

## Information for MOPED Owners and Drivers

### Legal Requirements:

There are three sources of Hawaii legal references: The Hawaii Revised Statutes (State laws that are passed by the Legislature and signed by the Governor), County Ordinances (Passed by the County Council and signed by the Mayor) and Hawaii Administrative Rules (HAR). The Department of Transportation must have legislative authority to develop HAR. Their purpose is to provide additional details for implementing a law. Before a rule becomes effective, it must go through public hearings and be signed by the Governor.

State laws may be reviewed at web site:

<http://www.capitol.hawaii.gov/site1/docs/docs.asp#hrs>. Scroll to the bottom and enter either a section number or text. Click on “Help and examples on searching” for tips on searching. If you know the section you want, click the “Browse” button. You will be given a directory listing by volumes of the HRS. By clicking on the different volumes, you can see the different statute section folders. Most of the traffic laws are in Volume 5.

Honolulu Ordinances are referenced in this document. The four counties have similar traffic ordinances, but you live on a Neighbor Island, you may want to check your local ordinances. Not all Counties have their ordinances available on the Internet. Here are the web sites that are available:

City & County of Honolulu: <http://www.co.honolulu.hi.us/refs/roh/>. Traffic regulations are addressed in Chapter 15.

Maui County: <http://ordlink.com/codes/maui/index.htm>

Hawaii County: <http://www.hawaii-county.com/countycode/chapter24.pdf>

The DOT HAR can be reviewed at web site:

<http://www.hawaii.gov/dot/highways/adminrules/rules Hwy.htm>.

At the end of this document there is a fairly comprehensive list of the laws that relate specifically to mopeds.

### Definition of a MOPED

The definition of a moped can be viewed in full in Section [286-2](#), HRS. In short, a moped may have 2 or 3 wheels, may carry only one person, must have a maximum of two horsepower, a top speed on a straight level surface of no more than 30 mph and have an automatic transmission. If your moped goes faster than 30 mph, it is no longer a moped; it is a motor scooter, which has insurance requirements and different licensing requirements. Insurance is not required for a privately owned moped. If a car hits a moped, the car insurance covers the cost – similar to what happens when a bicycle is hit by a car. If an uninsured bicyclist crashes into a tree, rider must cover the costs associated with the event. The same is true for mopeds.

### Registration

Mopeds are required to be registered with the County director of finance ([249-14](#) (a), HRS). The registration decal must be affixed to the rear fender facing rearward ([249-14](#) (b), HRS). To register a moped, it must have a certification label affixed by the manufacturer stating that it complies with all applicable federal motor vehicle safety standards (FMVSS). This is a federal requirement for all motor vehicles that are intended

for use on the public roads. If you purchase a moped on the Internet, be sure the moped has proper certification. Even though Hawaii statutes define a moped as a “device”, the federal government considers it to be a small motorcycle, which is a motor vehicle. That is why the manufacturers are required to certify compliance with FMVSS. Hawaii’s legislature deliberately excluded mopeds from the definition of a motor vehicle so people could drive them without purchasing motor vehicle insurance. The objective was to motivate people to use mopeds and decrease fossil fuel consumption.

Every person, other than a dealer, upon transferring ownership of a moped, whether by sale, lease, or otherwise, shall within 10 days give notice of the transfer to the director of finance upon the official form provided by the director of finance ([249-14.2](#) (h), HRS).

Every person who acquires a moped must within 30 days, forward the signed certificate of registration to the director of finance who shall file the certificate. The director of finance may charge a fee of \$5 for each new certificate of registration issued. Whenever a transferee fails to comply with these provisions, the director of finance shall charge a fee of \$10, in addition to the fee provided in this section, for the issuance of a new certificate of registration ([249-14.2](#) (b), HRS).

Possession of a moped, a moped motor, or any other moped part with an altered, erased, or mutilated identification or serial number is prohibited ([291C-205](#), HRS).

