

JAN 24 2007

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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSPECTIONS.

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

1           SECTION 1. Section 286-16, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~+~~§286-16~~+~~ **Powers and duties.** The director of  
4 transportation shall prescribe uniform standards and procedures  
5 for motor vehicle ~~[inspection,]~~ equipment, driver licensing, and  
6 registration, including the form and content of records to be  
7 maintained for the registration of vehicles and for the  
8 licensing of drivers."

9           SECTION 2. Section 286-22, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           "~~§~~286-22 **Inspection by officers of the police department.**

12           (a) The chief of police or any police officer of any county  
13 ~~[may]~~, at any time when the chief of police or police officer  
14 has reasonable cause to believe that a vehicle is unsafe or not  
15 appropriately equipped as ~~[required by law]~~ prescribed by the  
16 director of transportation, may require the owner or driver of



1 the vehicle to submit the vehicle to an inspection or make the  
2 necessary corrections or repairs.

3 (b) If the vehicle is found to be in an unsafe condition or  
4 if any required part or equipment is not present or if any  
5 required part or equipment is present but not in proper repair,  
6 the officer [~~shall~~] may issue a citation to the owner or driver  
7 stating the reasons that the vehicle is deemed unsafe and  
8 [~~shall~~] may require that [~~a new certificate of inspection as~~  
9 ~~provided in section 286-26 be obtained within five days or that~~]  
10 the defect be cured.

11 (c) If upon inspection, the chief of police or any police  
12 officer determines that any vehicle is in such unsafe condition  
13 as to constitute a menace to the public and cannot reasonably be  
14 restored to a safe condition [~~as required in this part~~], then  
15 the chief of police or police officer [~~shall remove the sticker~~  
16 ~~which signifies the certificate of inspection and~~] may inform  
17 the director of finance who [~~shall~~] may forthwith suspend the  
18 registration of the vehicle and give notice of the suspension to  
19 its owner. Whenever the director of finance has suspended the  
20 registration of any vehicle under this part, the owner of the  
21 vehicle [~~shall~~] may be required to immediately surrender and  
22 forward to the director of finance the certificate of



1 registration and the license plates last issued upon  
2 registration of the vehicle for the current year.

3 (d) Any person aggrieved by this section shall have the  
4 right to a hearing before a district judge of the circuit in  
5 which the person is cited within five days. The judge shall  
6 determine whether the chief of police or any police officer  
7 reasonably performed the chief of police's or police officer's  
8 duties [~~hereunder~~] under this section and shall make any  
9 appropriate order."

10 SECTION 3. Section 286-23, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§286-23 Responsibility for compliance.**

13 (a) Every owner or driver, upon receiving a citation as  
14 provided in section 286-22(b), shall comply [~~therewith~~] with the  
15 citation and shall within five days [~~secure an official~~  
16 ~~certificate of inspection or~~] make the necessary corrections or  
17 repairs, or the driver may request a hearing as provided in  
18 section 286-22(d).

19 (b) No person shall operate any vehicle after receiving a  
20 citation [~~with reference thereto~~] as provided in section 286-  
21 22(b), except that if the driver is authorized to do so by the  
22 police officer, the driver may return the vehicle to the



1 driver's residence or place of business or the residence or  
2 place of business of the owner of the vehicle, or to an  
3 automotive repair shop, if within a distance of twenty miles,  
4 until [~~a certificate of inspection is obtained or~~] the necessary  
5 corrections or repairs are made."

6 SECTION 4. Section 286-24, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§286-24 Registered owner's responsibility; registration**  
9 **plates as prima facie evidence as to the fault of the registered**  
10 **owner.** In any proceeding for a violation of this part, the  
11 registered owner of a vehicle shall be deemed to be responsible  
12 for the unsafe condition of the vehicle."

13 SECTION 5. Section 291-21.5, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§291-21.5 Regulation of motor vehicle sun screening**  
16 **devices; penalty.**

17 (a) No person shall operate, permit the operation of, cause  
18 to be operated, or park any motor vehicle on a public highway if  
19 the glazing material of the motor vehicle:

20 (1) Does not meet the requirements of the Federal Motor  
21 Vehicle Safety Standards 205 in effect at the time  
22 of its manufacture; or



1           (2) Is used in conjunction with sun screening devices  
2                   not exempted [~~from this section~~] by subsection (d)  
3                   [~~hereof~~].

