public
9 street, road, or highway in this State unless the person
10 possesses a valid type 3 driver's license pursuant to section
11 286-102(b) (2) and the autocycle has been duly registered
12 pursuant to subsection (a).

13 (c) Occupants in an autocycle not equipped with a front
14 windshield shall use eye protection.

15 (d) All occupants in an autocycle shall comply with the
16 seat belt requirements under section 291-11.6.



1 (e) All dealers, sellers, lessors, and rental agencies
2 shall be required to disclose the following, if true, regarding
3 each autocycle offered for sale, lease, or rent, as applicable:

4 (1) The autocycle does not meet the federal Motor Vehicle
5 Safety Standards for passenger vehicles and light
6 trucks;

7 (2) The autocycle is not equipped with airbags; and

8 (3) Autocycle rollover protection has not been certified
9 to protect an occupant from injury in the event of a
10 rollover; therefore, the use of a department of
11 transportation certified safety helmet is recommended
12 when operating an autocycle."

13 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
14 amended by amending the definition of "motorcycle" to read as
15 follows:

16 "Motorcycle" means [every]:

17 (1) Every motor vehicle [having a seat or saddle for use
18 of the rider] that has a handlebar and seating that
19 requires the operator to straddle or sit astride on it
20 and is designed to travel on not more than three



1 wheels in contact with the ground, but excludes a farm
2 tractor and a moped[-]; or

3 (2) Every motor vehicle that has a steering wheel and
4 seating that does not require the operator to straddle
5 or sit astride on it, and is designed to travel on
6 three wheels in contact with the ground, called an
7 autocycle which is certified by the manufacturer to
8 comply with all applicable federal motor vehicle
9 safety standards as of the date of manufacture."

10 SECTION 3. Section 291C-152, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§291C-152[+] Riding on motorcycles. (a) A person
13 operating a motorcycle shall ride only upon the permanent and
14 regular seat attached thereto, and such operator shall not carry
15 any other person nor shall any other person ride on a motorcycle
16 unless the motorcycle is designed to carry more than one person,
17 in which event a passenger may ride upon the permanent and
18 regular seat if designed for two persons, or upon another seat
19 firmly attached to the motorcycle at the rear or side of the
20 operator.



1 (b) A person shall ride upon a motorcycle, except for an
2 autocycle, only while sitting astride the seat, facing forward,
3 with one leg on each side of the motorcycle. A person shall
4 ride upon an autocycle only while sitting in the seat and facing
5 forward.

6 (c) No person shall operate a motorcycle while carrying
7 any package, bundle, or other article which prevents the person
8 from keeping both hands on the handlebars[-] or, for an
9 autocycle, on the steering wheel.

10 (d) No operator shall carry any person, nor shall any
11 person ride, in a position that will interfere with the
12 operation or control of the motorcycle or the view of the
13 operator."

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

16 SECTION 5. This Act shall take effect on January 1, 2018.

APPROVED this day of , 2017

GOVERNOR OF THE STATE OF HAWAII



HB No. 1258, HD 2, SD 2, CD 1

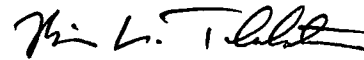
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives




Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate