
A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1 SECTION 1. Mopeds are a cheaper alternative to driving a
2 vehicle. According to the city and county of Honolulu, the
3 number of registered mopeds in Honolulu increased every year
4 between 2006 and 2012. Additionally, there were three hundred
5 fifty-four mopeds involved in major traffic accidents on public
6 roadways in 2012.

7 The legislature finds that public safety is a state
8 priority. Accordingly, the purpose of this Act is to increase
9 public safety by, among other things:

- 10 (1) Prohibiting the use on public roadways of a moped that
11 is not in good working order;
- 12 (2) Extending certain police powers dealing with vehicle
13 inspections to include mopeds;
- 14 (3) Requiring a certificate of inspection for all mopeds;
15 and
- 16 (4) Requiring the annual registration of mopeds.

17



1 SECTION 2. Section 249-14, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Bicycles having two tandem wheels that are twenty
4 inches or more in diameter [~~and all mopeds~~] are required to be
5 registered and shall be subject to a permanent registration fee
6 of \$15 [~~7~~] to be paid by the owners thereof to the director of
7 finance. All mopeds are required to be registered annually and
8 shall be subject to a registration fee of \$50 to be paid to the
9 director of finance.

10 (b) An owner of a bicycle having two tandem wheels that
11 are less than twenty inches in diameter is not required to
12 register such bicycle, but may do so to facilitate the return of
13 recovered stolen bicycles by payment of the registration fee.
14 The fee collected shall not be refunded or prorated. Upon
15 receipt of the fee, the director of finance shall number and
16 register each bicycle and moped for which the fee is paid, in
17 the owner's name and furnish the owner with a metallic tag or
18 decal for each bicycle or moped which shall be attached to the
19 bicycle or moped. On bicycles the decal shall be affixed to the
20 upright post attached to the sprocket facing in the forward
21 direction. On mopeds the decal shall be affixed to the lower



1 portion of the rear fender facing rearward. Upon initial
2 registration by an owner or transferee, the director of finance
3 shall require proof of ownership and require the owner to
4 furnish verification of the serial number and description
5 contained in the proof of ownership and application for
6 registration. Upon annual registration of a moped by an owner
7 or transferee, the director of finance shall require proof of a
8 certificate of inspection for the moped. The metallic tags or
9 decals shall be in a form as the director of finance shall from
10 time to time prescribe. It shall be the duty of the director of
11 finance of each county to purchase a sufficient number of these
12 tags or decals."

13 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
14 amended by amending the title of part II to read as follows:

15 "PART II. INSPECTION OF VEHICLES AND MOPEDS"

16 SECTION 4. Section 286-21, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§286-21 Vehicles and mopeds without required equipment or
19 in unsafe condition. No person shall drive or cause to move on
20 any highway any motor vehicle, moped, trailer, semitrailer, or
21 pole trailer, or any combination thereof, unless the equipment



1 thereon is in good working order and adjustment as required in
2 this part [~~se as not to~~] and does not endanger the driver [~~er~~],
3 any other occupant, or any person [~~upon~~] on the highway."

4 SECTION 5. Section 286-22, Hawaii Revised Statutes, is
5 amended by amending subsections (a) through (c) to read as
6 follows:

7 "(a) [~~The chief of police or any police officer of any~~
8 ~~county may, at~~] At any time when the chief of police or a police
9 officer has reasonable cause to believe that a vehicle or moped
10 is unsafe or not equipped as required by law, the chief of
11 police or any police officer of any county may require the owner
12 or driver of the vehicle or moped to submit the vehicle or moped
13 to an inspection or make the necessary corrections or repairs.

14 (b) If the vehicle or moped is found to be in an unsafe
15 condition or if any required part or equipment is not present or
16 if any required part or equipment is present but not in proper
17 repair, the officer shall issue a citation to the owner or
18 driver stating the reasons that the vehicle or moped is deemed
19 unsafe or not equipped as required and shall require that a new
20 certificate of inspection as provided in section 286-26 be
21 obtained within five days or that the defect be cured.



1 (c) If upon inspection, the chief of police or any police
2 officer determines that any vehicle or moped is in such unsafe
3 condition as to constitute a menace to the public or determines
4 that the moped is not equipped as required in this part and
5 cannot reasonably be restored to a safe condition or with
6 respect to mopeds, equipped as required in this part, the chief
7 of police or police officer shall remove the sticker [~~which~~]
8 that signifies the certificate of inspection and, with regard to
9 vehicles, inform the director of finance, who shall [forthwith]
10 immediately suspend the registration of the vehicle and give
11 notice of the suspension to its owner. Whenever the director of
12 finance has suspended the registration of any vehicle under this
13 part, the owner of the vehicle shall immediately surrender and
14 forward to the director of finance the certificate of
15 registration and the license plates last issued upon
16 registration of the vehicle for the current year."

