

---

---

## 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 286-26, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§286-26~~ **Certificates of inspection.** (a) The following  
4 vehicles shall be certified as provided in subsection [~~(e)~~] (d)  
5 once every year:

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

9           (2) Buses;

10          (3) Rental or U-drive motor vehicles two years of age or  
11 older;

12          (4) Taxicabs; and

13          (5) Mopeds.

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

16          ~~[(b) All other vehicles, including motorcycles, mopeds,~~  
17 ~~trailers, semitrailers, and pole trailers having a gross vehicle~~



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

8 ~~(e)]~~ (b) Any vehicle or moped that has been involved in an  
9 accident shall be certified as provided in subsection [~~(e)]~~ (d)  
10 before it is operated again if:

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

15 (2) It is rebuilt or restored.

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



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



1 shall adopt rules to determine the fee for replacement of lost,  
2 stolen, or destroyed inspection stickers.

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

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

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

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



- 1           (2)   Aircraft servicing vehicles that are being used  
2                   exclusively on lands set aside to the department of  
3                   transportation for airport purposes; and
- 4           (3)   Tractor trucks, forklifts, and top picks being used as  
5                   marine terminal equipment temporarily moving in or  
6                   between terminals at Sand Island and along Sand Island  
7                   Parkway and Sand Island Access Road.

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

16           SECTION 2.  Section 291-36, Hawaii Revised Statutes, is  
17           amended to read as follows:

18           "**§291-36 Exceptions.**  (a)  The director of transportation,  
19           in the case of state highways, or the county engineer, in the  
20           case of county roads and streets, may, upon application in  
21           writing, issue a written permit authorizing the applicant to



1 operate or move a vehicle or combination of vehicles, self-  
2 propelled construction or farm equipment, marine terminal  
3 equipment as referenced in section [~~286-26(h)(3)~~] 286-26(g)(3),  
4 or special mobile equipment of dimensions or weights, including  
5 loads or both, which exceed the limits set in sections 291-34  
6 and 291-35.

7 (b) The director of transportation, in the case of state  
8 highways, or the county engineer, in the case of county roads  
9 and streets, may issue a permit authorizing the applicant to  
10 operate vehicles or combinations of vehicles which exceed the  
11 limits set forth in section 291-35 when carrying products from  
12 the place where they are harvested or stored to the place where  
13 they are processed or used.

14 (c) The application for any such permit shall specifically  
15 describe the vehicle or combination of vehicles, the self-  
16 propelled construction or farm equipment, the marine terminal  
17 equipment as referenced in section [~~286-26(h)(3)~~] 286-26(g)(3),  
18 the load to be operated or moved, the particular highways over  
19 which the permit to operate is requested, and whether such  
20 permit is requested for a single trip or for continuous  
21 operation.



1           (d) The director of transportation or county engineer may  
2 if the director of transportation or county engineer determines  
3 that adequate precautions will be taken to protect persons and  
4 property issue the permit and may in the permit limit the number  
5 of trips, establish seasonal or other time limitations during  
6 which the permit is valid, prescribe conditions as to route,  
7 equipment, speed, escort vehicles, safety measures, or otherwise  
8 limit or prescribe conditions of operation under such permit to  
9 assure against injury to person and undue damage to the road  
10 foundations, surfaces, or structures. The issuing authority may  
11 also require such undertaking or other security as may be deemed  
12 necessary to protect the highways and bridges from damage, or to  
13 provide indemnity for any injury resulting from such operation.  
14 The permit shall be valid for the period specified or unless  
15 sooner revoked by the issuing authority.

16           (e) Every such permit shall be carried in the vehicle or  
17 combination of vehicles, self-propelled construction or farm  
18 equipment, or marine terminal equipment as referenced in section  
19 [~~286-26(h)(3)~~] 286-26(g)(3), to which it refers and shall be  
20 open to inspection of any peace officer or traffic officer or  
21 employee charged with the care or protection of the highways;



1 provided that in the case of annual permits, this requirement  
2 may be met where a copy of the permit is carried in the vehicle,  
3 and the original permit is readily available for inspection from  
4 the operator's offices in the county of issuance.

5 (f) The owner of any vehicle or combination of vehicles,  
6 self-propelled construction or farm equipment, or marine  
7 terminal equipment as referenced in section [~~286-26(h)(3)~~] 286-  
8 26(g)(3) found operating in violation of the terms or conditions  
9 of any permit or over sections of the highway not covered by the  
10 permit shall be subject to the penalties provided in section  
11 291-37.

12 (g) The restrictions of sections 291-34 and 291-35 shall  
13 not apply to the operation of motor vehicles on roads now under  
14 the control of the counties where a private individual or  
15 corporation actually maintains the county road or roads under an  
16 agreement in writing filed with the respective county or city  
17 council. The agreement shall also provide that the individual  
18 or corporation shall repair all damages caused to such roads by  
19 vehicles or other self-propelled equipment belonging to or under  
20 the control of the individual or corporation and upon failure of  
21 the individual or corporation to repair such road or roads as





1 provided in such agreement, the county may repair such damages  
2 and charge the cost thereof to and collect the same from the  
3 individual or corporation.

4 (h) Nothing in this chapter shall prevent motor vehicles  
5 with a width of greater than nine feet, including load, from  
6 crossing any public road, street, or highway within the State.

7 (i) No provision herein shall be so construed as to  
8 prevent the passage of ordinances by any county which impose  
9 restrictions more severe in nature.

10 (j) A fee shall be charged for each permit issued by the  
11 director of transportation as follows:

- 12 (1) Single trip permit for loads less than 1.35 times  
13 the allowable load or less than 14 feet in width .. \$ 5.
- 14 (2) Continuous trip permit for loads less than 1.35  
15 times the allowable load or less than 14 feet in  
16 width ..... \$10.
- 17 (3) Overweight permit in excess of 1.35 times the  
18 allowable load ..... \$25.
- 19 (4) Oversize permit for width in excess of 14 feet .... \$25.

20 Such fee shall be deposited in the State's account for  
21 special funds for highways.



1           (k) Notwithstanding any law to the contrary, no permit  
2 shall be required for any vehicle or combination of vehicles  
3 used in agricultural operations or activities which only crosses  
4 any public road, street, or highway within the State at  
5 locations approved by the director of transportation, in the  
6 case of state highways, or the county engineer, in the case of  
7 county roads and streets; provided that:

8           (1) The owners of vehicles transporting agricultural  
9 products and equipment shall construct and maintain  
10 structurally suitable pavement sections at each  
11 crossing;

12           (2) These owners shall provide for the cleaning and  
13 removal of all debris and mud generated by their  
14 operation;

15           (3) The maximum length of vehicles transporting  
16 agricultural products shall be limited to not more  
17 than eighty feet; and

18           (4) The maximum length of vehicles, including load, used  
19 in transporting agricultural equipment shall be  
20 limited to not more than one hundred feet."



# H.B. NO. 85

1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2019.

4

INTRODUCED BY: \_\_\_\_\_



JAN 17 2019



# H.B. NO. 85

**Report Title:**

Motor Vehicle Inspection; Safety Check; Repeal

**Description:**

Repeals safety inspection requirements for motorcycles, mopeds, trailers, semitrailers, pole trailers having a gross vehicle weight rating of 10,000 pounds or less, and antique motor vehicles.

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

