

JAN 18 2019

A BILL FOR AN ACT

RELATING TO RENTALS OF MOPEDS AND MOTOR SCOOTERS.

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

1 **PART I**

2 SECTION 1. The legislature finds that wearing a helmet
3 while operating a moped, powered scooter, or other motorized
4 cycle decreases fatalities and serious injuries. In August
5 2017, Alexis "Lexi" Jenkins, a visitor to Maui who was not
6 wearing a helmet, suffered a fatal accident when the rented
7 moped she was riding collided with a truck.

8 According to the Hawaii Injury Prevention Plan for 2012-
9 2017, published by the Hawaii state department of health and
10 emergency medical services and injury prevention system branch,
11 properly worn helmets prevent death and brain injuries. In the
12 event of a crash, helmets reduce the risk of death by forty-two
13 per cent and the risk of a head injury by sixty-nine per cent.
14 The legislature recognizes that wearing a helmet can be a
15 significant factor in helping to reduce fatalities or the
16 severity of injuries in accidents like this on Hawaii's
17 roadways.



1 The purpose of this part is to mitigate fatalities and
2 traumatic brain injuries on Hawaii's roadways by strengthening
3 helmet safety laws as they relate to mopeds and motor scooters
4 that are rented.

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

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

9 "§286-81 Motorcycle, motor scooter, moped, etc.;

10 protective devices. (a) No person shall [+

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

15 [~~A~~] (1) Safety glasses, goggles, or a face shield, in the
16 case of a motorcycle or motor scooter that is not
17 equipped with windscreens or windshields; and

18 [~~B~~] (2) Any other protective devices, other than a safety
19 helmet, required by rules adopted by the
20 director.



1 For the purpose of meeting the requirements of this
2 [~~paragraph,~~] subsection, a required device shall meet
3 the specifications and requirements established by
4 rules adopted by the director[~~+~~].

5 [~~(2) Lease~~] (b) Notwithstanding subsection (a) and section
6 291C-195, no person shall operate a moped or motor scooter
7 leased from a rental company on any roadway in the State unless
8 the person wears a safety helmet provided by the rental company
9 or wears a safety helmet that is provided by the person;
10 provided that this subsection applies only to persons who do not
11 possess a valid license under this chapter to operate a
12 motorcycle or an equivalent valid license issued from another
13 state to operate a motorcycle. For the purposes of meeting the
14 requirements of this subsection, the safety helmet shall meet
15 the specifications and requirements established by rules adopted
16 by the director.

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

19 [~~(A)~~] (1) Safety glasses, goggles, or a face shield, in the
20 case of a motorcycle or motor scooter that is not
21 equipped with windscreens or windshields; and



1 ~~[(B)]~~ (2) Any other protective devices required by the
2 rules adopted by the director for the use of the
3 person or persons intending to operate or ride as
4 a passenger on the motorcycle or motor scooter;
5 provided that any person to whom a motorcycle or
6 motor scooter is leased or rented may furnish for
7 the person's own use the protective devices
8 required by this part.

9 For the purposes of meeting the requirements of this
10 ~~[paragraph,]~~ subsection, a required device shall meet the
11 specifications and requirements established by rules adopted by
12 the director~~[, or]~~.

13 ~~[(3) Sell or]~~ (d) No person shall sell, offer for sale, or
14 furnish any safety helmet, safety glasses, goggles, face shield,
15 windscreen, windshield, or other protective devices represented
16 to meet the requirements of this part unless the device meets
17 the specifications and requirements established by rules adopted
18 by the director.

19 ~~[(b)]~~ (e) No person less than eighteen years of age shall
20 operate or ride as a passenger on a motorcycle or motor scooter



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

3 ~~[(e)]~~ (f) A safety helmet shall not be required for any
4 person who operates or rides as a passenger on a motorcycle or
5 motor scooter; provided that the motorcycle or motor scooter:

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

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

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

15 "(a) ~~[No]~~ Notwithstanding section 286-81(b), no person
16 [less]:

- 17 (1) Less than fifteen years of age shall drive a moped on
18 a highway, street, roadway, or any other public
19 property in the State ~~[- No person less];~~ and



1 aftermarket modification to the motor of the moped or motor
2 scooter that does not comply with this subsection."

3 PART III

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

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

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

10

INTRODUCED BY:

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S.B. NO. 824

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.

