

ACT 102

H. B. NO. 1411-70

A Bill for an Act Relating to Passenger Car Odometers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 292, Hawaii Revised Statutes, is amended to read as follows:

“CHAPTER 292

ODOMETERS.

Section 292-1. Purpose. The purpose of this Act is to assure the accuracy of the odometer-speedometer system installed in certain passenger cars introduced for sale, held for sale, offered for sale, sold or re-sold in the State of Hawaii.

Section 292-2. Findings and intent. The legislature finds that the automobile industry is cognizant of the concern of the legislature in regard to the over-registration of passenger car odometers and is desirous of assisting in eliminating or prohibiting the inclusion of any mileage measuring device in a passenger car that does not comply with the accuracy requirements of the National Bureau of Standards for commercial odometers, as set forth in the National Bureau of Standards Handbook 44 - 3d Edition.

Section 292-3. Definitions. As used in this Chapter:

- (1) “Certificate of accuracy” means a written warranty, limited to and defining a single specific entity, and attesting to and defining the accuracy of that entity.
- (2) “Director” means the director of weights and measures.
- (3) “Endorsement” means an entry, made upon a certificate of accuracy, which shall include the exact passenger car odometer reading in miles to the nearest mile.
- (4) “System error” means the difference between the indication of the odometer system of a passenger car whose total system is theoretically error free and that indication of a passenger car odometer system that is influenced in part or by the mean effective rolling diameter of the driver tires, tractive effort, differential and transmission influence or mismatch, speedometer drive gear and flexible drive cable effect, instrument imperfection or by any other influential factor that may cause a passenger car odometer system to indicate some value other than the standard distance against which such system is compared.

Section 292-4. Certificate requirement. Irrespective of any other general or specific law, regulation, or ordinance pertaining to passenger cars or their registration, inspection, fees, taxes, or licensing, no person shall introduce into the state for sale, hold for sale, offer for sale, sell, or resell, including barter or exchange, any passenger car unless such passenger car has installed an operable mileage measuring system and the mileage measuring system is described in detail on the manufacturer’s accompanying certificate of accuracy.

The certificate of accuracy shall contain an endorsement reflecting the condition of accuracy of the mileage measuring system, the exact odometer reading to the nearest mile and the odometer error referenced to a standard statute mile of 5280 feet as prescribed by the National Bureau of Standards.

The original endorsement shall be the responsibility of the manufacturer who may delegate this function to his authorized agent. Such delegation of authority does not negate the manufacturer's responsibility for supplying a correct certificate of accuracy, properly endorsed as required herein.

Section 292-5. Verification sampling. For purposes of verifying the certificate of accuracy and determining compliance of the mileage measuring system installed in a specific passenger car with the accuracy requirements of the National Bureau of Standards for commercial odometers, the director shall establish a sampling procedure whereby a lot of passenger cars of a given year and make may be approved or rejected on the basis of random sampling techniques. Such procedure shall not preclude one-hundred percent inspection if in the opinion of the director such action is warranted.

Section 292-6. Verification sub-station. The director may authorize and establish official odometer inspection sub-stations whenever he finds that the best interest of the public will be served thereby. The director shall ascertain that the equipment and personnel at any prospective or established official odometer inspection sub-station meets the requirements of this Act and the accuracy requirements for passenger car mileage measuring systems as prescribed by the accuracy requirements of the National Bureau of Standards for commercial odometers, prior to issuance of or to the continuation of any authorization to operate an official odometer inspection sub-station.

The official odometer inspection sub-station shall maintain its equipment in such a condition that it complies with the standards for accuracy established by the National Bureau of Standards.

The director shall establish a minimum annual fee of \$10 for licensing official odometer inspection sub-stations. This fee shall entitle a licensee to certify the accuracy, after proper testing, of 100 passenger cars per year. An additional fee of 10 cents per car shall be assessed for cars tested and certified in excess of 100 cars, which shall be payable in one payment to the director of finance, State of Hawaii, and forwarded to the director of weights and measures no later than June 15 of each year.

Re-application for license as an official odometer inspection sub-station shall be made to the director of weights and measures and shall be accompanied by the \$10 fee and shall be presented no later than June 15 of each year to the director of weights and measures.

Section 292-7. Fees. Every passenger car shall be assessed a verification fee for verifying the certificate of accuracy and the accuracy of the mileage measuring system, with the standards specified in the accuracy requirement of the National Bureau of Standards for commercial odometers. Such fee shall be charged irrespective of whether the mileage measuring system is approved or rejected and irrespective of the method used for such determination. Every passenger car shall, if rejected, be corrected and again be subject to verification and an additional verification fee.

The director shall establish a fee schedule for verification and such

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schedule shall reflect an additional fee for each subsequent verification or test after rejection.

Section 292-8. Replacement or substitute certificate. The director may after checking the accuracy of the mileage measuring system issue a replacement or substitute certificate in lieu of an original certificate of accuracy when such issuance is necessary to allow any person to transfer title of a particular passenger car upon the payment of a fee as established by the director and upon presentation of sufficient evidence of ownership. Such replacement or substitute certificate shall not be construed to be a certificate certifying the ownership of the passenger car involved.

The director shall establish a fee schedule for the issuing of a replacement or a substitute certificate and such fee shall be made payable to the director of finance, State of Hawaii.

Section 292-9. Record of verification. The director shall maintain a duplicate file of all certificates of accuracy, original, replacement or substitute for a period of at least ten years.

The duplicate file shall be progressively numbered or otherwise serially identified and the director shall provide means to associate the duplicate file certificate with the original, replacement or substitute certificate.

Section 292-10. Penalties. Any person who violates any of the provisions of this Act or of the regulations promulgated pursuant thereto, or who knowingly or willfully or intentionally falsifies a certificate of accuracy by entry of false or erroneous data, information, endorsement or system error, or in any other way, shall be fined not less than \$100 nor more than \$500.

Section 292-11. Implementation; rules. The director shall pursuant to chapter 91, Hawaii Revised Statutes, as amended, promulgate rules and regulations for the effective implementation and enforcement of this Act.

Section 292-12. General powers and duties of the director. The director shall enforce this Act and rules and regulations issued pursuant hereto. The director may delegate to any subordinate any of his powers and duties which he deems necessary for the effective enforcement and implementation of this Act.”

SECTION 2. Immunity from prosecution. No person shall be prosecuted for any violation of Act 279, Session Laws of Hawaii 1969.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.*

SECTION 4. Effective date. This Act shall take effect January 1, 1971, and shall apply to all 1972 model year passenger cars and all subsequent model year passenger cars, except that section 2 above shall take effect upon approval of this Act.

(Approved June 18, 1970.)

* Edited accordingly