17 SECTION 6. Section 286-23, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) No person shall operate any vehicle or moped after
20 receiving a citation with reference thereto as provided in
21 section 286-22(b), except that if the driver is authorized to do



1 so by the police officer, the driver may return the vehicle or
2 moped to the driver's residence or place of business or the
3 residence or place of business of the owner of the vehicle[~~7~~] or
4 moped, or to an automotive repair shop, if within a distance of
5 twenty miles, until a certificate of inspection is obtained or
6 the necessary corrections or repairs are made."

7 SECTION 7. Section 286-24, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§286-24 [Registered owner's responsibility; registration~~
10 ~~plates as prima facie evidence as to the fault of the registered~~
11 ~~owner.]~~ Responsibility of owner or operator for violation. In
12 any proceeding for violation of this part [~~7~~the]:

13 (1) The registered owner of a vehicle or moped shall be
14 deemed responsible for the unsafe condition of the
15 vehicle[~~7~~] or moped; and

16 (2) The registered owner or operator of a moped shall be
17 deemed responsible for the failure to equip the moped
18 as required by law."

19 SECTION 8. Section 286-25, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§286-25 Operation of a vehicle or moped without a
2 certificate of inspection. Whoever operates, permits the
3 operation of, causes to be operated, or parks any vehicle or
4 moped on a public highway without a current official certificate
5 of inspection, issued under section 286-26, shall be fined not
6 more than \$100."

7 SECTION 9. Section 286-26, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsections (b) and (c) to read:

10 "(b) [~~All other~~] Mopeds and vehicles[-] other than those
11 under subsection (a), including motorcycles, trailers,
12 semitrailers, and pole trailers having a gross vehicle weight
13 rating of 10,000 pounds or less, and antique motor vehicles as
14 defined in section 249-1, except those in subsections (c) and
15 (d), shall be certified as provided in subsection (e) every
16 twelve months; provided that any vehicle or moped to which this
17 subsection applies shall not require inspection within two years
18 of the date on which the vehicle or moped was first sold.

19 (c) Any vehicle or moped that has been involved in an
20 accident shall be certified as provided in subsection (e) before
21 it is operated again if:



1 (1) It is determined by a police officer or an insurer
2 that the vehicle's or moped's equipment has been
3 damaged so as to render the vehicle or moped unsafe;
4 or

5 (2) It is rebuilt or restored."

6 2. By amending subsections (e) through (g) to read:

7 "(e) Upon application for a certificate of inspection to
8 be issued for a vehicle[~~]~~ or moped, an inspection as prescribed
9 by the director under subsection (g) shall be conducted on the
10 vehicle[~~]~~ or moped, and if the vehicle or moped is found to be
11 in a safe operating condition, a certificate of inspection shall
12 be issued upon payment of a fee to be determined by the
13 director. The certificate for a motor vehicle shall state the
14 effective date, the termination date, the name of the issuing
15 insurance carrier, and the policy number of the motor vehicle
16 insurance identification card for the inspected motor vehicle as
17 specified by section 431:10C-107 or state the information
18 contained in the proof of insurance card as specified by section
19 431:10G-106. The certificate for a moped shall state the
20 effective date and the termination date of the certificate of
21 inspection. A sticker, authorized by the director, shall be



1 affixed to the vehicle or moped at the time a certificate of
2 inspection is issued. An inspection sticker [~~which~~] that has
3 been lost, stolen, or destroyed shall be replaced without
4 reinspection by the inspection station that issued the original
5 inspection sticker upon presentation of the [~~vehicle's~~] current
6 certificate of inspection[~~r~~] for the vehicle or moped; provided
7 that the current certificate of inspection and inspection
8 sticker shall not have expired at the time the replacement is
9 requested. The director shall adopt rules to determine the fee
10 for replacement of lost, stolen, or destroyed inspection
11 stickers.

12 (f) The operator of an official inspection station shall
13 pay, from the fee in subsection (e), an amount to be determined
14 by rules adopted pursuant to chapter 91 to the director of
15 transportation. This amount shall be expended only for
16 administration and enforcement of the periodic motor vehicle and
17 moped inspection program. The funds collected pursuant to this
18 subsection shall be deposited into the highway special fund.

19 (g) The director of transportation shall adopt necessary
20 rules for the administration of inspections and the issuance of
21 certificates of inspection[~~r~~]; provided that mopeds manufactured



1 after December 31, 2016, shall be issued a certificate of
2 inspection only if the exhaust system of the moped meets the
3 specifications of the original manufacturer, and all other
4 applicable requirements for the issuance of a certificate of
5 inspection are satisfied."

6 SECTION 10. This Act does not affect rights and duties
7 that matured, penalties that were incurred, and proceedings that
8 were begun before its effective date.

9 SECTION 11. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 12. This Act shall take effect on January 1, 2017.



Report Title:

Mopeds; Registration; Safety Inspections

Description:

Requires annual registration and inspection of mopeds.
Stipulates registration fee for a moped shall be \$50. (HB1753
HD1)

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