### **Driver’s License**

A driver’s license is required. You can drive a moped with any class license. If you don’t have a license and desire only to drive a moped, a Class 1 license will meet your need. It allows the holder to drive only mopeds, and both a knowledge and a practical test are required. Persons under the age of 18 must complete driver education requirements. [286-110](#) (a), HRS sets the minimum age at which a permit can be obtained at 15 ½ years. Also see [291C-194](#), HRS. An out-of-state license is valid only if the holder is at least 18 years old.

### **MOPED Annual Inspections**

Mopeds are required by law ([291C-202](#), HRS) to be inspected every year, but this requirement has been implemented only on the Counties of Hawaii and Maui.

### **MOPED Required Equipment**

A moped that is built to comply with FMVSS<sup>1</sup>, HRS, HAR and County ordinances will come equipped with the following:

- ▶ An engine or motor that has no more than two horsepower and is able to propel the moped no more than 30 mph on a straight level surface. ([286-2](#) and [291C-206](#), HRS)
- ▶ A transmission that requires no shifting by the driver ([286-2](#), HRS).
- ▶ An exhaust system that directs exhaust gases away from the rider and a muffler that reduces exhaust noise ([291-24](#), HRS; [19-135-28-14](#)<sup>2</sup>, HAR).
- ▶ The drive chain or shaft will be covered so that nothing will get entangled in it ([19-135-28-13\(c\)](#), HAR).

<sup>1</sup> Federal standards can be read at [http://www.access.gpo.gov/nara/cfr/waisidx\\_98/49cfrv5\\_98.html](http://www.access.gpo.gov/nara/cfr/waisidx_98/49cfrv5_98.html). Items of interest will be Parts 565, 566, 567 and 571.

<sup>2</sup> The hyperlinks to the HAR take you to the top of a document. You will need to scroll down to the precise location desired.

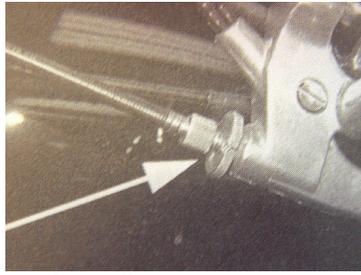
- ▶ A seat or saddle for the driver ([291C-195 \(b\)](#) HRS).
- ▶ Footrests or pedals for the driver ([FMVSS 123](#))<sup>3</sup>. If you have a moped with foot rests for a passenger, they should be removed. Only one person is allowed to ride a moped. The definition in 286-2, HRS states, "...a device upon which a person may ride" in the singular. [291C-195\(c\)](#), HRS also limits mopeds to only the driver.
  - ▶ A retracting stand (FMVSS 123; [291C-202](#), HRS) for holding the moped up when parked. Stand must fold upward and backward if it were to touch the pavement while the moped is traveling forward.
  - ▶ A fender will cover the treads of the tire on each wheel (19-[135-28\(13\)\(E\)](#), HAR).
  - ▶ Tires will have a "DOT" marking on the sidewall to indicate that they comply with FMVSS 119. The load capacity of the tires must not be less than the Gross Axle Weight Ratings that are listed on the certification label (FMVSS 119; [291C-202](#), HRS).
  - ▶ Headlamp (If the moped is equipped with an optional high beam, the switch will be on the right handlebar.), tail lamp, stop lamp, a license plate lamp, a rear red reflector, one red reflector on each side of the moped near the rear and one amber reflector on each side located near the front of the moped. Front and rear turn signal lamps are optional. They can be either red or amber in the rear but must be amber in the front. The turn signal switch location is not mandated, but it will most likely be on the left handlebar (FMVSS 108; [291C-202](#), HRS).
  - ▶ Mirror or mirrors ([FMVSS 111](#)) that allow you to see at least 200 feet to the rear ([15-19.29](#), ROH).
  - ▶ Handle grips (19-[135-28\(5\)](#), HAR). The controls by the grips must be located so they can be used without releasing the handle grips (FMVSS 123).
  - ▶ Twist grip throttle on the right handlebar that is self-closing to idle in a clockwise direction after release ([FMVSS 123](#); [291C-202](#), HRS).
  - ▶ Front wheel brake lever on the right handlebar (FMVSS 123; [291C-202](#), HRS).
  - ▶ Rear wheel brake lever on the left handlebar. Motorcycles have a right foot pedal that controls the rear brake; it is possible that a 3-wheel moped will have this configuration (FMVSS 123; [291C-202](#), HRS).

