

JAN 20 2023

A BILL FOR AN ACT

RELATING TO MOTOR CARRIER VEHICLES.

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

1 SECTION 1. The legislature finds that the requirements for
2 motor carrier vehicle inspections are ineffective and
3 inconsistently applied. The costs of overseeing and enforcing
4 the inspections are not justified by the inspections' benefits.
5 Vehicle component failure is a factor in a very small percentage
6 of motor vehicle accidents, and many states have eliminated
7 inspection requirements without increased accidents or injuries.
8 In Hawaii, the department of transportation found that alcohol,
9 speed, and distracted driving are leading causes of fatal
10 traffic accidents in the State, rather than causes related to
11 vehicle condition.

12 Accordingly, the purpose of this Act is to repeal the
13 inspection requirements for motor carrier vehicles.

14 SECTION 2. Section 286-26, Hawaii Revised Statutes, is
15 amended by amending subsection (h) to read as follows:

16 " (h) This section shall not apply to:



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- 1 (1) Any motor vehicle that is covered by part XI,
2 governing safety of motor carrier vehicle operation
3 and equipment; [~~provided that the rules adopted~~
4 ~~pursuant to part IA impose standards of inspection at~~
5 ~~least as strict as those imposed under subsection (g)~~
6 ~~and that certification is required at least as often~~
7 ~~as provided in subsections (a), (b), (c), and (d),]~~
8 (2) Aircraft servicing vehicles that are being used
9 exclusively on lands set aside to the department of
10 transportation for airport purposes; and
11 (3) Tractor trucks, forklifts, and top picks being used as
12 marine terminal equipment temporarily moving in or
13 between terminals at:
14 (A) Sand Island and along Sand Island Parkway and
15 Sand Island Access Road;
16 (B) Kalaniana'ole Avenue between Kuhio Street and
17 Kahanu Street, abutting Hilo Harbor;
18 (C) Kawaihae-Mahukona Road abutting Kawaihae Harbor;
19 (D) East Kaahumanu Avenue between Hobron Avenue and
20 Kane Street, abutting Kahului Harbor; and
21 (E) Waipaa Road abutting Nawiliwili Harbor."



1 SECTION 3. Section 286-202, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§286-202 General duties and powers of the director.** The
4 general duties and powers of the director shall be:

5 (1) To establish rules promoting the safety of operations,
6 motor vehicle and equipment of motor carriers;
7 provided that the maximum hours of service to be
8 performed by an operator of a motor carrier vehicle
9 shall be determined by the director based on
10 conditions existing in the State or in particular
11 sections of the State and shall be compatible with
12 those prescribed by the Federal Motor Carrier Safety
13 regulations of the United States Department of
14 Transportation[-];

15 (2) To coordinate the various motor carrier safety
16 programs in the State including the formulation of
17 statewide standards as necessary[-];

18 (3) To develop and implement, on a priority basis, a
19 recordkeeping and information system for the motor
20 carrier safety program[-];



- 1 (4) To develop standards relating to the qualification of
2 motor carrier vehicle drivers[-];
3 (5) To establish standards for continuous driver training
4 and periodic evaluation of the driver performance of
5 motor carrier vehicle drivers[-];
6 ~~[(6) To establish standards for motor carrier vehicle
7 safety inspection, motor carrier vehicle inspection
8 stations, and motor carrier vehicle inspection
9 personnel.~~
10 ~~[(7)]~~ (6) To revise and update the standards relating to
11 motor carrier vehicle maintenance and establish a
12 system for the enforcement of such standards[-];
13 ~~[(8)]~~ (7) To develop the standards for size and weight of
14 vehicles, including motor carrier vehicles, pursuant
15 to chapter 291[-];
16 ~~[(9)]~~ (8) To establish standards for the issuance of
17 special permits to carry oversized and overweight
18 loads on the highway[-];
19 ~~[(10)]~~ (9) To establish standards for the transportation of
20 hazardous materials on the highways[-];



- 1 [~~(11)~~] (10) To develop comprehensive rules governing the
2 modification of motor carrier vehicles which will at
3 any time be operated upon the highway~~[-]~~;
- 4 [~~(12)~~] (11) To review and approve all plans and
5 specifications for construction in the State or
6 modification of motor carrier vehicles which will at
7 any time be operated upon the highway~~[-]~~;
- 8 [~~(13)~~] (12) To adopt rules pursuant to chapter 91 necessary
9 for the purposes of this part~~[-]~~; and
- 10 [~~(14)~~] (13) To investigate all motor carrier vehicle
11 accidents under this part resulting in death of a
12 human being or other accidents as the director
13 determines necessary to advance the motor carrier
14 safety program."

15 SECTION 4. Section 286-215, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§286-215 Fees and charges.** The director shall establish
18 fair and reasonable fees for applications for approval of plans
19 and specifications for construction or modification of a motor
20 vehicle or class of motor vehicles in Hawaii which will at any



1 time be operated upon the highways as provided in section
2 [~~286-202(12).~~] 286-202(11)."

