

DEPARTMENT OF TRANSPORTATION  
Amendment and Compilation of Chapter 19-131  
Hawaii Administrative Rules  
February 27, 2003

SUMMARY

1. §19-131-2 is amended.
2. §19-131-3 is amended.
3. §19-131-5 is added.
4. Chapter 131 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19  
DEPARTMENT OF TRANSPORTATION

SUBTITLE 5  
MOTOR VEHICLE SAFETY OFFICE

CHAPTER 131  
REQUIRED EQUIPMENT ON MOPEDS

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§19-131-2	Definitions
§19-131-3	Equipment requirements
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Historical note. This chapter is based substantially on The Rules and Regulations Governing Required Equipment on Mopeds. [Eff 8/1/80; R 8/26/82]

§19-131-1 Scope. This chapter shall apply to every moped offered for sale for use upon, sold for use upon, or used upon the roadways and highways of the State. [Eff 8/26/82; comp MAY 16 2003 ] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-131-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:  
"Clockwise" and "counterclockwise" means opposing directions of rotation around the following axes, as applicable:

- (1) The operational axis of the ignition control, viewed from in front of the ignition lock opening;
- (2) The axis of the right handlebar on which the twist-trip throttle is located, viewed from the end of that handlebar;
- (3) The axis perpendicular to the center of the speedometer when viewed from the operator's normal eye position.

"FMVSS" means Federal Motor Vehicle Safety Standard as prescribed in Title 49, Code of Federal Regulations (October 1, 2001).

"Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, 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 device unassisted, on a level surface at a maximum speed no greater than thirty miles (forty-eight kilometers) per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the driver system is engaged with the power unit. [Eff 8/26/82; am and comp MAY 16 2003 ] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-131-3 Equipment requirements. Each moped shall be equipped with the items listed in this section. Each item shall meet the specified criteria and properly perform its intended function. Whenever a FMVSS is applicable to an item of equipment, the criteria specified for that item shall be identical to the criteria specified in the FMVSS that was effective on the date of manufacture of that item.

- (1) Brake system as specified in FMVSS No. 122.
  - (A) Each moped shall have either a split service brake system or two independently actuated service brake systems.
  - (B) Failure of any component in a mechanical service brake system shall not result in a loss of braking ability in the other service brake system on the vehicle.
  - (C) A moped having a split service brake system shall be equipped with a brake failure warning lamp.
  - (D) The moped service brake system shall be capable of stopping the moped within a distance of 24 feet from a speed of 20 miles per hour.
  - (E) Each independently actuated service brake system on a moped shall be capable of stopping the moped within a distance of 54 feet from a speed of 20 miles per hour.

- (F) Each three-wheeled moped shall be equipped with a parking brake of friction type with a solely mechanical means to retain engagement.
- (G) The moped brake system shall be installed so that the lining thickness of the brake drum shoes or disc pads may be visually inspected without removing the brake drums or disc pads.
- (2) Fuel system (combustion engines).
  - (A) All components shall be securely fastened, positioned, and protected so as to prevent contact with, or leakage upon the cylinder head or any part of the exhaust system.
  - (B) Each moped manufactured after December 31, 1977 shall be equipped with a manual fuel shut-off control with the following identified positions as specified in FMVSS No. 123
    - "Off" - control forward
    - "On" - control downward
    - "Reserve" - control upward (if provided).
- (3) Exhaust system (combustion engines). Each moped shall be equipped with an exhaust system composed of components including a muffler to reduce exhaust noise to a minimum, which conduct the exhaust gas from the engine to a safe discharge point, is free of leaks, is shielded or located so as to prevent bodily contact in normal operation, and contains no by-pass or cutout device.
- (4) Steering system. Each moped shall be equipped with a steering system which will permit movement of the steered wheel between the full right and the full left turn stops without interference with, or obstruction by, any portion of the moped or the seated driver.
- (5) Wheel rims (FMVSS No. 120).
  - (A) As specified in FMVSS No. 120, the wheel rims on each moped manufactured after August 1, 1977 shall be embossed with letter and numeral markings indicating the rim size designation, the symbol DOT, the identification of the rim manufacturer, and the date that the rim

was manufactured.