Some mopeds have hydraulic brakes. You should know where the fluid reservoir is and how to check for the proper fluid level. You also need to know how to "read" the brake wear indicators and how to keep the brakes adjusted properly.

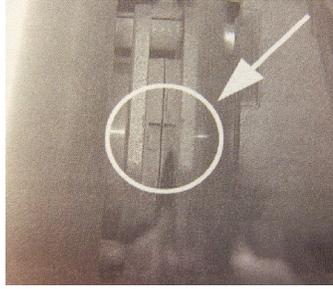
If the cable brake lever adjustment reserve is minimal, it is probable that pads are very worn. The adjustor pictured below has a lot of reserve. Many mopeds have brake pads that can be checked with very little effort. In the example on the right, the pads are at the minimum level when the indentations disappear.

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<sup>3</sup> The hyperlinks to the FMVSS are not specific. You will need to scroll or search using Ctrl+F to find the exact location of the desired information.

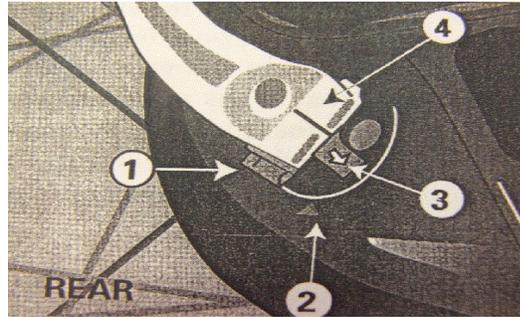
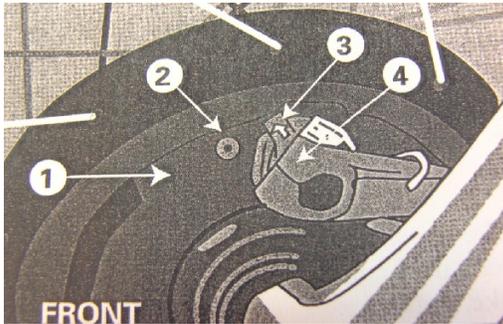


Brake Adjustment



Brake Pad Wear Indicator

Drum brakes have **wear indicator** arrows that indicate the extent of wear.



1. Brake panel; 2. Reference mark on brake panel; 3. Arrow on brake arm; 4. Brake arm

- ▶ Ignition: “Off” position is counterclockwise to the other positions ([FMVSS 123](#); 291C-202, HRS).
- ▶ Electric horn button located on the left handlebar (FMVSS 123; [291C-202](#) and [291C-74](#), HRS).
- ▶ Supplemental engine stop switch on the right handlebar (FMVSS 123; [291C-202](#), HRS).
- ▶ The speedometer will register in miles per hour, but the odometer may read in either kilometers or miles or both ([486-75](#), HRS).

### Rider Safety Equipment

Wearing a helmet is not required, but it is very highly recommended. No one ever expects to crash, but if you do crash, a helmet will help protect your good looks, teeth, nose, eyes, skull and your brain. A full-face helmet provides the most protection. Having a face shield reduces wind noise and discomfort from bugs, dirt and rain. Additional recommended protective items are: eye protection, full-fingered gloves, long-sleeved shirt & pants and shoes that cover your ankles.

