

JAN 24 2013

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that particulate
2 pollution is a problem affecting localities, both urban and non-
3 urban, in Hawaii and throughout the United States.

4 At elevated concentrations, particulate matter can
5 adversely affect human health, visibility, and materials.

6 The legislature also finds that within the body of evidence
7 there is considerable agreement among different studies that the
8 elderly are particularly susceptible to effects from short-term
9 and long-term exposures to particulate matter, especially if
10 they have underlying respiratory or cardiac disease. Children,
11 especially those with respiratory diseases, may also be
12 susceptible to pulmonary function decrements associated with
13 exposure to particulate matter.

14 The legislature further finds that Hawaii's water quality
15 is a major asset to the tourism industry and anything that
16 threatens that quality is of concern to the long-term viability
17 of the Hawaiian economy. Stormwater runoff from roadways has
18 been observed to contain many pollutants and metals, and



1 stormwater runoff has been documented to be deposited in
2 Hawaii's waterways and marine environment.

3 Research conducted by the University of Hawaii has shown
4 very high levels of contamination in the Manoa watershed by
5 pollutants from motor vehicles. The National Contaminant
6 Biomonitoring Program found fish from Manoa stream to have the
7 highest concentrations of lead in the nation. Further research
8 showed that copper, zinc and lead in the watershed were
9 anthropogenically generated. The authors conclude that
10 automotive emissions plus vehicle tire and brake wear were the
11 primary contributors of trace metal concentrations.

12 Additional research shows that Hawaii's dense vehicle
13 population is loading waterways with contaminants that
14 ultimately get transported into the marine environment.

15 The purpose of this Act is to require motor vehicles to be
16 equipped with a road pollution filter as a condition precedent
17 to the issuance of a certificate of inspection.

18 SECTION 2. Section 196-9, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) With regard to motor vehicles and transportation
21 fuel, each agency shall:



- 1 (1) Comply with Title 10, Code of Federal Regulations,
2 Part 490, Subpart C, "Mandatory State Fleet Program",
3 if applicable;
- 4 (2) Comply with all applicable state laws regarding
5 vehicle purchases;
- 6 (3) Once federal and state vehicle purchase mandates have
7 been satisfied, purchase the most fuel-efficient
8 vehicles that meet the needs of their programs;
9 provided that life cycle cost-benefit analysis of
10 vehicle purchases shall include projected fuel costs;
- 11 (4) Purchase alternative fuels and ethanol blended
12 gasoline when available;
- 13 (5) Evaluate a purchase preference for biodiesel blends,
14 as applicable to agencies with diesel fuel purchases;
- 15 (6) Promote efficient operation of vehicles;
- 16 (7) Use the most appropriate minimum octane fuel; provided
17 that vehicles shall use 87-octane fuel unless the
18 owner's manual for the vehicle states otherwise or the
19 engine experiences knocking or pinging;
- 20 (8) Purchase, install, and maintain motor vehicle
21 equipment designed to directly capture and remove from
22 the environment re-entrained particles and tire and



1 brake wear emissions from all wheels, as approved by
2 the director of transportation;

3 ~~(8)~~ (9) Beginning with fiscal year 2005-2006 as the
4 baseline, collect and maintain, for the life of each
5 vehicle acquired, the following data:

- 6 (A) Vehicle acquisition cost;
- 7 (B) United States Environmental Protection Agency
- 8 rated fuel economy;
- 9 (C) Vehicle fuel configuration, such as gasoline,
- 10 diesel, flex-fuel gasoline/E85, and dedicated
- 11 propane;
- 12 (D) Actual in-use vehicle mileage;
- 13 (E) Actual in-use vehicle fuel consumption; and
- 14 (F) Actual in-use annual average vehicle fuel
- 15 economy; and

16 ~~(9)~~ (10) Beginning with fiscal year 2005-2006 as the
17 baseline with respect to each agency that operates a
18 fleet of thirty or more vehicles, collect and
19 maintain, in addition to the data in paragraph (8),
20 the following:

- 21 (A) Information on the vehicles in the fleet,
- 22 including vehicle year, make, model, gross



- 1 vehicle weight rating, and vehicle fuel
- 2 configuration;
- 3 (B) Fleet fuel usage, by fuel;
- 4 (C) Fleet mileage; and
- 5 (D) Overall annual average fleet fuel economy and
- 6 average miles per gallon of gasoline and diesel."

7 SECTION 3. Section 286-26, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§286-26 **Certificates of inspection.** (a) The following
10 vehicles shall be certified as provided in subsection (e) once
11 every year:

- 12 (1) Trucks, truck-tractors, semitrailers, and pole
- 13 trailers having a gross vehicle weight rating of more
- 14 than 10,000 pounds;
- 15 (2) Buses;
- 16 (3) Rental or U-drive motor vehicles two years of age or
- 17 older; and
- 18 (4) Taxicabs.

19 Ambulances shall be certified as provided in subsection (e) once
20 every six months.

21 (b) All other vehicles, including motorcycles, trailers,
22 semitrailers, and pole trailers having a gross vehicle weight



1 rating of 10,000 pounds or less, and antique motor vehicles as
2 defined in section 249-1, except those in subsections (c) and
3 (d), shall be certified as provided in subsection (e) every
4 twelve months; provided that any vehicle to which this
5 subsection applies shall not require inspection within two years
6 of the date on which the vehicle was first sold.

