A BILL FOR AN ACT

RELATING TO SAFETY HELMETS.

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

SECTION 1. The department of health advocated in its Hawai'i Injury Prevention Plan for 2012-2017 for a universal moped and motorcycle helmet law to increase traffic safety. The plan cited a study that concluded that helmets reduced the risk of death by forty-two per cent and the risk of head injury by sixty-nine per cent for riders involved in an accident.

On June 4, 1967, Hawaii enacted a universal helmet law which required all riders to wear a helmet. A review of motorcycle-related fatality data found that while the Hawaii universal helmet law was operative, the State experienced the lowest amount of motorcycle deaths. However, the universal helmet law was repealed in 1977, and after the repeal of the law, fatalities rose.

Between 2007 and 2011, motorcycle deaths were the sixth leading cause of fatal unintentional injuries in Hawaii. During that same period, fifteen bicyclists died.
The department of transportation published and distributed the 2013-2018 Hawaii Strategic Highway Safety Plan (SHSP), with its mission to "save lives and reduce injuries on Hawaii's roadways through strategic partnerships and implementation of the SHSP". The SHSP noted that between 2008-2012, only forty-six of the one hundred fifty-seven motorcycle, scooter, and moped drivers that died were wearing helmets. The SHSP also cited the National Highway Traffic Safety Administration's findings, which state that from 2008-2012, an average of nine additional lives per year may have been saved in Hawaii if helmets had been used. One of the strategies recommended by the SHSP to reduce motorcycle, scooter, and moped deaths is to enact a universal helmet law to increase helmet usage.

The legislature finds that a universal safety helmet law will increase traffic safety in Hawaii.

The purpose of this Act is to require all operators and riders of motorcycles, motor scooters, mopeds, and bicycles to wear protective or safety helmets.

SECTION 2. Section 286-81, Hawaii Revised Statutes, is amended to read as follows:
Motorcycle, motor scooter, etc.; protective devices. (a) No person shall:

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

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

(B) A safety helmet securely fastened with a chin strap; and

[+B+] (C) Any other protective devices[; other than a safety helmet], required by rules adopted by the director.

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

(2) Lease or rent a motorcycle or motor scooter to another person unless the person furnishes:
(A) Safety glasses, goggles, or a face shield, in the case of a motorcycle or motor scooter that is not equipped with windscreens or windshields; [and]

(B) A safety helmet that has a chin strap; provided that any person to whom a motorcycle or motor scooter is leased or rented may furnish a safety helmet for the person's own use; and

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

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

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

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

(e) A] (b) Notwithstanding subsection (a) to the
contrary, a safety helmet shall not be required for any person
who operates or rides as a passenger on a motorcycle or motor
scooter; provided that the motorcycle or motor scooter:

(1) Has three wheels;
(2) Is powered by an electric motor;
(3) Has a full body enclosed cab; and
(4) Has a seat belt assembly or a child restraint system
for the driver and passenger;

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

SECTION 3. Section 291C-150, Hawaii Revised Statutes, is
amended to read as follows:
"[§291C-150] Bicycle helmets. (a) No person [under sixteen years of age] shall operate a bicycle upon a street, bikeway, or any other public property unless that person is wearing a properly fitted and fastened bicycle helmet that has been tested by a nationally recognized agency such as the National Highway Traffic Safety Administration, the National Safety Council, or the Children's Safety Network, and is designed to fit the user and protect against head trauma. This requirement also applies to a person who rides upon a bicycle while in a restraining seat that is attached to the bicycle or who rides in a trailer towed by the bicycle.

(b) A person who provides bicycles for hire shall not rent a bicycle to any person unless every person [who is under age sixteen] is wearing a bicycle helmet, as required in subsection (a), while operating the rented bicycle, occupying a restraining seat that is attached to the rented bicycle, or riding in a trailer towed by the rented bicycle.

(c) A violation of this section is punishable by a fine of not more than $25[-]; provided that:

(1) A person who provides bicycles for hire shall not be in violation of subsection (b) or liable for the
amount of the fine if the person demonstrates that the person to whom the bicycle was rented was wearing a safety helmet at the time the bicycle was rented; and

(2) The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this section shall be liable for the amount of the fine imposed pursuant to this section.

(d) Notwithstanding any law to the contrary, the fines collected for a violation of this section shall be paid into the state treasury to the credit of the state general fund."

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

"(a) No person less than fifteen years of age shall drive a moped on a highway, street, roadway, or any other public property in the State. No person [less than eighteen years of age] shall drive a moped unless the person wears a safety helmet securely fastened with a chin strap. The safety helmet shall meet the specifications and requirements established by rules adopted by the director."
SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

[Signatures]

JAN 22 2019
Report Title:
Safety Helmets; Motorcycle; Moped; Motor Scooter; Bicycle

Description:
Requires operators and passengers of motorcycles, motor scooters, mopeds, and bicycles to wear safety helmets.

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