### Parking:

A moped would be easy to park if it wasn't for laws and thieves. Whenever you park your moped, lock it. Since they are relatively small and light, they are relatively easy to steal. If you could chain your moped to a heavy bike rack, it would be difficult to steal, but it is not always possible or legal to do this. There are quite a few ordinances relating to parking. Here is a good one for you to know before you make your first trip.

**Sec. 15-13.11 Motorcycles, motorscooters and mopeds.**

(a) The following shall apply to on-street parking of motorcycles, motorscooters, and mopeds in spaces marked for parallel parking on street blocks where there are no designated parking spaces for motorcycles, motorscooters, and mopeds as provided for in subsection (b) of this section:

(1) More than one motorcycle, motorscooter, or moped, or a combination of such motorcycle, motorscooters, or mopeds shall be permitted to park in spaces marked for parallel parking.

(2) Regardless of the number of motorcycles, motorscooters, or mopeds parked within a metered parking space, the parking fee shall be the rate established for such parking space.

(3) Any motorcycle, motorscooter, or moped parked within any space marked for parallel parking, shall be parked diagonally (at an angle of approximately 60 degrees to the curb line) with the front end facing the street and in the direction which the vehicles in the near lane of traffic are traveling.

(4) A minimum clearance of three feet at each end of the parallel parking space shall be maintained; provided that only the vehicle parked within the three-foot area shall be deemed to be in violation of the minimum clearance requirement.

(5) No person shall prevent the parking of additional motorcycles, motorscooters, or mopeds when space is available within any parallel parking space.

(6) Any motorcycle, motorscooter, or moped parked within any parallel parking space shall be entitled to the full parking time permitted by law; provided that in any metered space each and every vehicle parked within such space shall be deemed to be parked illegally, if the meter displays a violation.

(b) Nothing herein shall prohibit the director of the department of transportation services from establishing, marking and designating parking stalls specifically for the parking of motorcycles, motorscooters, and mopeds upon any street.

(1) Wherever parking stalls for motorcycles, motorscooters, and mopeds are so established, marked off, and designated, the driver of such vehicle shall park the vehicle completely within a designated stall.

(2) If on-street parking stalls or spaces are established, marked off and designated for motorcycles, motorscooters, and mopeds along any street block, it shall be unlawful for the driver of any motorcycle, motorscooter, or moped to park such vehicle on any portion of such street block, other than in a stall or space so established, marked off and designated for parking motorcycles, motorscooters, and mopeds along such street block.

(3) Wherever parking stalls for motorcycles, motorscooters, and mopeds are so established, marked off and designated, it shall be unlawful for the driver of any other vehicle to park in a stall designated for motorcycles, motorscooters, or mopeds.

(4) The term "street block" as used in this section shall mean one side of any street, the length of such side extending between two consecutive intersections; or, in the case of a dead-end street, one side of such dead-end street, the length of such side extending between the dead-end and the nearest intersection.

(Sec. 15-13.12, R.O. 1978 (1983 Ed.); Am. Ord. 90-76)

### **Rules of the Road**

Note: The dates in brackets at the end of each section of law indicate when the section was last modified. This is not an exhaustive list of moped laws, but it is adequate

for learning about riding requirements that are unique to mopeds. Laws relating to pavement markings, signs, signaling, right-of-way, etc. that apply to all vehicles are not listed here, but moped riders are required to know them.

Although a moped is classified as a device and registered very much like a bicycle, when riding one, you generally must obey all traffic laws just like every motor vehicle that is on the road.

**§291C-193 Traffic laws apply to persons driving mopeds.** Every person driving a moped upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under this chapter, except as to the special provisions of this part and except as to those provisions of this chapter which by their nature can have no application. [L 1978, c 175, pt of  $\geq$  15]

**§291C-192 Effect of violations; vicarious responsibility; jurisdiction.** (a) It is a violation for any person to do any act forbidden or fail to perform any act required in this part, except as otherwise provided by law.

