

Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

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

February 8, 2017
9:00 am
State Capitol, Room 423

H.B. 737
RELATING TO MOTOR VEHICLE REGISTRATION

House Committee on Transportation

The Department of Transportation (DOT) **opposes** H.B. 737 that will allow uncertified motor vehicles to be registered in Hawaii, provided they are 25 years old or older.

Federal Motor Vehicle Safety Standards (FMVSS) have produced improvements in highway safety. Manufacturers are required by the National Highway Traffic Safety Administration (NHTSA) to install FMVSS in all new cars that are manufactured for sale and use in the USA. The intent of the requirement is that the standards remain in the vehicle for the life of the vehicle, but after the first sale of a vehicle, the owner is responsible for maintaining them. The State of Hawaii nudges vehicle owners to do this by inspecting many items covered by the FMVSS during an annual inspection.

Passage of this bill is sure to increase the number of uncertified motor vehicles that are on Hawaii's roads. It is understood that some people are willing to accept diminished safety features in a vehicle, similar to how the bus riding community accepts the unsafe act of riding a bus while standing. If, however, the Legislature decides to allow older uncertified vehicles to be registered, it is recommended that a provision be added to disallow the resale of these vehicles. This will discourage people from making a business of selling uncertified vehicles. For example, a relatively low priced foreign or domestic military vehicle, European sports or luxury car, or a car that is particularly suited for installing a larger engine can attract someone who is more concerned about obtaining the vehicle than about its safety features. Even if a disclaimer or brand is used, many people will accept it without being fully cognizant of the safety standards that are missing. Many people don't know what the FMVSS are.

To avoid a potential Constitutional problem related to sovereignty, it is recommended that the reference to the United States Code not be used.

Thank you for the opportunity to provide testimony.



Street Bikers United Hawaii (SBU) Submissions

January 23, 2017

Bill HB No. 737 (“RELATING TO MOTOR VEHICLE REGISTRATION”)

Presenter: Bruce Paige
Residence: Pearl City
Email: bpaigeco@gmail.com

Introducer(s): AQUINO

Description:

Exempts direct import vehicles, i.e. vehicles at least 25 years old, from the requirement that vehicles be in compliance with all Federal Motor Vehicle Safety Standards to be registered. Defines "direct import vehicle."

SBU Recommends Its Members Support Bill SB No. 737

Provided “direct import vehicles” meet all Federal Motor Vehicle Standards as prescribed by the applicable laws there is no reason they should not be registered in accordance with the director of finance directives for registration.

Points of Support:

SBU takes the position that the proposed Bill H.B. No. 737 should be supported by its members in the form submitted.

All of which is respectfully submitted:

On Behalf of Street Bikers United Hawaii (SBU)

Bruce Paige

Bruce Paige
SBU State Director

I support HB737 in regards to allowing state registration of "direct import vehicles" over 25 years old.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:15 PM
To: TRNtestimony
Cc: Cheiser001@gmail.com
Subject: Submitted testimony for HB737 on Feb 8, 2017 09:00AM

HB737

Submitted on: 2/6/2017

Testimony for TRN on Feb 8, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Craig heiser	Individual	Support	No

Comments: I support this because I'm a car enthusiast who enjoys imported cars from Japan and would really like to see more on island and maybe even import one myself .

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:19 PM
To: TRNtestimony
Cc: travisshimo@yahoo.com
Subject: Submitted testimony for HB737 on Feb 8, 2017 09:00AM

HB737

Submitted on: 2/6/2017

Testimony for TRN on Feb 8, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Travis Shimabukuro	Individual	Support	No

Comments: Support bill 96744

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 8:31 AM
To: TRNtestimony
Cc: driftking96730@yahoo.com
Subject: *Submitted testimony for HB737 on Feb 8, 2017 09:00AM*

HB737

Submitted on: 2/7/2017

Testimony for TRN on Feb 8, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Scott-Michael Waracka	Individual	Support	Yes

