



1 "Peer-to-peer motor vehicle sharing" means the authorized  
2 use of a motor vehicle by a person other than the vehicle's  
3 owner through a peer-to-peer motor vehicle sharing organization.

4 "Peer-to-peer motor vehicle sharing agreement" means any  
5 written agreement setting forth the terms and conditions  
6 governing the use of the peer-to-peer vehicle by a lessee.

7 "Peer-to-peer motor vehicle sharing organization" means a  
8 legal entity qualified to do business in the State engaged in  
9 the business of facilitating the use, rental, or sharing of a  
10 privately-owned passenger motor vehicle for noncommercial use by  
11 persons within the State. This term does not include the  
12 registered owner of the vehicle involved in a peer-to-peer motor  
13 vehicle sharing agreement facilitated by a peer-to-peer motor  
14 vehicle sharing organization.

15 "Recall database" means a database from which a person may  
16 obtain vehicle identification number specific manufacturer's  
17 recall information relevant to a specific vehicle, which  
18 includes but is not limited to a vehicle manufacturer's internet  
19 website for a specific vehicle's line-make, a vehicle  
20 manufacturer's internal system that provides information to its  
21 franchisees, or a commercially available vehicle history system.



1           **§ -2 Manufacturer's recall; requirements.** (a) No later  
2 than forty-eight hours after receiving notice of a  
3 manufacturer's recall, or sooner if practicable, a lessor with a  
4 rental motor vehicle fleet of one or more vehicles shall not  
5 rent or lease or offer for rent or lease a vehicle subject to  
6 the manufacturer's recall until the lessor has made all repairs  
7 required under the manufacturer's recall.

8           (b) If a manufacturer's recall notice indicates that the  
9 remedy for the recall is not immediately available and specifies  
10 actions to temporarily repair the vehicle in a manner that  
11 eliminates the safety risk that prompted the manufacturer's  
12 recall, a lessor with a rental motor vehicle fleet of one or  
13 more vehicles shall not rent or lease or offer for rent or lease  
14 a vehicle subject to the manufacturer's recall until the lessor  
15 has made all temporary repairs required under the manufacturer's  
16 recall. Once a permanent remedy for the vehicle becomes  
17 available to the lessor, the lessor shall not rent or lease the  
18 vehicle until the permanent repairs to the vehicle required  
19 under the manufacturer's recall are complete.

20           (c) As soon as practicable but not more than forty-eight  
21 hours after a manufacturer's recall notice has been issued by



1 the manufacturer and appears in the recall database provided by  
2 the National Highway Traffic Safety Administration, or not more  
3 than forty-eight hours after a lessor receives notice of a  
4 manufacturer's recall by a third party with which the lessor  
5 contracts to provide notification of active recalls, a lessor  
6 shall not facilitate the rent or lease of a vehicle subject to  
7 the manufacturer's recall until all repairs required under the  
8 manufacturer's recall are complete and the vehicle no longer  
9 appears in the recall database provided by the National Highway  
10 Traffic Safety Administration."

11 SECTION 2. Chapter 437D, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14 "§437D- **Manufacturer's recall; requirements.** (a) No  
15 later than forty-eight hours after receiving notice of a  
16 manufacturer's recall, or sooner if practicable, a lessor shall  
17 not rent or lease or offer for rent or lease a vehicle subject  
18 to the manufacturer's recall until the lessor has made all  
19 repairs required under the manufacturer's recall.

20 (b) If a manufacturer's recall notice indicates that the  
21 remedy for the recall is not immediately available and specifies



1 actions to temporarily repair the vehicle in a manner that  
2 eliminates the safety risk that prompted the manufacturer's  
3 recall, a lessor shall not rent or lease or offer for rent or  
4 lease a vehicle subject to the manufacturer's recall until the  
5 lessor has made all temporary repairs required under the  
6 manufacturer's recall. Once a permanent remedy for the vehicle  
7 becomes available to the lessor, the lessor shall not rent or  
8 lease the vehicle until the permanent repairs to the vehicle  
9 required under the manufacturer's recall are complete.