(b) Any negligence, misconduct, or violation of this part by a minor while driving a moped shall be imputed to the parent or guardian having custody of such minor, which person shall be jointly and severally liable with the minor for any damages caused by such negligence or misconduct and any penalty assessed by the courts for such violation.

(c) This part applies to every person driving a moped upon any roadway or highway or any other publicly owned place under the jurisdiction of the State or any county. [L 1978, c 175, pt of §15]

**§291C-194 Driver's license required.** (a) No person shall drive a moped unless the person:

(1) Possesses a valid driver's license of any category listed in section 286-102 or 286-239; and

(2) Meets the requirements of section [286-105\(3\)](#).

(b) The driver of a moped shall, upon the demand of a police officer, exhibit the driver's driver's license or instruction permit.

(c) Any person who is convicted of violating this section shall be subject to penalties as provided under section [291C-161\(b\)](#) and (e). [L 1978, c 175, pt of §15; am L 1979, c 107, §1; gen ch 1985; am L 1998, c 86, §1; am L 2002, c 37, §2]

**§286-105 What persons are exempt from license.** The following persons are exempt from license:...

(3) Any person who is at least eighteen years of age and who has in the person's possession a valid driver's license to drive the categories of motor vehicles listed in section [286-102\(b\)](#), except section 286-102(b)(4), that is equivalent to a driver's license issued in this State but was issued to the person in another state of the United States, the Commonwealth of Puerto Rico, United States Virgin Islands, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for that category of motor vehicle which the person is operating;

(4) Any person who has in the person's possession a valid commercial motor vehicle driver's license issued by any state of the United States, Mexico, or a province of the Dominion of Canada that issues licenses in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses

**§291C-195 Driving of mopeds.** (a) No person less than fifteen years of age shall drive a moped.

(b) No person shall drive a moped except while sitting astride the seat, facing forward, with one leg on each side of the moped.

(c) No person shall drive a moped which is carrying any other person nor shall any person other than the driver ride upon a moped. [L 1978, c 175, pt of §15]

**§291C-196 Driving mopeds on roadways.** (a) Every person driving a moped upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction, except under any of the following situations:

(1) When preparing for a left turn at an intersection or into a private road or driveway, except where prohibited by official traffic-control devices;

(2) When reasonably necessary to avoid conditions (including, but not limited to fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge;

(3) When a roadway is designated and signposted to carry traffic in one direction only and has two or more marked traffic lanes, a person operating a moped may ride as near to the left-hand side of the roadway as practicable.

(b) Persons driving mopeds upon a roadway shall drive in single file.

(c) No person shall drive a moped on any sidewalk or area intended for use as a sidewalk, nor shall any person drive a moped on any path or other area intended for the exclusive use of pedestrians. [L 1978, c 175, pt of §15; am L 1982, c 38, §1]

**§291C-74 Drivers to exercise due care.** Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the driver's horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. [L 1971, c 150, pt of §1; gen ch 1985]

One time when a moped rider can have more freedom than a car driver is when bicycle lanes are present. Using bicycle lanes can often reduce delays that you would experience if you stayed in normal traffic flow.

The following 291C-1 definitions are helpful here.

"Bicycle lane" means that portion of any highway which has been set aside for the preferential or exclusive use of bicycles.

"Bicycle path" means any facility set aside for the preferential or exclusive use of bicycles and physically separated from a highway.

There are restrictions on bicycle paths. Since many of these are built using federal funds, and since the federal government considers mopeds as motor vehicles, mopeds are not allowed on bicycle paths that are constructed with federal funding. Be sure to check for regulatory signs before entering a bicycle path.

**291C-197 Driving mopeds on bicycle lanes and paths.** (a) Wherever bicycle lanes are provided on the roadway, moped drivers shall use such bicycle lanes.

