

JAN 18 2013

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[~~7~~]
6 and registration, including the form and content of records to
7 be maintained for the registration of vehicles and for the
8 licensing of drivers."

9 SECTION 2. Section 286-21, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§286-21 **Vehicles without required equipment or in unsafe**
12 **condition.** (a) No person shall drive or cause to move on any
13 highway any motor vehicle, trailer, semitrailer, or pole
14 trailer, or any combination thereof, [~~unless~~] if it is in unsafe
15 condition or if the equipment thereon is not in good working
16 order [~~and adjustment~~] as [~~required in this part~~] prescribed by
17 the director of transportation, so as not to endanger the driver
18 or other occupant or any person upon the highway.



1 (b) Any vehicle that has been involved in an accident may
2 be deemed to be in unsafe condition if it is determined by a
3 police officer or an insurer that the vehicle's equipment has
4 been damaged so as to render the vehicle unsafe.

5 (c) This section may be enforced by any county by ordinance
6 or rules adopted in accordance with chapter 91."

7 SECTION 3. Section 286-22, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§286-22 Inspection by officers of the police department.**

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

17 (b) If the vehicle is found to be in an unsafe condition
18 or if any required part or equipment is not present or if any
19 required part or equipment is present but not in proper repair,
20 the officer [~~shall~~] may issue a citation to the owner or driver
21 stating the reasons that the vehicle is deemed unsafe and
22 [~~shall~~] may require that [~~a new certificate of inspection as~~



1 ~~provided in section 286-26 be obtained within five days or that]~~
2 the defect be cured.

3 (c) If upon inspection, the chief of police or any police
4 officer determines that any vehicle is in such unsafe condition
5 as to constitute a menace to the public and cannot reasonably be
6 restored to a safe condition [~~as required in this part~~], then
7 the chief of police or police officer [~~shall remove the sticker~~
8 ~~which signifies the certificate of inspection and~~] may inform
9 the director of finance who [~~shall~~] may forthwith suspend the
10 registration of the vehicle and give notice of the suspension to
11 its owner. Whenever the director of finance has suspended the
12 registration of any vehicle under this part, the owner of the
13 vehicle [~~shall~~] may be required to immediately surrender and
14 forward to the director of finance the certificate of
15 registration and the license plates last issued upon
16 registration of the vehicle for the current year.

17 (d) Any person aggrieved by this section shall have the
18 right to a hearing before a district judge of the circuit in
19 which the person is cited within five days. The judge shall
20 determine whether the chief of police or any police officer
21 reasonably performed the chief of police's or police officer's



1 duties [~~hereunder~~] under this section and shall make any
2 appropriate order."

3 SECTION 4. Section 286-23, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§286-23 Responsibility for compliance.** (a) Every owner
6 or driver, upon receiving a citation as provided in section 286-
7 22(b), shall comply [~~therewith~~] with the citation and shall
8 within five days [~~secure an official certificate of inspection~~
9 ~~or~~] make the necessary corrections or repairs, or the driver may
10 request a hearing as provided in section 286-22(d).

11 (b) No person shall operate any vehicle after receiving a
12 citation [~~with reference thereto~~] as provided in section 286-
13 22(b), except that if the driver is authorized to do so by the
14 police officer, the driver may return the vehicle to the
15 driver's residence or place of business or the residence or
16 place of business of the owner of the vehicle, or to an
17 automotive repair shop, if within a distance of twenty miles,
18 until [~~a certificate of inspection is obtained or~~] the necessary
19 corrections or repairs are made."

20 SECTION 5. Section 286-24, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§286-24 Registered owner's responsibility; registration**
2 **plates as prima facie evidence as to the fault of the registered**
3 **owner.** In any proceeding for a violation of this part, the
4 registered owner of a vehicle shall be deemed to be responsible
5 for the unsafe condition of the vehicle."

6 SECTION 6. Section 286-25, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§286-25 Operation of a vehicle without a certificate of**
9 **inspection.** Whoever operates, permits the operation of, causes
10 to be operated, or parks any vehicle that is required to obtain
11 an annual certificate of inspection pursuant to section 286-26
12 on a public highway without a current official certificate of
13 inspection, shall be fined not more than \$100."

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

16 "**§286-26 Certificates of inspection.** (a) The following
17 vehicles shall be certified as provided in subsection ~~[(e)]~~ (d)
18 once every year:

19 (1) Trucks, truck-tractors, semitrailers, and pole
20 trailers having a gross vehicle weight rating of more
21 than 10,000 pounds;

22 (2) Buses;



1 (3) Rental or U-drive motor vehicles two years of age or
2 older; and

3 (4) Taxicabs.

4 Ambulances shall be certified as provided in subsection ~~[(e)]~~(d)
5 once every six months.

6 ~~[(b) All other vehicles, including motorcycles, trailers,~~
7 ~~semitrailers, and pole trailers having a gross vehicle weight~~
8 ~~rating of 10,000 pounds or less, and antique motor vehicles as~~
9 ~~defined in section 249-1, except those in subsections (c) and~~
10 ~~(d), shall be certified as provided in subsection (e) every~~
11 ~~twelve months; provided that any vehicle to which this~~
12 ~~subsection applies shall not require inspection within two years~~
13 ~~of the date on which the vehicle was first sold.]~~

14 ~~[(e)]~~(b) Any vehicle that has been involved in an accident
15 shall be certified as provided in subsection ~~[(e)]~~(d) before it
16 is operated again if:

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

20 (2) It is rebuilt or restored.

