

JAN 22 2021

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,
16 in the case of a motorcycle or motor scooter that is
17 not equipped with windscreens or windshields; and

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



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

4 [~~2~~—Lease] (b) Notwithstanding subsection (a) and section
5 291C-195, no person shall operate a moped or motor scooter
6 leased from a rental company on any roadway in the State unless
7 the person wears a safety helmet, which shall be provided by the
8 rental company unless the person provides the person's own
9 safety helmet; provided that this subsection shall not apply to
10 persons who possess a valid license under this chapter to
11 operate a motorcycle or an equivalent license issued from
12 another state. To meet the requirements of this subsection, the
13 safety helmet shall meet the specifications and requirements
14 established by rules adopted by the director.

15 (c) In addition to the requirements of subsection (b), no
16 person shall lease or rent a motorcycle or motor scooter to
17 another person unless the person furnishes:

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



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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 a
4 passenger on the motorcycle or motor scooter; provided
5 that any person to whom a motorcycle or motor scooter
6 is leased or rented may furnish for the person's own
7 use the protective devices required by this part.

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

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

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



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

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

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

11 SECTION 4. Section 286-2, Hawaii Revised Statutes, is
12 amended by amending the definition of "motor scooter" to read as
13 follows:

14 "'Motor scooter" means [~~every motorcycle~~]:

- 15 (1) Every motor vehicle that has a handlebar and seating
16 that requires the operator to straddle or sit astride
17 on it and is designed to travel on not more than three
18 wheels in contact with the ground, but excludes a farm
19 tractor and a moped; or
- 20 (2) Every motor vehicle that has a steering wheel and
21 seating that does not require the operator to straddle



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1 or sit astride on it, and is designed to travel on
2 three wheels in contact with the ground, called an
3 autocycle which is certified by the manufacturer to
4 comply with all applicable Federal Motor Vehicle
5 Safety Standards as of the date of manufacture,
6 with a motor which produces not more than five horsepower, but
7 excludes a moped."

8 SECTION 5. Section 291C-1, Hawaii Revised Statutes, is
9 amended by amending the definition of "motor scooter" to read as
10 follows:

11 ""Motor scooter" means [~~every motorcycle~~]:

12 (1) Every motor vehicle that has a handlebar and seating
13 that requires the operator to straddle or sit astride
14 on it and is designed to travel on not more than three
15 wheels in contact with the ground, but excludes a farm
16 tractor and a moped; or

17 (2) Every motor vehicle that has a steering wheel and
18 seating that does not require the operator to straddle
19 or sit astride on it, and is designed to travel on
20 three wheels in contact with the ground, called an
21 autocycle which is certified by the manufacturer to



1 modification to the motor of the moped or the motor of a motor
2 scooter.

3 SECTION 8. Section 291C-206, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) A motor used to power a moped shall not be modified
6 in any manner except as authorized by the motor manufacturer and
7 any such modification shall not increase the power capacity of
8 the motor above two horsepower (one thousand four hundred
9 ninety-two watts) ~~[-]~~, and no person shall rent or lease to
10 another person any moped or motor scooter that has an
11 aftermarket modification to the motor of the moped or motor
12 scooter that does not comply with this subsection."

13 PART III

14 SECTION 9. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 10. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 11. This Act shall take effect upon its approval.

20

INTRODUCED BY: Rosalyn H Baker



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Report Title:

Mopeds; Motor Scooters; Rentals; Lexi's Law; Helmet Requirements; Violation

Description:

Requires all moped and motor scooter rental companies to ensure the rider wears a safety helmet supplied either by the rental company or by the renter prior to operating the moped or motor scooter. Exempts riders with a motorcycle license from this requirement. Prohibits the rental of any moped or motor scooter with aftermarket modifications. Amends the definition of motor scooter.

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