(b) The director of transportation by rule and the counties by ordinance may with respect to bicycle paths under their respective jurisdictions restrict or prohibit the use of such bicycle paths by mopeds. Signs clearly visible to an ordinarily observant person

indicating the restriction or prohibition shall be placed along bicycle paths so designated and every moped driver shall obey the directions thereof. [L 1978, c 175, pt of 15]

*There currently exists a conflict between the above statute and a Honolulu ordinance. In a situation like this, the state statute takes precedence over the ordinance. The police, therefore, will not issue a citation under 15-6.7 to a person riding a moped in a bicycle lane. Here is how the pertinent portion of the Honolulu Ordinance relating to bicycle lanes reads.*

**Sec. 15-6.7 Traffic lane markings. ...**(d) Bicycle Lane.

(1) How Designated or Terminated.

(A) The director of transportation services may designate a bicycle lane on a city highway. The designation shall be made by adding the bicycle lane to Schedule XXXIV, attached to the ordinance codified in this section and made a part hereof. \* The director, however, shall not designate a bicycle lane on the Fort Street Mall. [\* Editor's Note: See listing of schedules at the beginning of this chapter.]

The director of transportation services also may terminate the designation of a bicycle lane on a city highway. The designation shall be terminated by deleting the bicycle lane from Schedule XXXIV.

(B) Procedures for Adding or Deleting Bicycle Lane.

Section [15-3.1](#) shall apply when adding a bicycle lane to or deleting a bicycle lane from Schedule XXXIV. A bicycle lane, after its addition to the schedule, shall take effect in accordance with Section 15-3.1. A bicycle lane, after its deletion from the schedule, shall be deemed terminated when the bicycle lane marking is entirely removed from the city highway.

(C) A bicycle lane on a city highway shall be delineated by a white solid line and the words "Bike Only." The director of transportation services shall mark each bicycle lane and may install other appropriate traffic control devices.

(2) Prohibitions.

(A) Except as otherwise provided under subdivision (3), a person shall not operate, park, stop, or stand a vehicle, other than a bicycle, in a bicycle lane.

(B) A person shall not leave a vehicle, including a bicycle, unattended within a bicycle lane.

(3) Exceptions.

(A) A person may operate, park, stand, or stop any of the following motor vehicles in a bicycle lane:

(i) An authorized emergency vehicle when responding to an emergency;

(ii) An official government vehicle when on an authorized mission involving the performance of a duty within or adjacent to the lane;

(iii) An authorized maintenance vehicle when necessary to perform repair or maintenance work on a government or public utility facility near the lane;

(iv) An authorized tow vehicle when necessary to tow another vehicle parked in or adjacent to the lane; and

(v) A city transit bus when necessary for the boarding or alighting of a passenger at a bus stop.

(B) A person may operate or stop a motor vehicle or moped in a bicycle lane under the following circumstances:

- (i) The person may operate the motor vehicle or moped across the lane when necessary to enter or exit a driveway or legal parking space adjacent to the lane;
- (ii) The person may operate or stop the motor vehicle or moped across the lane when necessary to turn into or turn from a street intersecting the lane; or
- (iii) The person may operate or stop the motor vehicle or moped in the lane when necessary to clear the way for an authorized emergency vehicle as required under HRS Section 291C-65.

(C) A person, when operating, parking, stopping, or standing a motor vehicle or moped in a bicycle lane as permitted under this subdivision, shall do so with due regard for the safety of any bicyclist or pedestrian in the lane. This subdivision shall not protect that person from the person's ordinary negligence or reckless disregard for the safety of a bicyclist or pedestrian in the lane....”

**291C-198 Speed restrictions on mopeds.** (a) No person shall drive a moped at a speed other than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

(b) No person shall drive a moped at a speed greater than thirty-five miles per hour (fifty-eight kilometers per hour). [L 1978, c 175, pt of  $\geq$  15]

**Mopeds may not be driven on freeways:** Mopeds engines are not supposed to have more than two horsepower. Freeway entrances are posted with signs that prohibit vehicles with less than five horsepower engines. The minimum speed on freeways is 45 mph. **§291C-53 Restrictions on use of controlled-access roadway or highway.** (a) The director of transportation by rules adopted in accordance with chapter 91, and the counties by ordinance, may regulate or prohibit the use of any controlled-access roadway or highway within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. ...

