A BILL FOR AN ACT

RELATING TO RENTALS OF MOPEDS AND MOTOR SCOOTERS.

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

PART I

SECTION 1. The legislature finds that wearing a helmet while operating a moped, powered scooter, or other motorized cycle decreases fatalities and serious injuries. In August 2017, Alexis "Lexi" Jenkins, a visitor to Maui who was not wearing a helmet, suffered a fatal accident when the rented moped she was riding collided with a truck.

According to the Hawaii Injury Prevention Plan for 2012-2017, published by the Hawaii state department of health and emergency medical services and injury prevention system branch, properly worn helmets prevent death and brain injuries. In the event of a crash, helmets reduce the risk of death by forty-two per cent and the risk of a head injury by sixty-nine per cent.

The legislature recognizes that wearing a helmet can be a significant factor in helping to reduce fatalities or the severity of injuries in accidents like this on Hawaii's roadways.
The purpose of this part is to mitigate fatalities and traumatic brain injuries on Hawaii's roadways by strengthening helmet safety laws as they relate to mopeds and motor scooters that are rented.

SECTION 2. This part shall be known and may be cited as "Lexi's Law".

SECTION 3. Section 286-81, Hawaii Revised Statutes, is amended to read as follows:

"§286-81 Motorcycle, motor scooter, moped, 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) 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 subsection, a required device shall meet the specifications and requirements established by rules adopted by the director.

(2—Lease)  (b) Notwithstanding subsection (a) and section 291C-195, no person shall operate a moped or motor scooter leased from a rental company on any roadway in the State unless the person wears a safety helmet provided by the rental company or wears a safety helmet that is provided by the person; provided that this subsection applies only to persons who do not possess a valid license under this chapter to operate a motorcycle or an equivalent valid license issued from another state to operate a motorcycle. For the purposes of meeting the requirements of this subsection, the safety helmet shall meet the specifications and requirements established by rules adopted by the director.

(c) No person shall lease or rent a motorcycle or motor scooter to another person unless the person furnishes:

(1) 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
(2) 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 subsection, a required device shall meet the specifications and requirements established by rules adopted by the director.

(d) No person shall sell, 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.

(e) 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.

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

"(a) [No] Notwithstanding section 286-81(b), no person
[less];

(1) 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]; and
(2) 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."

PART II

SECTION 5. The purpose of this part is to encourage safety
on Hawaii's roadways through motor vehicle safety standards by
prohibiting moped and motor scooter rental companies from
renting any moped or motor scooter that has an aftermarket
modification to the motor of the moped or the motor of a motor
scooter.

SECTION 6. Section 291C-206, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:
"(a) A motor used to power a moped shall not be modified
in any manner except as authorized by the motor manufacturer and
any such modification shall not increase the power capacity of
the motor above two horsepower (one thousand four hundred
ninety-two watts)\[\text{-}], and no person shall rent or lease to
another person any moped or motor scooter that has an
aftermarket modification to the motor of the moped or motor scooter that does not comply with this subsection."

PART III

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

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

SECTION 9. This Act shall take effect upon its approval.

INTRODUCED BY: __________________________
Report Title:
Mopeds; Motor Scooters; Lexi's Law; Aftermarket Motor Modification; Rental Companies; Helmet Requirements; Violation

Description:
Prohibits operating a moped or motor scooter from any rental company unless the person wears a safety helmet that the rental company is required to provide or the person wears a safety helmet that is provided by the person; provided that this requirement does not apply to any person who possesses a valid license from any state to operate a motorcycle. Prohibits the rental of any moped or motor scooter with an aftermarket modification to its motor.

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