

JAN 17 2020

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . ZERO NET VEHICLE GROWTH POLICY

5 §286- Zero net vehicle growth policy; established. (a)

6 Notwithstanding any law to the contrary, beginning January
7 1, , there shall be established a zero net vehicle growth
8 policy in the State. The zero net vehicle growth policy shall
9 ensure that the number of vehicles in the State does not exceed
10 the vehicle threshold for the State established pursuant to
11 subsection (b) by prohibiting the importation of a vehicle into
12 the State, unless:

13 (1) The dealer or individual importing the vehicle
14 demonstrates proof that an existing vehicle in the
15 State was recycled, destroyed, or transported out of
16 the State; and



1 (2) The importation of the vehicle by the dealer or
2 individual does not cause the total number of vehicles
3 in the State to exceed the vehicle threshold for the
4 State.

5 (b) The vehicle threshold for the State shall be based on
6 the number of registered vehicles in the State as of January
7 1, ; provided that the vehicle threshold shall not include:

8 (1) Emergency vehicles;

9 (2) Military vehicles; and

10 (3) Official federal, state and county vehicles.

11 (c) This section shall not apply to:

12 (1) Authorized emergency vehicle;

13 (2) Military vehicles;

14 (3) Official federal, state, and county vehicles; and

15 (4) The interisland shipping of vehicles pursuant to
16 section 286-271.

17 (d) The department of transportation, to the extent
18 possible, shall coordinate state efforts to develop markets for
19 recycled vehicles. The department shall coordinate market
20 activities with the counties and clarify their respective roles
21 and responsibilities.



1 (e) The department of transportation shall adopt rules
2 pursuant to chapter 91 to carry out the purposes of this part.

3 (f) For the purposes of this section:

4 "Authorized emergency vehicle" is defined in section 291C-
5 1.

6 "Dealer" is defined in section 437-1.1."

7 SECTION 2. Section 238-9.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§238-9.5 Motor vehicle importation; report by dealers;
10 proof of payment[-]; proof of compliance with zero net vehicle
11 growth policy. (a) Every dealer, as defined in section 437-
12 1.1, shall submit a report to the director, on or before the
13 last day of each calendar month, for all motor vehicles
14 delivered by the dealer in the prior month as a courtesy
15 delivery. The report shall contain the name and address of the
16 dealer making the courtesy delivery, name and address of the
17 seller of the vehicle, type of motor vehicle, the landed value
18 of the vehicle, the name and address of the purchaser or
19 importer, the date of importation, proof of compliance with the
20 zero net vehicle growth policy established pursuant to



1 part of chapter 286, and other information relevant to the
2 courtesy delivery as requested by the director.

3 As used in this section, "courtesy delivery" means the
4 preparation for delivery and the delivery by a dealer of a motor
5 vehicle imported into the State by a person who purchased the
6 motor vehicle from an out-of-state motor vehicle manufacturer or
7 an out-of-state dealer and does not apply to motor vehicles sold
8 by the in-state dealer.

9 (b) The director of taxation shall prepare forms necessary
10 for individuals importing motor vehicles into the State to prove
11 payment of the use tax necessary to register the motor
12 vehicle[-] and compliance with the zero net vehicle growth
13 policy pursuant to part of chapter 286."

14 SECTION 3. Section 286-41, Hawaii Revised Statutes, is
15 amended by amending subsection (d) to read as follows:

16 "(d) The owner of every motor vehicle of the current,
17 previous, and subsequent year model bought out-of-state,
18 subsequently brought into the State, and subject to the use tax
19 under chapter 238 shall provide with the application for
20 registration proof of payment of the use tax pursuant to
21 requirements established by the department of taxation[-] and



1 proof of compliance with the zero net vehicle growth policy
 2 pursuant to part of chapter 286. No registration
 3 certificate shall be issued without proof of payment of the use
 4 tax[-] and proof of compliance with the zero net vehicle growth
 5 policy."

6 SECTION 4. Section 437-3, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "§437-3 Prohibited acts for dealer or auction. No dealer
 9 or auction shall sell or bring or cause to be brought into this
 10 State for purposes of sale any new motor vehicle for which
 11 [~~the~~]:

- 12 (1) The dealer or auction is not franchised[-]; and
- 13 (2) The dealer or auction has not demonstrated proof of
 14 compliance with the zero net vehicle growth policy
 15 pursuant to part of chapter 286."

16 SECTION 5. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:


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Report Title:

Zero Net Vehicle Growth Policy; Dealers; Import

Description:

Beginning January 1, , establishes a zero net vehicle growth policy in the State to ensure that the number of vehicles in the State does not exceed the vehicle threshold. Prohibits the importation of a vehicle into the State unless the dealer or individual importing the vehicle demonstrates proof that an existing vehicle in the State was recycled, destroyed, or transported out of the State and the importation of the vehicle does not cause the total number of vehicles in the State to exceed the vehicle threshold. Requires proof of compliance for dealers and individuals importing vehicles from out of the State.

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