
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

SECTION 1. Section 286-26, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (e) to read:

"(e) Upon application for a certificate of inspection to be issued for a vehicle or moped, an inspection as prescribed by the director under subsection (g) shall be conducted on the vehicle or moped~~[, and if]~~. If the vehicle or moped is found to be in [a] safe operating condition, including adhering to head lamp requirements and specifications pursuant to section 291-25(a), as applicable, and is not equipped with a muffler or exhaust system that fails to comply with section 291-24 or 291-24.5, as applicable, a certificate of inspection shall be issued upon payment of a fee to be determined by the director. The certificate shall state the effective date, ~~[the]~~ termination date, ~~[the]~~ name of the issuing insurance carrier, ~~[the]~~ policy number of the motor vehicle insurance identification card for the inspected motor vehicle as specified



1 by section 431:10C-107 or state the information contained in the
2 proof of insurance card as specified by section 431:10G-106, and
3 the odometer reading of the vehicle on the date of inspection.

4 A sticker, authorized by the director, shall be affixed to the
5 vehicle or moped at the time a certificate of inspection is
6 issued. An inspection sticker that has been lost, stolen, or
7 destroyed shall be replaced without reinspection by the
8 inspection station that issued the original inspection sticker
9 upon presentation of the current certificate of inspection;

10 provided that the current certificate of inspection and
11 inspection sticker shall not have expired at the time the
12 replacement is requested. The director shall adopt rules to
13 determine the fee for replacement of lost, stolen, or destroyed
14 inspection stickers."

15 2. By amending subsection (g) to read:

16 "(g) The director of transportation shall adopt necessary
17 rules for the administration of inspections and the issuance of
18 certificates of inspection; provided that the rules shall
19 ~~[include]:~~

20 (1) At a minimum, require inspections to ensure that a
21 vehicle or moped is not equipped with a muffler or



1 exhaust system that fails to comply with section
2 291-24 or 291-24.5, as applicable; and
3 (2) Include head lamp requirements that adhere to the
4 specifications pursuant to section 291-25(a), as
5 applicable."

6 SECTION 2. Section 286-211, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[\]§286-211[\] **Permits to operate official inspection**
9 **stations.** (a) The director shall issue permits for and furnish
10 instructions and all forms to official inspection stations. The
11 stations shall operate pursuant to standards established by the
12 director.

13 (b) Application for an official inspection station permit
14 shall be made upon an official form and shall be granted only
15 when the director is satisfied that the station is properly
16 equipped and has competent personnel to make the required
17 inspections. Before issuing a permit, the director shall
18 require the applicant to file proof that the applicant has, in
19 effect, a liability insurance policy, issued to the applicant by
20 an insurance company, authorized to do business in the State,
21 insuring against the liability of the applicant and any of the



1 applicant's employees, in minimum amounts as follows:
2 comprehensive public liability insurance in the amount of
3 \$10,000 for one person and \$20,000 for one accident and
4 comprehensive property damage insurance of \$5,000[7]; provided
5 that the director may, by rules [~~and regulations~~], set higher
6 limits; provided further that the proof of insurance need not be
7 filed by an applicant who inspects only vehicles owned by the
8 applicant; [~~and~~] provided further that the proof of insurance
9 need not be filed by instrumentalities of the United States.

10 (c) A permit for an official inspection station shall not
11 be assigned or transferred or used at any location other than
12 that designated by the director and every permit shall be posted
13 in a conspicuous place at the location so designated.

14 (d) A permit for an official inspection station shall be
15 suspended or revoked, or renewal thereof shall be refused by the
16 director, upon a third or subsequent wilful violation within a
17 period of eighteen months of any rule requiring an official
18 inspection station to ensure a vehicle or moped is not equipped
19 with a muffler or exhaust system that fails to comply with
20 section 291-24 or 291-24.5, as applicable."



SECTION 3. Section 291-24, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Whoever violates this section shall be fined not more than [~~\$100.~~] \$150."

SECTION 4. Section 291-24.5, Hawaii Revised Statutes, is amended to read as follows:

"**§291-24.5 Motor vehicle muffler.** (a) No person shall use on a public highway, sell, offer for sale, alter, or install a muffler, including but not limited to a cut-out, bypass, or similar device, that will noticeably increase the noise emitted by a motor vehicle above that emitted by the vehicle as equipped from the factory.