...(b) The director of transportation or a county adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access roadway or highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices. [L 1971, c 150, pt of §1; am L 1983, c 123, §1; am L 1989, c 29, §2; am L 1993, c 224, §3; am L 1997, c 309, §1; am L 1999, c 262, §3(3)]

**§291C-199 Clinging to vehicles, bicycles, etc.** No person driving a moped shall attach oneself or the moped to any other vehicle, nor permit the rider of a bicycle, coaster, sled, or toy vehicle or any person on roller skates to be or become attached to the moped or the driver. [L 1978, c 175, pt of  $\geq$  15; gen ch 1985]

**§291C-200] Use of lamps on mopeds.** Every moped moving upon a highway from thirty minutes after sunset until thirty minutes before sunrise and at any other time when there is insufficient ambient light to render clearly discernible persons and vehicles on the highway at a distance of two hundred feet (60.9 meters) ahead shall display a lighted head lamp and tail lamp; provided that every moped upon a highway within a tunnel shall at all times display a lighted head lamp and tail lamp. [L 1978, c 175, pt of  $\geq$  15]

**[§291C-201] Renting or selling mopeds.** (a) Every person engaged in the retail business of selling or renting mopeds shall provide the person renting or purchasing a moped with a copy of the rules for mopeds as approved by the director of transportation.

(b) Every person renting a moped to another shall keep a record for two years of the registration number of the moped so rented, the name and address of the person to whom the moped is rented, the number of the driver's license of the latter person, and the date and place when and where the driver's license was issued. This record shall be open to inspection by any police officer or the examiner of drivers or the examiner of drivers' representative. [L 1978, c 175, pt of §15; gen ch 1985]

**§291C-202 Moped equipment requirements and inspection.** (a) Every moped offered for sale for use upon, sold for use upon, or used upon the roadways and highways shall be equipped with:

(1) A motor having a maximum power output capability, measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the moped, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour; provided that those mopeds, including those modified pursuant to section [291C-206](#), registered prior to April 23, 1998 shall continue to be subject to the prior thirty-five miles per hour maximum speed limitation; and

(2) A direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.

(b) The director of transportation by rules and regulations, pursuant to chapter 91, shall establish criteria which shall comply with approved federal regulations for the following moped equipment: brake system; fuel system components; exhaust system components; steering system; handlebars; wheel rims; fenders; a guard or protective covering for drive belts, chains and rotating components; seat or saddle; lamps and reflectors; equipment controls; speedometer; retracting stand; horn; and identification markings.

(c) The director of transportation by rules and regulations, pursuant to chapter 91, shall establish criteria and procedures for the annual safety inspection of every moped. Safety inspection criteria shall include the criteria established by the director of transportation under subsection (b). [L 1978, c 175, pt of §15; am L 1979, c 107, §2; am L 1998, c 25, §1]

**[§291C-203] Certification of compliance.** A person engaged in the business of selling mopeds shall provide to the director of finance of the county in which the mopeds are sold a certificate from the moped manufacturer that each class, type or model of moped offered for sale or sold meets the performance and equipment requirements of this part. [L 1978, c 175, pt of §15]

**§291C-204 Defacing serial numbers, etc., of mopeds.** No person shall wilfully deface, destroy, or alter the serial number, a component part number, or identification mark placed on any moped by the manufacturer thereof.