- (B) The wheel rims of each moped shall be equipped with tires of the size designated by the moped manufacturer and marked with letters and numerals embossed on the sidewall indicating the tire size designation, the maximum load rating, the tire identification number, and the symbol DOT as specified in FMIVSS No. 119.
- (6) Fenders.  
Each moped shall be equipped with a fender on each wheel that covers the entire width of the tire tread above that portion of the tire circumference from fifteen degrees in front to 75 degrees to the rear of a vertical line through the center of the wheel hub.
- (7) Guards and protective coverings.  
Each moped shall be equipped with a guard or protective covering for all drive belts or chains and rotating engine and drive components to prevent bodily contact and the snagging of clothing.
- (8) Seat or saddle.  
Each moped shall be equipped with a securely attached seat or saddle which shall not be adjustable to a height less than 25 inches (64 centimeters) as measured from the upper surface of the unoccupied seat or saddle to a level surface upon which the wheels of the moped rest.
- (9) Handlebars.  
Each moped shall be equipped with handlebars having no part more than 15 inches (38 centimeters) above the upper surface of that portion of the seat or saddle normally occupied by the driver.
- (10) Lamps and reflectors as specified in FMVSS No. 108.
  - (A) Headlamp. Each moped shall be equipped with one but not more than two white (clear) headlamps. The headlamp shall be mounted at the front of the moped on the vertical centerline, except that if two are used, they shall be symmetrically disposed about the vertical centerline. The headlamp shall

be mounted at a height of not less than 24 inches (61 centimeters) nor more than 54 inches (137 centimeters) above the surface upon which the unoccupied moped stands. (Reduced headlamp illumination requirements apply to mopeds having a combustion engine with a piston or rotor displacement less than 50 cubic centimeters.)

- (B) Taillamp. Each moped shall be equipped with at least one red taillamp meeting the requirements of the FMVSS. The taillamp shall be mounted at the rear of the moped on the vertical centerline except that, if more than one are used, they shall be symmetrically disposed about the vertical centerline. The taillamp shall be mounted at a height of not less than 15 inches (38 centimeters) not more than 72 inches (183 centimeters) above the surface upon which the unoccupied moped stands.
- (C) Stoplamp. Each moped shall be equipped with at least one red stoplamp meeting the requirements of the FMVSS which is activated upon application of the service brake. The stoplamp shall be mounted at the rear of the moped on the vertical centerline except that, if more than one are used, they shall be symmetrically disposed about the vertical centerline. The stoplamp shall be mounted at a height of not less than 15 inches (38 centimeters) nor more than 72 inches (183 centimeters) above the surface upon which the unoccupied moped stands.
- (D) License plate lamp. Whenever a rear license plate is required, each moped shall be equipped with a white (clear) license plate lamp meeting the requirements of the FMVSS. The license plate lamp shall be mounted to illuminate the rear license plate from the top or sides.
- (E) Headlamp high beam indicator. Each moped equipped with a dual beam headlamp or two headlamps shall have a

means for indicating to the driver when the upper beam of the headlamp or the upper beam headlamp is illuminated.

- (F) Reflectors.
- (i) Each moped shall be equipped with at least one red rear reflex reflector meeting the requirements of the FMVSS. The rear reflector shall be mounted on the vertical centerline except that, if more than one are used, they shall be symmetrically disposed about the vertical centerline.
  - (ii) Each moped shall be equipped with two red side reflex reflectors meeting the requirements of the FMVSS. One red side reflector shall be mounted on each side of the moped as far to the rear as is practicable.
  - (iii) Each moped shall be equipped with two amber side reflectors meeting the requirements of the FMVSS. One amber side reflector shall be mounted on each side of the moped as far to the front as is practicable.
  - (iv) All reflex reflectors required on a moped shall be mounted at a height of not less than 15 inches (38 centimeters) nor more than 60 inches (152 centimeters) above the surface upon which the unoccupied moped stands.
  - (v) Two or more lamps or reflectors may be combined if the requirements for each lamp or reflector are met.
- (11) Equipment controls as specified in FMVSS No. 123.
- (A) Handlebar mounted controls. Each equipment control required to be mounted on the handlebars of a moped shall be operable throughout its full range without removal of the operator's right or left hand from the throttle control or hand grip, respectively.
  - (B) Headlamp upper beam control. If the moped is equipped with a dual beam head-

lamp or two headlamps, a headlamp upper-lower beam control shall be mounted on the left handlebar. The control shall be operated by moving up to activate the upper beam and by moving down to activate the lower beam. If the control is combined with the headlamp on-off switch, a means shall be provided to prevent inadvertent actuation to the "off" function. The control shall be identified with the marking "Lights" and the control positions shall be marked "Hi" and "Lo" to identify the appropriate function.

