

DEPARTMENT OF TRANSPORTATION
Amendment and Compilation of Chapter 19-124
Hawaii Administrative Rules

November 13, 2002

SUMMARY

1. §19-124-2 is amended.
2. Chapter 19-124 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19
DEPARTMENT OF TRANSPORTATION

SUBTITLE 5
MOTOR VEHICLE SAFETY OFFICE

CHAPTER 124
PROTECTIVE DEVICES FOR MOTORCYCLE AND
MOTOR SCOOTER OPERATORS AND PASSENGERS

\$19-124-1	Purpose
\$19-124-2	Definitions
\$19-124-3	Protective helmet specifications
\$19-124-4	Requirements for goggles or safety glasses
\$19-124-5	Requirements for face shields
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\$19-124-7	Use of protective devices required
\$19-124-8	Severability
\$19-124-8	Repeal

Historical note. This chapter is based substantially upon the Rules and Regulations Governing Protective Devices for Motorcycle and Motor Scooter Operators and Passengers. [Eff 1/2/68; R 8/5/85; am 1/3/94; am and comp **NOV 29 2002**]

\$19-124-1 Purpose. The operation of motorcycles and motor scooters has been found to result in a high incidence of disabling personal injuries and deaths. The effects of these injuries and deaths extend beyond the person injured or killed and the person's family to generally affect the health and welfare of the people of the State. These disabling personal injuries and deaths have an economic impact on the people of the State to the extent that they may result in a requirement for the furnishing of medical rehabilitative or welfare aid or assistance. The prevention or reduction in the severity of injuries resulting from the most common types of motorcycle accidents by the use of protective helmets and goggles, safety glasses, face shields, or other eye and face protection devices is deemed to be in the public

interest. [Eff 8/5/85; comp NOV 29 2002] (Auth:
HRS §286-81) (Imp: HRS §286-81)

§19-124-2 Definitions. As used in this chapter,
unless the context clearly indicates otherwise:

"Department" means the department of
transportation of the State of Hawaii

"Director" means the same as in §286-2, HRS.

"Face shield" means a device of a transparent
shatterproof material attached to a protective helmet
which covers the wearer's face from at least one inch
above the upper rim of the eye socket to a point at
least one inch below the tip of the nose and is
designed to protect the eyes against flying objects and
dust.

"Goggles" means a device consisting of eye pieces
or eye cups of a transparent, shatterproof material
worn over the eyes and held in place by a headband or
temple piece for protection of the eyes and eye sockets
against flying objects, dust, or a combination of these
hazards.

"Motorcycle" means the same as in §286-2, HRS.

"Motor scooter" means the same as in §286-2, HRS.

"Protective helmet" or "helmet" means a device
worn upon the head of a motorcycle or motor scooter
operator or passenger and designed to protect the
wearer's head against a blow.

"Safety glasses" means spectacles or any other
device consisting of eye pieces of a transparent,
shatterproof material worn over the eyes and held in
place by frames which are designed to protect the eyes
and eye sockets against flying objects and dust.

"Sagittal plane" means a plane which is
perpendicular to the basic (anatomical) plane and
bisects the body.

"Standard" means Federal Motor Vehicle Safety
Standard (FMVSS) Number 218, Motorcycle Helmets, as set
forth in the current edition of Title 49, Code of
Federal Regulations (October 1, 2001).

"Windscreen or windshield" means a device of
transparent, shatterproof material that is mounted on a
motorcycle or motor scooter forward of the rider,
extends to a point equal in height to the level of the
eyes of the operator when the operator is in a normal
sitting position upon the motorcycle or motor scooter
seat, and is of sufficient width and design to deflect
flying objects and dust from the body and face of the
operator. [Eff 8/5/85; am 1/3/94; am and comp

NOV 29 2002] (Auth: HRS §286-81) (Imp: HRS §286-81)

§19-124-3 Protective helmet specifications. A protective helmet shall meet the performance and labeling specifications established in FMVSS No. 218. [Eff 8/5/85; comp NOV 29 2002] (Auth: HRS §286-81) (Imp: HRS §286-81)

