
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Under section 286-271, Hawaii Revised Statutes,
2 a person shipping a vehicle interisland must present a current
3 certificate of registration, proof of motor vehicle insurance,
4 and identification. If the shipper is neither the legal nor
5 registered owner of the vehicle being shipped, the shipper must
6 also present a notarized letter from the legal or registered
7 owner authorizing the shipment.

8 Act 66, enacted by the legislature in 2008 under H.B. No.
9 2953, exempts a person driving other than the person's own
10 vehicle when traveling on an interisland ferry, from the
11 requirements of section 286-271, Hawaii Revised Statutes,
12 including the requirement of presenting a notarized letter from
13 the vehicle's registered or legal owner. In Conference
14 Committee Report No. 59 on H.B. No. 2953, S.D. 1, C.D. 1, the
15 Committee on Conference found that:

16 The requirements for the inter-island shipping of
17 motor vehicles were put in place long before a car-
18 carrying, inter-island ferry service was ever



1 envisioned for Hawaii and was meant to primarily serve
2 as a deterrent to the shipping of stolen vehicles.

3 However, procedures that include identifying a vehicle
4 through its vehicle identification number, make,
5 model, year, and color, along with identification
6 requirements for the driver and all passengers in the
7 vehicle, serve as a sufficient deterrent for the
8 shipment of stolen vehicles on the current inter-
9 island ferry service.

10 The same safeguards against the shipment of stolen vehicles
11 on an interisland ferry are in place for shipment of vehicles on
12 interisland barges. In conformance with current law, carriers
13 must record the vehicle identification number (VIN) and a
14 description of each vehicle it ships and must require
15 certificates of registration or ownership, as applicable, proof
16 of insurance, and proof of identification from the shipper and
17 the consignee. The carrier must also retain such information
18 for not less than three years.

19 The legislature finds that sufficient safeguards against
20 shipment of stolen vehicles are already available and in place
21 under the law, without retaining the requirement of notarized
22 authorization from a registered or legal owner for vehicle



1 shipment by a third party, regardless of the mode of water
2 transportation—that is, whether by interisland ferry or barge.

3 The purpose of this Act is to standardize the documents
4 required for interisland shipping of vehicles regardless of the
5 mode of water transportation.

6 SECTION 2. Section 286-271, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsections (a) and (b) to read:

9 "(a) Except as provided in subsection (b), a legal owner
10 of a vehicle shall not ship that vehicle interisland in this
11 [~~State~~] state unless the legal owner first presents to the
12 carrier the legal owner's current certificate of registration
13 showing that the person is the registered owner of the vehicle,
14 identification, and proof of motor vehicle insurance. If the
15 registered owner of the vehicle is not the legal owner of the
16 vehicle, the registered owner shall present to the carrier, the
17 registered owner's current certificate of registration,
18 identification, and proof of motor vehicle insurance. Duplicate
19 copies of the current registration and proof of motor vehicle
20 insurance shall be acceptable for commercial vehicles as defined
21 in section 286-47(3)(C). An authorized agent of the legal or
22 registered owner may ship the vehicle by presenting the current



1 certificate of registration, identification, and proof of motor
2 vehicle insurance [~~and a notarized letter from the registered~~
3 ~~or legal owner authorizing the shipment~~]. For an unrecorded
4 owner pending a lawful transfer, a certificate of ownership
5 signed by the previous owner may be submitted for the current
6 certificate of registration for a vehicle purchased within
7 thirty days of shipping. A facsimile of proof of motor vehicle
8 insurance from an insurance company may be accepted for a
9 vehicle purchased within thirty days of shipping. Presentation
10 of proof of motor vehicle insurance shall not be required for:

11 (1) Unlicensed propelled vehicles that are not intended
12 for on-road use;

13 (2) New unregistered vehicles shipped with a bill of
14 lading; or

15 (3) Vehicles owned by the federal, state, or county
16 government.

17 (b) A legal owner of a damaged vehicle shall not ship that
18 vehicle interisland in this [~~State~~] state for repair, disposal,
19 or salvage unless the legal owner first presents to the carrier
20 the legal owner's current certificate of registration showing
21 that the person is the registered owner of the vehicle or a car
22 dealer's license. For an unrecorded owner pending a lawful



1 transfer, a certificate of ownership signed by the previous
2 owner may be acceptable for a vehicle purchased within thirty
3 days of shipping. A registered owner of the vehicle who is not
4 the legal owner of the vehicle must present a current
5 certificate of registration."

6 2. By amending subsection (e) to read:

7 "(e) This section shall not apply to:

8 (1) Any motor vehicle rental company as defined in section
9 431:9A-141 that periodically ships in quantities of
10 ten vehicles or more; or

11 (2) Licensed dealers who periodically ship in quantities
12 of ten vehicles or more, or whose primary business is
13 the auction of insurance salvage vehicles [~~;~~ ~~or~~

14 ~~(3) Drivers of vehicles traveling on an interisland ferry;~~
15 ~~provided that such drivers present identification of~~
16 ~~the driver, a current certificate of registration for~~
17 ~~the vehicle, and proof of motor vehicle insurance.~~
18 ~~The interisland ferry carrier shall keep a record of~~
19 ~~transporting the vehicle by recording the vehicle~~
20 ~~identification number and retaining the information~~
21 ~~for three years after the date of travel]."~~



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:


A handwritten signature in black ink, appearing to read "Karen Luana", is written over a horizontal line. The signature is cursive and stylized.

JAN 27 2009



Report Title:

Motor Vehicles; Interisland Shipping

Description:

This bill will remove the requirement that non-legal or registered owners of a vehicle present a notarized letter in order to ship the vehicle interisland, regardless of mode of transport.