This section shall not prohibit the restoration by an owner of an original mark or number when the restoration is authorized in writing by the director of finance, nor prohibit any manufacturer from placing in the ordinary course of business numbers or marks upon new mopeds or new parts thereof. Violation of this section shall be a misdemeanor and shall result in a fine of not more than \$500. [L 1978, c 175, pt of §15; am L 1996, c 12, §1]

**§291C-205 Unlawful to possess certain mopeds and moped parts.** It shall be unlawful for any person to possess a moped, a moped motor, or any moped part knowing that the serial or identification number placed thereon by the manufacturer has been changed, altered, erased or mutilated. This section shall not prohibit the possession of a moped, a moped motor, or any moped part whose original mark or number has been restored when the restoration is authorized in writing by the director of finance, nor prohibit any manufacturer from placing in the ordinary course of business numbers or marks upon new mopeds or new parts thereof. Violation of this section shall be a misdemeanor and shall result in a fine of not more than \$500. [L 1978, c 175, pt of  $\geq$  15; ~~am~~L 1996, c 12,  $\geq$  2]

**§291C-206 Modifying moped motor; violation.** (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).

(b) Any person who violates this section shall be fined not more than \$500. [L 1978, c 175, pt of  $\geq$  15; am L 1993, c 214,  $\geq$  18; am L 1998, c 25,  $\geq$  2]

**§291C-207 Moped liability insurance; coverage for damage by rented or leased moped.** Every person who offers a moped for rent or lease shall insure the moped against loss resulting from liability imposed by law for bodily injury, death or property damage suffered by any person other than the owner or operator of the moped arising out of the ownership, maintenance or use of the moped. The moped liability insurance shall have a coverage of not less than \$25,000 per occurrence bodily injury and \$5,000 per occurrence property damage. [L 1978, c 175, pt of  $\geq$  15; am L 1979, c 161,  $\geq$  1]

**§291C-227 Penalty.** A person who violates any provision of this part shall for a first conviction thereof be fined \$75; for conviction of a second offense committed within one year after the date of the first offense, the person shall be fined \$150; for conviction of a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined \$200. [L 1993, c 224, pt of  $\geq$  1; am L 1997, c 60,  $\geq$  7]

**§291-24 Motorcycles and mopeds, noisy mufflers; penalty.** (a) Every motorcycle and moped moving under its own power on a public highway shall at all times be equipped with a muffler in constant operation to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motorcycle or a moped in a manner which will amplify or increase the noise emitted by the motor of such motorcycle or moped above that emitted by the muffler originally installed on the motorcycle or moped except a motorcycle or moped that:

- (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;

shall not be required to be equipped with a muffler.

(b) As used in this section, "muffler" means a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving

exhaust gas from the engine of the motorcycle or moped, and being effective in reducing noise.

(c) Whoever violates this section shall be fined not more than \$100. [L 1949, c 21, §1; RL 1955, §311-27; HRS §291-24; am L 1978, c 222, §7; am L 1986, c 189, §1; am L 1994, c 120, §4]

**§291-3.1 Consuming or possessing intoxicating liquor while operating motor vehicle or moped.** (a) No person shall consume any intoxicating liquor while operating a motor vehicle or moped upon any public street, road, or highway.

(b) No person shall possess, while operating a motor vehicle or moped upon any public street, road, or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed.

(c) Any person violating this section shall be fined not more than \$2,000 or imprisoned not more than thirty days, or both. [L 1981, c 152, pt of §1; am L 1986, c 171, §3; am L 1987, c 33, §7; am L 1998, c 287, §3; am L 2000, c 62, §1]

**§291-31.5 Blue lights prohibited for motor vehicles, motorcycles, motor scooters, bicycles, mopeds.** (a) No person shall knowingly operate, affix or cause to be affixed, display, or possess any lamp, reflector, or illumination device which appears to be the color blue upon any motor vehicle, motorcycle, motor scooter, bicycle, or moped except for: (1) county law enforcement vehicles authorized and approved by the chief of police of the county in which the vehicle is operated; or (2) department of public safety law enforcement vehicles authorized and approved by the director of public safety. This prohibition shall not apply to factory-installed instrument illumination.

(b) Any violation of this section shall be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both. [L 1985, c 182, §1; am L 1991, c 210, §1]