§19-124-4 Requirements for goggles or safety glasses. A pair of goggles or safety glasses shall be worn and shall be considered to meet specifications if it is marked by the manufacturer indicating compliance with Vehicle Equipment Safety Commission Regulation VESC-8, Minimum Requirements for Motorcyclists' Eye Protection, or:

- (1) Its lenses are made of a shatterproof material;
- (2) Its lenses are transparent, uncracked, and cover the full areas of both eye sockets so as to provide frontal eye protection;
- (3) It is designed to permit visual clearance to the extent of at least 70 degrees to each side of the sagittal plane; and
- (4) It is labelled, in a manner which shall not obstruct the wearer's vision, with the manufacturer's trade name and its model name or number. [Eff 8/5/85; comp NOV 29 2002] (Auth: HRS §286-81) (Imp: HRS §286-81)

§19-124-5 Requirements for face shields. In lieu of goggles or safety glasses, a face shield shall be worn and shall be considered to meet specifications if it is marked by the manufacturer indicating compliance with Vehicle Equipment Safety Commission Regulation VESC-8, Minimum Requirements for Motorcyclists' Eye Protection, or:

- (1) It is made of a shatterproof material and is uncracked;
- (2) It is transparent and covers the face and eyes so that it extends from at least one inch above upper rim of the eye socket to at least one inch below the tip of the nose and extends from a point one inch to the left of

- the left rim of the left eye socket to a point one inch to the right of the right rim of the right eye socket;
- (3) It is designed so that it can be securely held in place;
 - (4) It is designed to permit visual clearance to the extent of at least 70 degrees to each side of the sagittal plane;
 - (5) Its edges are smooth; and
 - (6) It is labelled, in a manner which shall not obstruct the wearer's vision, with the manufacturer's trade name and its model name or number. [Eff 8/5/1985; comp NOV 29 2002] (Auth: HRS §286-81) (Imp: HRS §286-81)

§19-124-6 Sale of protective helmets. No protective helmet shall be sold, offered for sale, or furnished to any person which does not conform with the performance and labeling requirements of FMVSS No. 218. [Eff 8/5/85; comp NOV 29 2002] (Auth: HRS §286-81) (Imp: HRS §286-81)

§19-124-7 Use of protective devices required.

(a) No person shall operate a motorcycle or motor scooter unless exempted under section 286-81, Hawaii Revised Statutes, unless the operator and any passenger on the motorcycle or motor scooter wears a protective helmet securely fastened with a chin strap, and an eye protection device in the case of a motorcycle or motor scooter which is not equipped with a windscreen or windshield, and unless the protective helmet is a model which meets the established federal requirements, and unless the eye protection device meets the specification set forth in this chapter.

(b) Notwithstanding subsection (a), no eye protection device which otherwise meets the specifications of this chapter but is smoked, shaded, or tinted for the purpose of shading the wearer's eyes from sunlight shall be worn between the period from thirty minutes after sunset on one day and thirty minutes before sunrise on the following day. [Eff 8/5/85; comp NOV 29 2002] (Auth: HRS §286-81) (Imp: HRS §286-81)

§19-124-8 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 8/5/85 comp NOV 29 2002] (Auth: §286-81) (Imp: HRS §286-81)

§19-124-9 Repeal. All rules and regulations relating to and governing protective devices for motorcycle and motor scooter operator and passengers in effect prior to the effective date of this chapter are repealed. [Eff 8/5/85; comp NOV 29 2002] (Auth: HRS §286-81) (Imp: HRS §286-81)

DEPARTMENT OF TRANSPORTATION

Amendments to and compilation of chapter 124, title 19, Hawaii Administrative Rules, on the Summary Page dated **NOV 13 2002** were adopted on **NOV 13 2002** 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.

Brian K. Minaai

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Director of Transportation

Benjamin J. Cayetano

Benjamin J. Cayetano
Governor
State of Hawaii

LIEUTENANT GOVERNOR'S
OFFICE

Date: 11-17-02

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Filed

APPROVED AS TO FORM:

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Deputy Attorney General