(b) Except as provided in section 291-24.4, any violation of this section shall [~~constitute a violation and shall~~] be enforceable by police officers. Violation of this section shall subject the violator to the following penalties:

(1) For a first violation, or any violation not preceded within a three-year period for a violation under this section, the person shall be fined not more than [~~\$100.~~] \$150;



(2) For a second violation committed within three years of any other violation under this section, the person shall be fined not more than [~~\$300~~] \$350; and

(3) For a violation of a third or subsequent offense committed within [~~five~~] three years of any other violation under this section, the person shall be fined not more than [~~\$900~~] \$950.

Any person who violates the provisions of this section may be issued a summons or citation for the violation."

SECTION 5. Section 437B-11, Hawaii Revised Statutes, is amended to read as follows:

"§437B-11 Prohibited practices. In addition to any other grounds for disciplinary action authorized by law, the following acts or omissions related to the repair of motor vehicles shall be grounds for invoking the enforcement procedures of section 437B-12:

(1) Making or authorizing, in any manner or by any means whatever, any [~~statement~~] written or oral [~~which~~] statement that is untrue or misleading, and [~~which~~] that is known, or [~~which~~] that by the exercise of



- 1 reasonable care should be known, to be untrue or
2 misleading;
- 3 (2) Causing or allowing a customer to sign any work order
4 that does not state the repairs requested by the
5 customer or the automobile's odometer reading at the
6 time of repair;
- 7 (3) Failing or refusing to give to a customer a copy of
8 any document requiring the customer's signature, as
9 soon as the customer signs the document;
- 10 (4) Any other conduct that constitutes fraud;
- 11 (5) Conduct constituting gross negligence;
- 12 (6) Failure to comply with this chapter or rules adopted
13 pursuant to it;
- 14 (7) Any wilful departure from or disregard of accepted
15 practices or professional standards;
- 16 (8) Making false promises of a character likely to
17 influence, persuade, or induce a customer to authorize
18 the repair, service, or maintenance of a motor
19 vehicle;
- 20 (9) Having repair work subcontracted without the knowledge
21 or consent of the customer unless the motor vehicle



1 repair dealer, mechanic, or apprentice demonstrates
2 that the customer could not reasonably have been
3 notified;

4 (10) Conducting the business of motor vehicle repair in a
5 place other than stated on the license [~~except~~];
6 provided that mobile repair facilities may be
7 permitted if the license so indicates;

8 (11) Rebuilding or restoring of rebuilt vehicles as defined
9 in section 286-2 in [~~such~~] a manner that [~~it~~] does not
10 conform to the original vehicle manufacturer's
11 established repair procedures or specifications and
12 allowable tolerances for the particular model and
13 year;

14 (12) Subcontracting, recommending, or referring motor
15 vehicle repair work to, or in any way assisting, a
16 motor vehicle repair dealer or mechanic whose license
17 or certification is not in full compliance with this
18 chapter;

19 (13) Failure to directly supervise a motor vehicle mechanic
20 [~~apprentice/trainee~~] apprentice or trainee or motor
21 vehicle mechanic helper;



1 (14) Servicing mobile air conditioners without using
2 refrigerant recovery and recycling equipment that is
3 certified by Underwriters Laboratories, Incorporated
4 or was in use by the motor vehicle repair industry
5 ~~[prior to]~~ before December 31, 1989;

6 (15) Performing service on any motor vehicle or mobile air
7 conditioner after January 1, 1994, without successful
8 completion of an appropriate training course in the
9 recovery and recycling of CFC and HCFC refrigerants,
10 which included instruction in the proper use of
11 refrigerant recovery and recycling equipment that is
12 certified by Underwriters Laboratories, Incorporated;
13 ~~[and]~~

14 (16) Violating chapter 342C~~[+]~~; and

15 (17) Repairing or installing a muffler or exhaust system
16 that fails to comply with section 291-24 or 291-24.5,
17 as applicable."

18 SECTION 6. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Mufflers; Exhaust Systems; Mopeds; Motor Vehicles; Motorcycles;
Certificate of Inspection; Motor Vehicle Repair; Penalties

Description:

Conditions the issuance of a certificate of inspection upon a vehicle or moped not being equipped with a noisy muffler or exhaust system. Requires rules regarding safety check inspections to ensure that a vehicle or moped is not equipped with a noisy muffler or exhaust system. Suspends, revokes, or refuses renewal of a permit for an official inspection station for repeatedly violating any rule regarding inspecting a noisy muffler or exhaust system within a certain period. Clarifies the types of mufflers that are prohibited. Increases the maximum fine for motor vehicle owners that violate noisy muffler laws. Includes repairing or installing a noisy muffler or exhaust system as a prohibited practice for motor vehicle repair laws. (CD1)

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