7 (c) Any vehicle that has been involved in an accident
8 shall be certified as provided in subsection (e) before it is
9 operated again if:

10 (1) It is determined by a police officer or an insurer
11 that the vehicle's equipment has been damaged so as to
12 render the vehicle unsafe; or

13 (2) It is rebuilt or restored.

14 (d) Every vehicle shall be certified prior to the issuance
15 of a temporary or permanent registration by the director of
16 finance and prior to the transfer of any registration; provided
17 that this requirement shall not apply to a subsequent transfer
18 of registration in a vehicle that carries a current certificate
19 of inspection.

20 (e) Upon application for a certificate of inspection to be
21 issued for a vehicle, an inspection as prescribed by the
22 director under subsection (g) shall be conducted on the vehicle,



1 and if the vehicle is found to be in a safe operating condition,
2 a certificate of inspection shall be issued upon payment of a
3 fee to be determined by the director. The certificate shall
4 state the effective date, the termination date, the name of the
5 issuing insurance carrier, and the policy number of the motor
6 vehicle insurance identification card for the inspected motor
7 vehicle as specified by section 431:10C-107 or state the
8 information contained in the proof of insurance card as
9 specified by section 431:10G-106. A sticker, authorized by the
10 director, shall be affixed to the vehicle at the time a
11 certificate of inspection is issued. An inspection sticker
12 which has been lost, stolen, or destroyed shall be replaced
13 without reinspection by the inspection station that issued the
14 original inspection sticker upon presentation of the vehicle's
15 current certificate of inspection; provided that the current
16 certificate of inspection and inspection sticker shall not have
17 expired at the time the replacement is requested. The director
18 shall adopt rules to determine the fee for replacement of lost,
19 stolen, or destroyed inspection stickers.

20 (f) The operator of an official inspection station shall
21 pay, from the fee in subsection (e), an amount to be determined
22 by rules adopted pursuant to chapter 91 to the director of



1 transportation. This amount shall be expended only for
2 administration and enforcement of the periodic motor vehicle
3 inspection program. The funds collected pursuant to this
4 subsection shall be deposited into the highway special fund.

5 (g) The director of transportation shall adopt necessary
6 rules for the administration of inspections and the issuance of
7 certificates of inspection[-]; provided that beginning
8 January 1, 2014, no certificate of inspection shall be issued as
9 required under this part, for any vehicle not equipped in each
10 wheel well with motor vehicle equipment designed to directly
11 capture and remove from the environment re-entrained particles
12 and tire and brake wear emissions from all wheels in each motor
13 vehicle, as approved by the director. If a vehicle is not
14 equipped with motor vehicle equipment designed to directly
15 capture and remove from the environment re-entrained particles
16 and tire and brake wear emissions, an excessive pollution
17 emissions charge of \$125 shall be assessed.

18 (h) This section shall not apply to:

19 (1) Any motor vehicle which is covered by part XI,
20 governing safety of motor carrier vehicle operation
21 and equipment; provided that the rules adopted
22 pursuant to part IA impose standards of inspection at



1 least as strict as those imposed under subsection (g)
2 and that certification is required at least as often
3 as provided in subsections (a), (b), (c), and (d); and

4 (2) Aircraft servicing vehicles that are being used
5 exclusively on lands set aside to the department of
6 transportation for airport purposes.

7 (i) As part of the inspection required by this section,
8 the owner of the vehicle to be inspected shall produce and
9 display the motor vehicle insurance identification card for the
10 inspected motor vehicle required by section 431:10C-107 or the
11 proof of insurance card required by section 431:10G-106. If no
12 card is displayed, then the sticker authorized by the director
13 shall not be affixed to the vehicle and the certificate of
14 inspection shall not be issued.

15 (j) Vehicle owners that install and maintain in each wheel
16 well aftermarket motor vehicle equipment shall install and
17 maintain aftermarket motor vehicle equipment designed to
18 directly capture and remove from the environment re-entrained
19 particles and tire and brake wear emissions from all wheels in
20 each motor vehicle, as approved by the director. In the event a
21 vehicle is not equipped with motor vehicle equipment designed to
22 directly capture and remove from the environment re-entrained



1 particles and tire and brake wear emissions, an excessive
2 pollution emissions charge of \$125 shall be assessed."

3 SECTION 4. Section 286-53.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Notwithstanding any other law to the contrary, the
6 registered owner or lessee of a fleet of twenty-five or more
7 vehicles consisting of commercial motor vehicles, commercial
8 trailers, or passenger automobiles may apply to the director of
9 finance of the county in which the vehicles are to be operated,
10 for permanent license plates, decals, and registration cards;
11 provided that the vehicle shall not be registered in any other
12 state[-]; provided further that the fleet operator periodically
13 certifies, installs, and maintains motor vehicle equipment
14 designed to directly capture and remove from the environment re-
15 entrained particles and tire and brake wear emissions from all
16 wheels in each motor vehicle, as approved by the director
17 pursuant to section 286-26(g). If a vehicle is not equipped
18 with motor vehicle equipment designed to directly capture and
19 remove from the environment re-entrained particles and tire and
20 brake wear emissions, an excessive pollution emissions charge of
21 \$125 shall be assessed."



S.B. NO. 1319

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY: *Joanne Chun Clark*



S.B. NO. 1319

Report Title:

Particulate Matter; Road Pollution; Motor Vehicles

Description:

Requires all motor vehicles to be equipped with a road pollution filter as a condition precedent to the issuance of a certificate of inspection.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

