

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

1           SECTION 1. The legislature finds that the current language  
2 of section 291C-194, Hawaii Revised Statutes, "[d]river's  
3 license required," has created confusion for law enforcement  
4 regarding its applicability. This section relates specifically  
5 to moped operation and the requirement to possess and present a  
6 valid driver's license upon request by a police officer.  
7 Section 291C-194 is necessary to define the immediate license  
8 possession requirement specifically for moped operation and  
9 align with the same requirement for operators of all other motor  
10 vehicles covered under section 286-116, Hawaii Revised Statutes,  
11 "[l]icense, insurance identification card, possession,  
12 exhibition".

13           The legislature recognizes, however, that as currently  
14 written section 291C-194 could also be interpreted to conflict  
15 with section 286-102, "[l]icensing", which requires a driver of  
16 a moped to be properly licensed to operate a moped.



1           Accordingly, the purpose of this Act is to amend section  
 2 291C-194, Hawaii Revised Statutes, to clarify that this law  
 3 relates specifically to the requirement for an operator of a  
 4 moped to have in their immediate physical possession their  
 5 current driver's license or motorcycle permit and to present it  
 6 to a police officer upon demand.

7           SECTION 2. Section 291C-194, Hawaii Revised Statutes, is  
 8 amended by amending the title and subsection (a) to read as  
 9 follows:

10           "**§291C-194 Driver's license possession; required.** (a) No  
 11 person shall drive a moped unless the person[+  
 12           ~~(1) Possesses a valid driver's license of any category~~  
 13           ~~listed in section 286-102 or 286-239; and~~  
 14           ~~(2) Meets the requirements of section 286-105(3).~~]  
 15 is in immediate possession of a valid driver's license or  
 16 instruction permit at all times."

17           SECTION 3. This Act does not affect rights and duties that  
 18 matured, penalties that were incurred, and proceedings that were  
 19 begun before its effective date.

20           SECTION 4. Statutory material to be repealed is bracketed  
 21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:                     *MURPHY*                      
By Request



# S.B. NO. 2118

**Report Title:**

Honolulu Police Department Package; Traffic Code; Moped;  
Driver's License

**Description:**

Requires the driver of a moped to be in immediate possession of a valid driver's license or instruction permit at all times.

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