4           (b) No person shall install, mount, adhere, affix, or use  
5 any sun screening device or combination of devices in  
6 conjunction with the glazing material of a motor vehicle [~~which~~]  
7 that does not meet the requirements of the Federal Motor Vehicle  
8 Safety Standards 205 in effect at the time of the glazing  
9 material's manufacture except as provided in this section. Any  
10 person who violates this section shall be liable for the removal  
11 of any sun screening device applied contrary to this section.

12           [~~(c) A safety inspection required under section 286-25~~  
13 ~~shall include a test to ensure that the glazing material and any~~  
14 ~~sun screening devices meet the requirements specified in this~~  
15 ~~section.~~]

16           [~~(d)~~] (c) This section shall not apply to:

17                   (1) Rearview mirrors;

18                   (2) Adjustable nontransparent sun visors [~~which~~] that  
19                   are mounted forward of the side windows and are not  
20                   attached to the glazing material;

21                   (3) Signs, stickers, or other materials [~~which~~] that are



1 displayed in a seven-inch square in the lower  
2 corner of the windshield farthest removed from the  
3 driver or signs, stickers, or other materials  
4 [~~which~~] that are displayed in a five-inch square in  
5 the lower corner of the windshield nearest the  
6 driver;

7 (4) Rear trunk lid handle or hinges;

8 (5) Window wipers and window wiper motors;

9 (6) Transparent sun screening film materials [~~which~~]

10 that are installed, affixed, or applied along the  
11 top edge of the windshield so long as such  
12 materials do not encroach upon the AS-1 portion of  
13 the windshield as provided by the Federal Motor  
14 Vehicle Safety Standards 205 or no lower than four  
15 inches below the top of the windshield, when  
16 measured from the middle point of the bottom edge  
17 of the top windshield moulding if no AS-1 markings  
18 can be found in the left or right upper margin of  
19 the windshield;

20 (7) Sun screening devices for front side wing vents  
21 and windows [~~which,~~] that, when used in conjunction  
22 with the glazing material, have a light



1 transmittance of no less than thirty-five per cent  
2 plus or minus six per cent;

3 (8) Sun screening devices for side windows necessary  
4 for driving visibility [~~which~~] that are to the rear  
5 of the driver and for rear windows necessary for  
6 driving visibility [~~which,~~] that, when used in  
7 conjunction with the glazing material, have a light  
8 transmittance of no less than thirty-five per cent  
9 plus or minus six per cent;

10 (9) Side windows [~~which~~] that are to the rear of the  
11 driver and rear windows on vans, minivans, trucks,  
12 or buses [~~, provided that~~], if the vehicles are  
13 equipped with rearview mirrors on both sides; and

14 (10) Privacy drapes, curtains, or blinds, or any  
15 combination, installed on the interior of motor  
16 homes.

17 [(+e)] (d) Any person who violates this section shall be  
18 fined:

19 (1) Not less than \$250 or more than \$500 for each separate  
20 offense if the person is the owner of the motor  
21 vehicle which is in violation; and



1           (2) Not less than \$500 nor more than \$1,000 for each  
2           separate offense if the person or business entity is  
3           the installer of any sun screening device which does  
4           not meet the requirements of this section. The  
5           installer shall also reinstall sun protective devices  
6           which comply with this section, free of charge, or  
7           reimburse the motor vehicle owner for the cost of  
8           installing sun protective devices by another installer  
9           which comply with this section.

10 The receipt from the installer in the possession of the person  
11 in the motor vehicle at the time of the issuance of the citation  
12 shall be prima facie evidence of the identity of the installer.  
13 The installer shall issue a certificate to the vehicle owner at  
14 the time the sunscreen device is installed certifying that the  
15 device complies with law. The certificate shall be stored in  
16 the motor vehicle at all times."

17           SECTION 6. 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 7. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.





1 SECTION 8. This Act shall take effect on January 1, 2008.

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INTRODUCED BY:         Cyrus Hall        



**Report Title:**

Motor Vehicles; Safety Check

**Description:**

Repeals requirement for periodic safety checks.

