

JAN 19 2007

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE KEY INFORMATION ACCESS.

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

- 1 SECTION 1. The legislature finds and declares the
2 following:
- 3 (1) There are over five hundred thousand registered motor
4 vehicles in Hawaii, and those motor vehicles are an
5 essential part of Hawaii residents' work and mobility;
- 6 (2) A key or functionally similar device that allows a
7 motor vehicle's registered owner to enter, start, and
8 operate the motor vehicle is a critical and necessary
9 part of motor vehicle ownership, without which a
10 person cannot perform the basic functions of gaining
11 entry to a motor vehicle or starting its engine; and
- 12 (3) A registered owner of a motor vehicle has the right to
13 access the information necessary to gain entry to and
14 operate the motor vehicle in a timely, convenient, and
15 reliable manner.
- 16 It is the intent of the legislature, in enacting this Act,
17 to give motorists better access to this necessary information,



1 while at the same time protecting the security of that
2 information and the motor vehicle.

3 The purpose of this Act is to allow appropriate motor
4 vehicle security while providing essential and necessary
5 consumer access.

6 SECTION 2. Chapter 437, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§437- Replacement motor vehicle keys or other
10 functionally similar devices; twenty-four-hour availability;
11 exemption. (a) Except as provided in subsection (f), this
12 section applies only to new motor vehicles sold or leased in
13 this State on or after January 1, 2008.

14 (b) A manufacturer of a motor vehicle sold or leased in
15 this State shall provide the means whereby the registered owner
16 of that motor vehicle, through a registered locksmith, can
17 access only the information that is necessary to permit the
18 production of a replacement key or other functionally similar
19 device by the registered locksmith that will allow the motor
20 vehicle's registered owner to enter, start, and operate the
21 motor vehicle. The means to access this information shall be



1 available by telephone or electronically twenty-four hours a day
2 and seven days a week, as provided in subsections (c) to (e).

3 (c) When a registered locksmith is requested by the motor
4 vehicle's registered owner or the registered owner's family
5 member to produce a replacement key or other functionally
6 similar device that will allow the motor vehicle to be entered,
7 started, and operated, and the information is needed from the
8 manufacturer in order to produce the requested key or other
9 functionally similar device, the registered locksmith shall:

10 (1) Obtain the name, address, telephone number, if any,
11 date of birth, and driver's license number or
12 identification number of the person requesting or
13 purchasing the key;

14 (2) Obtain the registration or identification number,
15 license number, year, make, model, color, and vehicle
16 identification number of the motor vehicle for which
17 the key is to be made;

18 (3) Visually verify the identity of the requesting party
19 through that party's drivers license;

20 (4) Visually verify that the registration of the motor
21 vehicle matches the requesting party's identity and



1 address (or last name and address if the requesting
2 party is a family member of the registered owner); and
3 (5) Visually verify that the vehicle identification number
4 of the motor vehicle matches with the vehicle
5 identification number on the registration.

6 The information required by paragraphs (1) and (2), together
7 with the date the key was made and the signature of the person
8 for whom the key was made, shall be set forth on a work order,
9 and upon satisfactory verification of the three requirements set
10 forth in paragraphs (3) through (5), the registered locksmith
11 shall sign an affidavit that the locksmith has visually verified
12 the information, and proceed to access the needed information
13 from the manufacturer. Copies of the orders and affidavits
14 shall be retained by the registered locksmith for two years, and
15 shall include the name of the registered locksmith performing
16 the service, and shall be open to inspection by any law
17 enforcement officer during business hours.

18 (d) Upon completing the services, the registered locksmith
19 shall give any key code information obtained from the
20 manufacturer to the registered owner, or if applicable, the
21 owner's family member, and shall destroy all information
22 accessed from the manufacturer in the locksmith's possession.



1 (e) After a request is received from a registered
2 locksmith for information to enable the registered locksmith to
3 produce a replacement key or other functionally similar device
4 that will allow the motor vehicle to be entered, started, and
5 operated, and that request is made at the request of the motor
6 vehicle's registered owner or the registered owner's family
7 member, the manufacturer shall:

8 (1) Require the registered locksmith to confirm the
9 locksmith's registration with the manufacturer's
10 registry;

11 (2) Provide the security password issued by the
12 manufacturer, and comply with any other reasonable
13 authentication procedure; and

14 (3) Require the registered locksmith to confirm the
15 registered locksmith's visual identity and motor
16 vehicle verifications, pursuant to paragraph (1).