Comments:

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Car culture was introduced to me at a very young age. My father would take me around in his Acura NSX and frequently bring home model cars sets for me to configure. Although I did not have a lot of time to spend with him I am still thankful for the hobby that brought us together. Recently the Nissan R32 became of age and I could only dream of getting this classic car imported here. The four door GTS-T would be the perfect "weekend family fun" car as it has been in Japan since the 90s. I hope to share my passion for Japanese import cars with my daughter while she grows up here in Hawaii. This beautiful state that we love dearly will always be considered our home. Unfortunately through experience I understand that many motivated car enthusiasts have had difficulties here. I am afraid that the hobby that I value may one day face eradication in Hawaii. Aftermarket parts and service shops may also lose their customer base causing a shut down for many locally owned small businesses. Many individuals may never get to experience and benefit from the unity that car culture can pull together. It all starts here.

Clearly, Hawaii is part of the USA yet it is the **ONLY** state that does not register these classic 25+ year old "Direct Import Vehicles". These vehicles are federally legal according to the NHTSA which is the safety authority for all vehicles in the USA. Countless amounts of American citizens are already proud owners of these captivating classic vehicles. I strongly believe that we should also be allowed these rights. I kindly ask you to take this into consideration. Your time is greatly appreciated.

Nicole Mosher

Mililani, HI

(808)371-3348

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 8:32 PM
To: TRNtestimony
Cc: vtomokiyo@gmail.com
Subject: Submitted testimony for HB737 on Feb 8, 2017 09:00AM

HB737

Submitted on: 2/6/2017

Testimony for TRN on Feb 8, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Van Tomokiyo	Individual	Support	Yes

Comments: This bill is to streamline the present HRS286-2, as any refusal by State DOT officials only subjects themselves to unnecessary civil lawsuits, since 'the gate has already been opened'. The critics just need to read the following. 49 CFR 591.5 h § 591.5 - Declarations required for importation. No person shall import a motor vehicle or item of motor vehicle equipment into the United States unless, at the time it is offered for importation, its importer files a declaration and documentation, in a paper or electronic format accepted by U.S. Customs and Border Protection, which declares one of the following: (a)(1) The vehicle was not manufactured primarily for use on the public roads and thus is not a motor vehicle subject to the Federal motor vehicle safety, bumper, and theft prevention standards; or (2) The equipment item is not a system, part, or component of a motor vehicle and thus is not an item of motor vehicle equipment subject to the Federal motor vehicle safety, bumper, and theft prevention standards. (b) The vehicle or equipment item conforms with all applicable safety standards (or the vehicle does not conform solely because readily attachable equipment items which will be attached to it before it is offered for sale to the first purchases for purposes other than resale are not attached), and bumper and theft prevention standards, and bears a certification label or tag to that effect permanently affixed by the original manufacturer to the vehicle, or by the manufacturer to the equipment item or its delivery container, in accordance with, as applicable, parts 541, 555, 567, 568, and 581, or 571 (for certain equipment items) of this chapter. (c) The vehicle or equipment item does not comply with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but is intended solely for export, and the vehicle or equipment item, and the outside of the container of the equipment item, if any, bears a label or tag to that effect. (d) The vehicle does not conform with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but the importer is eligible to import it because: (1) (S)he is a nonresident of the United States and the vehicle is registered in a country other than the United States, (2) (S)he is temporarily importing the vehicle for personal use for a period not to exceed one year, and will not sell it during that time, (3) (S)he will export it not later than the end of one year after entry, and (4) The declaration contains the importer's passport number and country of issue. (e) The vehicle or equipment item requires further manufacturing operations to perform its intended