- (C) Horn control. Each moped shall be equipped with a horn control mounted on the left handlebar. The control operation shall be pushed to activate. The control shall be identified with the marking "Horn".
- (D) Manual fuel shutoff control. The requirements for this control are contained in the fuel system requirements.
- (E) Twist-grip throttle control. Each moped shall be equipped with a twist-grip control mounted on the right handlebar to control the engine power output. The control shall be self-closing in a clockwise direction when released.
- (F) Supplemental engine stop control. Each moped shall be equipped with a supplemental engine stop control mounted on the right handlebar. The control shall be identified with the marking "Engine Stop" and the control positions shall be marked "Run" and "Off".
- (G) Front wheel brake control. Each moped shall be equipped with a front wheel service brake control mounted on the right handlebar. The control shall be operated by squeezing to engage the brake.
- (H) Rear wheel brake control. Each moped shall be equipped with a rear wheel service brake control mounted on the left handlebar. The control shall be operated by squeezing to engage the brake.

- (I) Ignition control. If a moped powered by a spark ignition combustion engine is equipped with an ignition control, the operation of the control shall be rotary with the "off" position counterclockwise from all other positions. The control shall be identified with the marking "Ignition" and the off position shall be identified with the marking "Off".
- (12) Speedometer.  
A moped may be equipped with a speedometer which displays speed in miles per hour (mph) and is identified with the marking "M.P.H.". The display shall show mph increasing in the clockwise direction; numerals and major graduations shall appear at 10 mph intervals; minor graduations shall appear at 5 mph intervals as specified in FMVSS 123.
- (13) Retracting stand.  
Each two-wheeled moped shall be equipped with a stand which will hold the unattended moped in an upright position. The stand shall retract rearward and upward if it contacts the road surface when the moped is moving in a forward direction as specified in FMVSS No. 123.
- (14) Horn.  
Each moped shall be equipped with an electrically actuated horn in good working order which will emit a sound audible at a distance of not less than 200 feet (60 meters) under traffic conditions, but no horn shall emit an unreasonably harsh sound. No moped shall be equipped with a siren, whistle, or bell.
- (15) Identification marks.  
Each moped shall have a permanent identification marking showing the name of the manufacturer, the date of manufacture, the model number or model name of the moped, and the serial number of the moped. [Eff 8/26/82; am and comp MAY 16 2003 ] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-131-4 Repeal. All rules and regulations governing required equipment on mopeds in effect prior to the effective date of this chapter are repealed.

[Eff 8/26/82; comp MAY 16 2003 ] (Auth: HRS  
§291C-202) (Imp: HRS §291C-202)

§19-131-5 Severability. If any section or part  
of this chapter is held invalid for any reason, the  
invalidity shall not affect the validity of the  
remaining sections or parts of this chapter. [Eff and  
comp MAY 16 2003 ] (Auth: HRS §291C-202) (Imp: HRS  
§291C-202)

DEPARTMENT OF TRANSPORTATION

Amendments to and compilation of chapter 131, title 19, Hawaii Administrative Rules, on the Summary Page dated February 27, 2003 were adopted on February 27, 2003 following public hearings held on September 24 and 26, 2002, after public notice was given in the Honolulu Star Bulletin, the Garden Island, the Maui News, the Hawaii Tribune Herald, and the West Hawaii Today on August 11, 2002.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

  
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RODNEY K. HARAGA  
Director of Transportation

  
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LINDA LINGLE  
Governor  
State of Hawaii

Date: 5/5/03

MAY 06 2003

Filed

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy Attorney General

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LIEUTENANT GOVERNOR