17 Upon satisfactory verification of these requirements, and upon
18 presentation of the vehicle identification number and model
19 number, the manufacturer shall provide to the registered
20 locksmith, for the motor vehicle identified by the vehicle
21 identification number and model number, the information
22 necessary to enable production of a replacement key or other



1 functionally similar device that allows the motor vehicle to be
2 entered, started, and operated.

3 (f) Except in cases of fraud or misappropriation, a
4 registered locksmith who follows these procedures shall incur no
5 liability for theft of the motor vehicle related to the
6 registered locksmith's production of a replacement key or
7 functionally similar device that will allow the motor vehicle to
8 be entered, started, and operated.

9 (g) A manufacturer subject to this section shall retain
10 and make the information available in accordance with this
11 section for at least twenty-five years from the date of
12 manufacture.

13 (h) A manufacturer that follows these procedures shall
14 incur no liability for theft of the motor vehicle related to
15 furnishing the information to a registered locksmith for the
16 production of a replacement key or functionally similar device
17 that will allow the motor vehicle to be entered, started, and
18 operated.

19 (i) This section shall not apply to a make that sold fewer
20 than one hundred motor vehicles in the prior calendar year in
21 the State.



1 (j) For the purposes of this section, unless the context
2 clearly indicates otherwise, the following terms shall mean:

3 "House car" means a motor vehicle originally designed, or
4 permanently altered, and equipped for human habitation, or to
5 which a camper has been permanently attached.

6 "Information" includes, but is not limited to, the motor
7 vehicle's key code and, if applicable, immobilizer or access
8 code, and its successor technology and terminology.

9 "Locksmith" means a natural person who provides the
10 services of origination of a key, opening modification,
11 rekeying, recombination, repair or installation of a mechanical
12 or electronic access or locking device. "Locksmith" does not
13 include tow truck operators who do not originate keys for locks
14 and whose locksmith services are limited to motor vehicles.

15 "Manufacturer" means any person, resident or nonresident,
16 who is engaged in the business of manufacturing or assembling
17 new motor vehicles or a designated agent by contract.

18 "Motor vehicle" means a passenger vehicle as defined in
19 section 437-1.1 and a pickup truck, and does not include a
20 housecar, a motorcycle as defined in section 286-2, or other
21 two-wheeled motor vehicle.



1 "Pickup truck" means a motor vehicle designed, used, or
2 maintained primarily for the transportation of property with a
3 manufacturer's gross vehicle weight rating of less than eleven
4 thousand one hundred pounds, an unladen weight of less than
5 eight thousand and one pounds, and which is equipped with an
6 open box-type bed not exceeding nine feet in length. "Pickup
7 truck" does not include a motor vehicle otherwise meeting the
8 above definition that is equipped with a bed-mounted storage
9 compartment unit commonly called a "utility body".

10 "Registered locksmith" means a locksmith who has undergone
11 a background check by a nationally recognized association, is
12 bonded in the State, and has registered with a manufacturer and
13 has been issued a registry number and security password by the
14 manufacturer.

15 "Registered owner" means "owner" as defined in section 286-
16 2, and also includes a lessee of the motor vehicle when the
17 lessee's name appears on the motor vehicle registration."

18 SECTION 3. If any provision of this Act, or the
19 application thereof to any person or circumstance is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act, which can be given effect without the



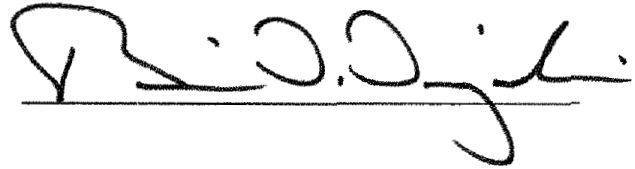
1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on January 1, 2008.

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INTRODUCED BY:





Report Title:
Motor Vehicles

Description:
Requires motor vehicle manufacturers to allow registered owners through a registered locksmith to access information necessary to produce replacement keys.

