

JAN 18 2008

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Section 249-13, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§249-13 Determination of rate.** (a) The council shall
4 determine the rate and the minimum tax at which all vehicles and
5 motor vehicles in each respective county shall be taxed as
6 provided by section 249-2. In making the determination, the
7 rate and minimum tax on trucks or noncommercial motor vehicles
8 shall be in accordance with subsection (b). The rate and
9 minimum tax shall be established by ordinance, provided that
10 prior to final action thereon a public hearing shall be held on
11 the proposed rate. Public notice of the time and place of the
12 hearing shall be given at least ten days prior to the hearing in
13 the county. After the public hearing the council may fix the
14 rate and the minimum tax at any amount deemed necessary, but the
15 rate and the minimum shall not be higher than that originally
16 proposed when the notice of public hearing was given. Any rate
17 and minimum tax so established shall be effective as of



1 January 1 of the year following the date of enactment of the
2 ordinance.

3 (b) The rate and minimum tax for a truck or noncommercial
4 motor vehicle shall be the same as provided for a passenger
5 vehicle if:

6 (1) The truck or noncommercial motor vehicle has a net
7 weight of six thousand five hundred pounds or less;
8 and

9 (2) The owner submits proof to the director of finance
10 that the truck or noncommercial motor vehicle is not
11 being operated for compensation or commercial
12 purposes.

13 (c) A motor vehicle that is owned, or leased, and operated
14 by a person with a disability, as defined in section 291-51, and
15 used for personal transportation shall be considered a
16 noncommercial motor vehicle for the purposes of determining the
17 rate and the minimum tax to be charged.

18 [~~e~~] (d) Any person who submits proof under subsection
19 (b) to the director of finance knowing that it is false shall be
20 guilty of a petty misdemeanor."



1 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "commercial motor vehicle"
3 to read as follows:

4 "Commercial motor vehicle" means a motor vehicle or
5 combination of motor vehicles used in commerce to transport
6 passengers or property:

7 (1) If the vehicle has a gross combination weight rating
8 of 26,001 or more pounds inclusive of a towed unit(s)
9 with a gross vehicle weight rating of more than 10,000
10 pounds;

11 (2) If the vehicle has a gross vehicle weight rating of
12 26,001 or more pounds;

13 (3) If the vehicle is designed to transport sixteen or
14 more occupants, including the driver; or

15 (4) If the vehicle, regardless of size, is used in the
16 transportation of hazardous materials, as defined in
17 this section[-];

18 provided that "commercial motor vehicle" shall not include a
19 motor vehicle owned, or leased, and operated by a person with a
20 disability, as defined in section 291-51, and used for personal
21 transportation."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY:

~~_____~~ _____ *B/C*



Report Title:

Motor Vehicles

Description:

Establishes that motor vehicles owned and operated by persons with a disability and used for personal transportation are noncommercial motor vehicles.