function, other than the addition of readily attachable equipment items such as mirrors, wipers, or tire and rim assemblies, or minor finishing operations such as painting, and any part of such vehicle that is required to be marked by part 541 of this chapter is marked in accordance with that part. (f) The vehicle does not conform with all applicable Federal motor vehicle safety and bumper standards (but does conform with all applicable Federal theft prevention standards), but the importer is eligible to import it because: (1) The importer has furnished a bond in an amount equal to 150% of the dutiable value of the vehicle, containing the terms and conditions specified in section 591.8; and (2)(i) The importer has registered with NHTSA pursuant to part 592 of this chapter, and such registration has not been revoked or suspended, and the Administrator has determined pursuant to part 593 of this chapter that the model and model year of the vehicle to be imported is eligible for importation into the United States; or (ii) The importer has executed a contract or other agreement with an importer who has registered with NHTSA pursuant to part 592 of this chapter and whose registration has not been suspended or revoked; and the Administrator has determined pursuant to part 593 of this chapter that the model and model year of the vehicle to be imported is eligible for importation into the United States; and (3) The vehicle is not a salvage motor vehicle or a reconstructed motor vehicle. (g) (For importations for personal use only) The vehicle was certified by its original manufacturer as complying with all applicable Canadian motor vehicle safety standards and its original manufacturer has informed NHTSA that it complies with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, or that it complies with all such standards except for the labeling requirements of Federal Motor Vehicle Safety Standards Nos. 101 and 110 or 120, and/or the specifications of Federal Motor Vehicle Safety Standard No. 108 relating to daytime running lamps. The vehicle is not a salvage motor vehicle, a repaired salvage motor vehicle, or a reconstructed motor vehicle. (h) The vehicle does not conform with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but the importer is eligible to import it because (s)he: (1)(i) Is a member of the personnel of a foreign government on assignment in the United States, or a member of the Secretariat of a public international organization so designated under the International Organization Immunities Act, and within the class of persons for whom free entry of motor vehicles has been authorized by the Department of State; (ii) Is importing the motor vehicle on a temporary basis for the personal use of the importer, and will register it through the Office of Foreign Missions of the Department of State; (iii) Will not sell the vehicle to any person in the United States, other than a person eligible to import a vehicle under this paragraph; and (iv) Will obtain from the Office of Foreign Missions of the Department of State, before departing the United States at the conclusion of a tour of duty, an ownership title to the vehicle good for export only; or (2)(i) Is a member of the armed forces of a foreign country on assignment in the United States; (ii) Is importing the vehicle on a temporary basis, and for the personal use of the importer; (iii) Will not sell the vehicle to any person in the United States, other than to a person eligible to import a vehicle under this subsection; and (iv) Will export the vehicle upon departing the United States at the conclusion of a tour of duty. (i)(1) The vehicle is 25 or more years old.

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identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 7:39 PM
To: TRNtestimony
Cc: veedubh20@hotmail.com
Subject: Submitted testimony for HB737 on Feb 8, 2017 09:00AM

HB737

Submitted on: 2/6/2017

Testimony for TRN on Feb 8, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Allen Rideout	Individual	Support	No

Comments: I support this bill of hb737! Please vote this bill.

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Aloha,

Just going to briefly show my support for this bill. Because 25 year old cars are federally legal in the other states, there is no reason why individuals in Hawaii can't enjoy those same privileges. Hawaii has a large community for car enthusiasts who love the islands but also wish to continue their hobby and passion of owning a particular automobile. Please don't take our ability to own the car we want from overseas.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:27 PM
To: TRNtestimony
Cc: sheanamiki@gmail.com
Subject: Submitted testimony for HB737 on Feb 8, 2017 09:00AM

HB737

Submitted on: 2/6/2017

Testimony for TRN on Feb 8, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
shea namiki	Individual	Support	No

Comments: Hawaii is the ONLY state that does not register these vehicles based on FMVSS and that the NHTSA says they are federally legal and that the NHTSA is the safety authority for all vehicles in the USA.

