

HB2349

- Measure Title:** RELATING TO CITATIONS FOR MOTOR VEHICLE REPAIR VIOLATIONS.
- Report Title:** Citations; Motor Vehicle Repair Violations; Fines
Authorizes the issuance of a citation for specific violations of the motor vehicle repair laws and rules by licensees.
- Description:** Sets forth a process for licensees to contest the citation and provides for the assessment of fines for each violation. (HB2349 HD1)
- Companion:** [SB2776](#)
- Package:** Governor
- Current Referral:** CPH, WAM
- Introducer(s):** SAIKI (Introduced by request of another party)

**PRESENTATION OF THE
MOTOR VEHICLE REPAIR INDUSTRY BOARD**

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Tuesday, March 13, 2018
9:00 a.m.

**TESTIMONY ON HOUSE BILL NO. 2349, H.D. 1, RELATING TO CITATIONS FOR
MOTOR VEHICLE REPAIR VIOLATIONS.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is Marie Weite, and I am the Chairperson of the Motor Vehicle Repair Industry Board ("Board"). Thank you for the opportunity to testify on H.B. 2349, H.D. 1, Relating to Citations for Motor Vehicle Repair Violations, which is a companion to S.B. 2776. The Board strongly supports this measure.

The Board concurs with the issuance of a citation for specific violations of motor vehicle repair laws by licensees, and the process set forth for licensees to contest the citation and for the assessment of fines for each violation.

Thank you for the opportunity to testify on H.B. 2349, H.D. 1.



DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310

P.O. Box 541

HONOLULU, HAWAII 96809

Phone Number: 586-2850

Fax Number: 586-2856

cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

**PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE**

**TO THE SENATE COMMITTEE
ON COMMERCE, CONSUMER PROTECTION, AND HEALTH**

**TWENTY-NINTH STATE LEGISLATURE
REGULAR SESSION, 2018**

Tuesday, March 13, 2018
9:00 am

**TESTIMONY ON HOUSE BILL NO. 2349 H.D.1
RELATING TO CITATIONS FOR MOTOR VEHICLE REPAIR VIOLATIONS**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on H.B. 2349 H.D.1, Relating to Citations for Motor Vehicle Repair Violations. My name is Daria Loy-Goto, and I am the Complaints and Enforcement Officer for the Department’s Regulated Industries Complaints Office (“RICO”). The Department strongly supports this administration bill, which is a companion to S.B. 2776.

SECTION 1 of this bill authorizes RICO to issue citations to motor vehicle repair licensees for the following three technical violations of the motor vehicle repair laws: (1) failure by a repair dealer to conspicuously display a registration or certification certificate; (2) failure by a repair dealer to conspicuously post required signage

containing contact information for the Motor Vehicle Repair Industry Board; and (3) failure by a mechanic to carry or have readily available for inspection the pocket card issued by the Department indicating proof of registration.

The citation process requires personal service of the citation upon the licensee and affords the licensee an opportunity to request a hearing to contest the citation within twenty calendar days from the service of the citation. This bill also provides that failure to pay any assessed fine within thirty calendar days, unless the licensee contests the citation, may subject the licensee to further disciplinary action.

To address issuing citations to licensees, RICO submitted a legislative proposal in 2016, S.B. 2863, authorizing it to issue citations to massage therapy licensees for technical violations of the massage therapy laws. The bill was enacted as Act 146 and has resulted in a more efficient and effective use of RICO resources.

During the 2017 legislative session, RICO proposed a similar bill, S.B. 947, to allow it to issue citations to cosmetology licensees. Pursuant to Act 148, RICO is now able to cite these licensees for technical violations of beauty culture laws.

These recent citation laws have positively impacted RICO's efforts to curb violations by licensees, ensure swift compliance, and more effectively allocate its resources. Similarly, the enforcement mechanisms in H.B. 2349 H.D.1 will significantly enhance RICO's ability to address technical violations of the motor vehicle repair licensing laws by licensees.

RICO notes H.B. 2349 H.D.1 amended language on page 1, line 9 of the bill to read "...the department may issue a citation to any person who holds a motor vehicle repair dealer or motor vehicle repair mechanic license for any of the following violations of this chapter or the rules adopted pursuant to ~~this chapter and to chapter 91~~" and defected the effective date. RICO notes the deleted language is consistent with language found in similar licensing provisions. As such, RICO respectfully requests the Committee amend this bill to restore the deleted language and effective date. A companion bill, S.B. No. 2776, was previously heard by the Committee on Commerce, Consumer Protection, and Health and was passed out without amendments.

House Bill No. 2349 H.D.1

March 13, 2018

Page 3

Thank you for the opportunity to testify in strong support of this administration bill, and we ask for your favorable consideration.