3 SECTION 5. Section 286-209, Hawaii Revised Statutes, is
4 repealed.

5 [~~"**286-209 Safety inspection of motor carrier vehicles.**~~

6 ~~(a) Motor carrier vehicles, including but not limited to~~
7 ~~trucks, truck tractors, semitrailers, trailers, or pole~~
8 ~~trailers, having a gross vehicle weight rating of more than ten~~
9 ~~thousand pounds, motor carrier vehicles having a gross vehicle~~
10 ~~weight rating of ten thousand pounds or less which transport~~
11 ~~passengers in the furtherance of a commercial enterprise,~~
12 ~~including car rental transport vehicles, and motor carrier~~
13 ~~vehicles used in transporting material found by the United~~
14 ~~States Secretary of Transportation to be hazardous under 49~~
15 ~~U.S.C. section 5103 and transported in a quantity requiring~~
16 ~~placarding under 49 C.F.R., subtitle B, chapter I, subchapter C,~~
17 ~~shall be inspected and certified annually.~~

18 ~~(b) The director shall adopt rules pursuant to chapter 91~~
19 ~~for motor carrier vehicle safety inspections, the issuance of~~
20 ~~certificates of safety inspection, the affixing of motor carrier~~



1 ~~vehicle safety inspection decals, and the acceptance of~~
2 ~~certificates of safety inspection issued in other jurisdictions.~~

3 ~~(c) The director shall collect a fee of \$1.50 for each~~
4 ~~motor carrier vehicle safety inspection decal issued by motor~~
5 ~~carrier vehicle inspection stations. All moneys collected shall~~
6 ~~be paid into the state highway fund.~~

7 ~~(d) A fee of no more than \$12 shall be charged by a motor~~
8 ~~carrier inspection station for each safety inspection performed.~~

9 ~~(e) For the purposes of this section, "car rental~~
10 ~~transport vehicles" means motor carrier vehicles used to~~
11 ~~transport customers to or from car rental sites."]~~

12 SECTION 6. Section 286-210, Hawaii Revised Statutes, is
13 repealed.

14 ["~~286-210 Operation of a motor carrier vehicle without a~~
15 ~~safety inspection decal. Whoever operates, permits the~~
16 ~~operation of, causes to be operated, or parks any motor carrier~~
17 ~~vehicle on a public highway without a current motor carrier~~
18 ~~vehicle safety inspection decal, issued under section 286-209,~~
19 ~~shall be fined \$100 for each day of the violation."]~~

20 SECTION 7. Section 286-211, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§286-211] Permits to operate official inspection~~

2 ~~stations.~~ (a) ~~The director shall issue permits for and furnish~~
3 ~~instructions and all forms to official inspection stations. The~~
4 ~~stations shall operate pursuant to standards established by the~~
5 ~~director.~~

6 ~~(b) Application for an official inspection station permit~~
7 ~~shall be made upon an official form and shall be granted only~~
8 ~~when the director is satisfied that the station is properly~~
9 ~~equipped and has competent personnel to make the required~~
10 ~~inspections. Before issuing a permit, the director shall~~
11 ~~require the applicant to file proof that the applicant has, in~~
12 ~~effect, a liability insurance policy, issued to the applicant by~~
13 ~~an insurance company, authorized to do business in the State,~~
14 ~~insuring against the liability of the applicant and any of the~~
15 ~~applicant's employees, in minimum amounts as follows:~~

16 ~~comprehensive public liability insurance in the amount of~~
17 ~~\$10,000 for one person and \$20,000 for one accident and~~
18 ~~comprehensive property damage insurance of \$5,000, provided that~~
19 ~~the director may, by rules and regulations, set higher limits;~~
20 ~~provided that the proof of insurance need not be filed by an~~
21 ~~applicant who inspects only vehicles owned by the applicant; and~~



1 ~~provided further that the proof of insurance need not be filed~~
2 ~~by instrumentalities of the United States.~~

3 ~~(c) A permit for an official inspection station shall not~~
4 ~~be assigned or transferred or used at any location other than~~
5 ~~that designated by the director and every permit shall be posted~~
6 ~~in a conspicuous place at the location so designated."]~~

7 SECTION 8. Section 286-212, Hawaii Revised Statutes, is
8 repealed.

9 ~~["**~~§286-212~~** ~~Suspension or revocation of permits.~~ The~~
10 ~~director shall supervise and cause inspections to be made of~~
11 ~~official inspection stations and shall suspend or revoke and~~
12 ~~require the surrender of the permit issued to a station which~~
13 ~~the director finds is not properly conducting inspections. The~~
14 ~~director shall maintain and post at the department lists of all~~
15 ~~stations holding permits and those whose permits have been~~
16 ~~suspended or revoked."]~~

17 SECTION 9. Section 286-213, Hawaii Revised Statutes, is
18 repealed.

19 ~~["**~~§286-213~~** ~~Improper representation as official~~~~
20 ~~**~~inspection station.~~** Any person who in any manner represents~~
21 ~~that the business operated at any location is an official~~



1 ~~inspection station without a permit issued by the director under~~
2 ~~section 286-211, or any person other than a person operating an~~
3 ~~inspection station under a permit granted by the director who~~
4 ~~issues a certificate of inspection shall be fined not more than~~
5 ~~\$1,000 or imprisoned not more than one year, or both."]~~

6 SECTION 10. Section 286-214, Hawaii Revised Statutes, is
7 repealed.

8 [~~"**[§286-214] False certificates.** Any person who makes,~~
9 ~~issues, or knowingly uses any imitation or counterfeit of an~~
10 ~~official certificate of inspection, or any person who displays~~
11 ~~or causes or permits to be displayed upon any vehicle any~~
12 ~~certificate of inspection knowing the same to be issued for~~
13 ~~another vehicle or issued without an inspection having been made~~
14 ~~or issued without authority as provided herein shall be fined~~
15 ~~not more than \$1,000 or imprisoned not more than one year, or~~
16 ~~both."]~~

17 SECTION 11. This Act does not affect rights and duties
18 that matured, penalties that were incurred, and proceedings that
19 were begun before its effective date.

20 SECTION 12. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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1 SECTION 13. This Act shall take effect upon its approval.

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INTRODUCED BY:

Kurt Fevella



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Report Title:

Motor Carrier Vehicles; Inspection; Repealed

Description:

Repeals inspection requirements for motor carrier vehicles.

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

