



Testimony by:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 16, 2018
1:20 p.m.
State Capitol, Room 225

H.B. 2161
RELATING TO VEHICLE INSPECTION STATIONS

Senate Committee on Transportation and Energy

The Department of Transportation (DOT) offers **comments** to H.B. 2161, which changes the penalty for improper conduct of motor vehicle inspections at inspection stations from suspension or revocation of the station's operating permit to a fine.

Section 1 of the bill states that suspending inspection stations shifts the consequences of noncompliance with inspection requirements from station owners to inspectors, who are employees of the station owners. This is not accurate. When stations are suspended it is generally due to dysfunctional equipment. Stations are also suspended when inspectors consistently conduct improper inspections. When an inspector violates the inspection rules, the inspector can be suspended or revoked. If the inspectors at a station continually get suspensions, the station can be suspended, because it is the responsibility of the station manager to ensure that inspections are done correctly. The station and inspector should always be diligent about following the inspection rules.

The inspection program is supervised by the state and counties with a view toward helping inspectors and stations do proper inspections to keep them active in the program. Verbal and written warnings are typically issued for initial violations followed by progressively longer suspensions ranging from one month up to a year, ending with revocation.

Suspensions are aimed at modifying behavior of the station managers and/or inspectors, and when there is a finding that there is no intention of improving, revocation is used. Revocations are in place to help protect the integrity of the program and ensure vehicles, for safety reasons, are properly inspected. However the department would consider increasing fines instead of revocations

Our experience has shown that the suspension system is fair and effective, because it simulates a one size fits all application. If fines are used, the small volume stations will be hurt more than the large volume stations. For example, if a station does 20 inspections per month, a total of about \$360 will be generated. A \$100 fine would

equal about 25% of the income. A station doing 200 inspections per month will generate \$3,600 per month. A \$100 fine would be minimal to that station. Suspensions bring about proportionate consequences to all stations and inspectors.

Another difficulty with fines is that not all county Periodic Commercial Motor Vehicle Inspection (PMVI) officers have authority to issue citations. The PMVI officers in some counties have no police powers. These officers are authorized to issue suspensions, but they have no authority to issue a citation. The courts are used to challenge a citation, but administrative hearings are used to challenge suspensions.

Thank you for the opportunity to provide testimony.