10 (c) As soon as practicable but not more than forty-eight  
11 hours after a manufacturer's recall notice has been issued by  
12 the manufacturer and appears in the recall database provided by  
13 the National Highway Traffic Safety Administration, or not more  
14 than forty-eight hours after a lessor receives notice of a  
15 manufacturer's recall by a third party with which the lessor  
16 contracts to provide notification of active recalls, a lessor  
17 shall not facilitate the rent or lease of a vehicle subject to  
18 the manufacturer's recall until all repairs required under the  
19 manufacturer's recall are complete and the vehicle no longer  
20 appears in the recall database provided by the National Highway  
21 Traffic Safety Administration.



1        (d) For purposes of this section:

2        "Manufacturer's recall" means a recall conducted pursuant  
3 to title 49 United States Code sections 30118 and 30120.

4        "Recall database" means a database from which a person may  
5 obtain vehicle identification number specific manufacturer's  
6 recall information relevant to a specific vehicle, which  
7 includes but is not limited to a vehicle manufacturer's internet  
8 website for a specific vehicle's line-make, a vehicle  
9 manufacturer's internal system that provides information to its  
10 franchisees, or a commercially available vehicle history  
11 system."

12        SECTION 3. Section 251-1, Hawaii Revised Statutes, is  
13 amended as follows:

14        1. By adding three new definitions to be appropriately  
15 inserted and to read:

16        "Peer-to-peer motor vehicle sharing" means the authorized  
17 use of a motor vehicle by a person other than the vehicle's  
18 owner through a peer-to-peer motor vehicle sharing organization.

19        "Peer-to-peer motor vehicle sharing agreement" means any  
20 written agreement setting forth the terms and conditions  
21 governing the use of the peer-to-peer vehicle by a lessee.



1        "Peer-to-peer motor vehicle sharing organization" means a  
2 legal entity qualified to do business in the State engaged in  
3 the business of facilitating the use, rental, or sharing of a  
4 privately-owned passenger motor vehicle for noncommercial use by  
5 persons within the State. This term does not include the  
6 registered owner of the vehicle involved in a peer-to-peer motor  
7 vehicle sharing agreement facilitated by a peer-to-peer motor  
8 vehicle sharing organization."

9        2. By amending the definition of "lessor" to read:

10        "Lessor" means any person in the business of providing a  
11 rental motor [~~vehicles~~] vehicle to the public[-], and shall  
12 include peer-to-peer motor vehicle sharing organizations.

13 "Lessor" shall not include the registered owner of a vehicle  
14 involved in a peer-to-peer motor vehicle sharing agreement  
15 facilitated by a peer-to-peer motor vehicle sharing  
16 organization."

17        SECTION 4. Section 251-3, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19        "(a) Each person, as a condition precedent to engaging or  
20 continuing in [~~the~~]:



1        (1)    The business of providing rental motor vehicles to the  
2                    public~~[, engaging or continuing in the]~~;

3        (2)    The tour vehicle operator business~~[, or engaging or~~  
4                    ~~continuing in a]~~;

5        (3)    A car-sharing organization business; or

6        (4)    A peer-to-peer motor vehicle sharing organization  
7                    business pursuant to chapter \_\_\_\_\_,

8 shall register with the director. A person required to so  
9 register shall make a one-time payment of \$20, upon receipt of  
10 which the director shall issue a certificate of registration in  
11 [~~such~~] a form as the director determines, attesting that the  
12 registration has been made. The registration shall not be  
13 transferable and shall be valid only for the person in whose  
14 name it is issued and for the transaction of business at the  
15 place designated therein. The registration, or in lieu thereof  
16 a notice stating where the registration may be inspected and  
17 examined, shall at all times be conspicuously displayed at the  
18 place for which it is issued."

19        SECTION 5. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21        SECTION 6. This Act shall take effect on July 1, 2050.





**Report Title:**

Motor Vehicles; Manufacturer's Recall; Requirements; Peer-to-Peer Motor Vehicle Sharing; Taxation

**Description:**

Prohibits vehicle lessors from renting, leasing, or offering for rent or lease, vehicles subject to a manufacturer's recall, until appropriate repairs are made. Defines peer-to-peer vehicle sharing related terms. Requires persons in the peer-to-peer vehicle sharing organization business to register with the director of taxation. Effective 7/1/2050. (SD2)

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