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To whom it may concern:

I brought a 1972 Steyr Puch Pinzgauer car over from the mainland (Colorado) where it had been registered and licensed for the last 15 years. When I took it to the DMV in Lihue I was told I can't register the vehicle in Hawaii because of HRS 286-42(a). I was told it did not meet 1972 Federal Motor Safety Standards. Under the proposed bill the vehicle would be allowed. This is a 45 year old vintage military vehicle that has all the elements to pass a safety inspection. The fallacy of the FMVSS (Federal Motor Vehicle Safety Standard) that makes a vehicle safe only applies to the vehicle in new condition, because the vehicle can be altered or repaired and the National Highway Traffic Safety Administration can no longer certify the vehicle to meet those standards once it has left into consumer hands. Even the Federal Government exempts vehicles that are 25 years or older from DOT and EPA standards **49USC30112(B)(7)**. This is because they are considering these vehicle as collector pieces.

I would urge you to pass this bill to further promote the collection and preservation of classic vehicles. The car is not only part of our culture but our past.

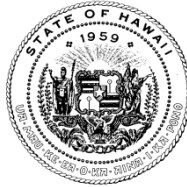
Matt Peers DMD

3920 Namakeha Loop

Princeville, HI 96722

702-354-5013

LATE



Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

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

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Passage of this bill is sure to increase the number of uncertified motor vehicles that are on Hawaii's roads. It is understood that some people are willing to accept diminished safety features in a vehicle, similar to how the bus riding community accepts the unsafe act of riding a bus while standing. If, however, the Legislature decides to allow older uncertified vehicles to be registered, it is recommended that a provision be added to disallow the resale of these vehicles. This will discourage people from making a business of selling uncertified vehicles. For example, a relatively low priced foreign or domestic military vehicle, European sports or luxury car, or a car that is particularly suited for installing a larger engine can attract someone who is more concerned about obtaining the vehicle than about its safety features. Even if a disclaimer or brand is used, many people will accept it without being fully cognizant of the safety standards that are missing. Many people don't know what the FMVSS are.

To avoid a potential Constitutional problem related to sovereignty, it is recommended that the reference to the United States Code not be used.

Thank you for the opportunity to provide testimony.

LATE

Name: Tsz Yin Lau
Resident of Mililani, HI
Email: hn2195@gmail.com
Support bill HB737

As a concern citizen and a car enthusiast, I am here to testify the importance of passing HB737, which will enable registration for legal direct import vehicle which are 25 years or older, exempt from all required FMVSS and epa standard. Currently Hawaii is the only states, which used to clause of FMVSS requirement to prevent these vehicles to register in this state. This ruling has been unfair for those who import these vehicles under legal circumstances and create unnecessary burden, as NHTSA have ruled that, 25 years of age for a vehicle should be consider classic federally, therefore importation of these classic vehicles are exempt from all required US safety (FMVSS) and emission standard (EPA). The current state regulations did not recognize a class for these car, and DOT have been refused registration. It is not fair to create another burden for these car, imported by a few enthusiasts which truly appreciate the car which isn't originally sale for united states market, which are consider legal federally and our state is the ONLY state did not allow registration because of fmvss requirements and state law didn't recognize a class for these direct import vehicles. The law itself simply didn't line up with federal standard. Therefore, I urge our representatives to pass HB737, to create a path for these direct import classic vehicle registration in the states of Hawaii.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 7:22 PM
To: TRNtestimony
Cc: iwao46@hotmail.com
Subject: Submitted testimony for HB737 on Feb 8, 2017 09:00AM

HB737

Submitted on: 2/7/2017

Testimony for TRN on Feb 8, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Nii	Individual	Support	No

Comments: I feel that this amendment would clarify the import status of these vehicles in a fair manner that would be clearly written out for all to understand. As the current rules and regulations regarding importing cars have been obscure as other states have already allowed the usage of these vehicles on public highways. I feel that this will bring us up to par with those other states.

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