21 ~~[(d)]~~(c) Every vehicle shall be certified prior to the
22 issuance of a temporary or permanent registration by the



1 director of finance and prior to the transfer of any
2 registration; provided that this requirement shall not apply to
3 a subsequent transfer of registration in a vehicle that carries
4 a current certificate of inspection.

5 ~~[(e)]~~ (d) Upon application for a certificate of inspection
6 to be issued for a vehicle, an inspection as prescribed by the
7 director under subsection ~~[(g)]~~ (f) shall be conducted on the
8 vehicle, and if the vehicle is found to be in a safe operating
9 condition, a certificate of inspection shall be issued upon
10 payment of a fee to be determined by the director. The
11 certificate shall state the effective date, the termination
12 date, the name of the issuing insurance carrier, and the policy
13 number of the motor vehicle insurance identification card for
14 the inspected motor vehicle as specified by section 431:10C-107
15 or state the information contained in the proof of insurance
16 card as specified by section 431:10G-106. A sticker, authorized
17 by the director, shall be affixed to the vehicle at the time a
18 certificate of inspection is issued. An inspection sticker
19 which has been lost, stolen, or destroyed shall be replaced
20 without reinspection by the inspection station that issued the
21 original inspection sticker upon presentation of the vehicle's
22 current certificate of inspection; provided that the current



1 certificate of inspection and inspection sticker shall not have
2 expired at the time the replacement is requested. The director
3 shall adopt rules to determine the fee for replacement of lost,
4 stolen, or destroyed inspection stickers.

5 ~~[(f)]~~ (e) The operator of an official inspection station
6 shall pay, from the fee in subsection ~~[(e)]~~ (d), an amount to be
7 determined by rules adopted pursuant to chapter 91 to the
8 director of transportation. This amount shall be expended only
9 for administration and enforcement of the periodic motor vehicle
10 inspection program. The funds collected pursuant to this
11 subsection shall be deposited into the highway special fund.

12 ~~[(g)]~~ (f) The director of transportation shall adopt
13 necessary rules for the administration of inspections and the
14 issuance of certificates of inspection.

15 ~~[(h)]~~ (g) This section shall not apply to:

16 (1) Any motor vehicle which is covered by part XI,
17 governing safety of motor carrier vehicle operation
18 and equipment; provided that the rules adopted
19 pursuant to part IA impose standards of inspection at
20 least as strict as those imposed under subsection
21 ~~[(g)]~~ (f) and that certification is required at least



1 as often as provided in subsections (a), (b), and
2 (c) [~~and (d)~~]; and

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

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

14 SECTION 8. Section 291-21.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§291-21.5 Regulation of motor vehicle sun screening**
17 **devices; penalty.** (a) No person shall operate, permit the
18 operation of, cause to be operated, or park any motor vehicle on
19 a public highway if 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 of
22 its manufacture; or



1 (2) Is used in conjunction with sun screening devices not
2 exempted [~~from this section~~] by subsection
3 (d) [~~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 are
19 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
22 displayed in a seven-inch square in the lower corner



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

5 (4) Rear trunk lid handle or hinges;

6 (5) Window wipers and window wiper motors;

7 (6) Transparent sun screening film materials [~~which~~] that
8 are installed, affixed, or applied along the top edge
9 of the windshield so long as such materials do not
10 encroach upon the AS-1 portion of the windshield as
11 provided by Federal Motor Vehicle Safety Standard 205
12 or no lower than four inches below the top of the
13 windshield, when measured from the middle point of the
14 bottom edge of the top windshield moulding if no AS-1
15 markings can be found in the left or right upper
16 margin of the windshield;

17 (7) Sun screening devices for front side wing vents and
18 windows [~~which,~~] that, when used in conjunction with
19 the glazing material have a light transmittance of no
20 less than thirty-five per cent plus or minus six per
21 cent;



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

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

12 (10) Privacy drapes, curtains, or blinds, or any
13 combination, installed on the interior of motor homes;
14 or

15 (11) Transparent sun screening materials, when applied to
16 the AS-1 portion of the windshield, which meets the
17 requirements of Federal Motor Vehicle Safety Standard
18 205.

19 [~~(e)~~] (d) Any person who violates this section shall be
20 fined:



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

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

13 The receipt from the installer in the possession of the person
14 in the motor vehicle at the time of the issuance of the citation
15 shall be prima facie evidence of the identity of the installer.

16 The installer shall issue a certificate to the vehicle owner at
17 the time the sunscreen device is installed certifying that the
18 device complies with law. The certificate shall be stored in
19 the motor vehicle at all times."

20 SECTION 9. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 10. This Act shall take effect upon its approval.



S.B. NO. 290

INTRODUCED BY:

[Handwritten Signature]



S.B. NO. 290

Report Title:

Motor vehicle safety check

Description:

Abolishes requirement that all motor vehicles obtain annual 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.

