

ACT 95

S.B. NO. 3094

A Bill for an Act Relating to Motor Vehicles.

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

SECTION 1. Section 286-47, Hawaii Revised Statutes, is amended to read as follows:

“§286-47 Certificate of registration; certificate of ownership; containers. Upon the registration of a vehicle, the director of finance shall issue a certificate of registration to the owner and a certificate of ownership to the legal

owner, or to a dealer who shall be a person licensed to sell new motor vehicles under chapter 437 which certificates shall meet the following requirements:

- (1) Both the certificate of registration and the certificate of ownership shall contain upon the face thereof, the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner and legal owner in typewriting, also such description of the registered vehicle as may be determined by the director of finance. If any of the information subsequently proves to be a typographical error, the dealer, as defined in section 437-1.1, shall notify the director of finance of the error by a written certificate stating the reasons for and nature of the error and the correction which should be made in the certificate of registration and the certificate of ownership. Upon receipt of the dealer's certificate by the director of finance, the certificate of registration and the certificate of ownership shall be corrected accordingly so long as the correction does not constitute a change of the vehicle originally registered. A fee shall be paid to the director of finance for each instance of correction of the registration records. The fee charged for each instance of correction of the registration records shall be established by the county's legislative body[.];
- (2) In addition to the requirements provided for in paragraph (1) above, the face of the certificate of ownership shall contain endorsement lines for the transfer of title or interest of the registered owner and legal owner, and the odometer reading of the vehicle on the date of transfer. The reverse side of the certificate of ownership shall contain the application for registration by the transferee[.];
- (3) (A) Every owner shall keep the certificate of registration within the vehicle for which it is registered and shall present the same at the request of a police officer, or in the event the vehicle is a motorcycle, shall carry such certificate in a convenient receptacle attached to the vehicle and which shall be presented at the request of a police officer[.];
- (B) This shall not apply to state or county vehicles readily identified by the license plates and markings on sides of such vehicles[.];
- (C) This shall not apply to commercial vehicles defined as rental motor vehicles, or cars shipped by licensed car dealerships or repossession companies. These businesses may keep a duplicate copy of the certificate of registration within the vehicle for which it is registered, in which case the certificate of registration shall be available for inspection at their principal place of business within the State; and
- [(C)] (D) This requirement to carry the certificate of registration with the vehicle shall not apply when such certificate is removed from the vehicle for the purpose of application for renewal, transfer of registration, or to record a change in the registration."

SECTION 2. Section 286-271, Hawaii Revised Statutes, is amended to read as follows:

“§286-271 Interisland shipping of vehicles; proof required. (a) Except as provided in subsection (b), a legal owner of a vehicle shall not ship that vehicle interisland in this State unless the legal owner first presents to the [shipper] carrier the legal owner's current certificate of registration showing that the person is the registered owner of the vehicle, [picture] identification, and [a current motor vehicle insurance identification card for the vehicle.] proof of motor vehicle insurance. If the

registered owner of the vehicle is not the legal owner of the vehicle, the registered owner must present to the [shipper,] carrier, the registered owner's current certificate of registration, identification, the [notarized] written consent of the legal owner thereof to the transportation, and [a motor vehicle insurance identification card.] proof of motor vehicle insurance. Duplicate copies of the current registration and proof of motor vehicle insurance shall be acceptable for commercial vehicles as defined in section 286-47(3)(C). An authorized agent of the legal or registered owner may ship the vehicle by presenting, in addition to the required documents, a notarized letter from the registered or legal owner authorizing the shipment. For an unrecorded owner pending a lawful transfer, a certificate of ownership signed by the previous owner may be substituted for the current certificate of registration for a vehicle purchased within thirty days of shipping. A facsimile of proof of motor vehicle insurance from an insurance company may be accepted for a vehicle purchased within thirty days of shipping. Presentation of [a] proof of motor vehicle insurance [identification card] shall not be required for:

- (1) Unlicensed propelled vehicles that are not intended for on-road use;
- [(2) Vehicles that have been repossessed by a regulated financial institution or vehicles that have been voluntarily surrendered to a regulated financial institution or its designated agent; or
- (3)] (2) New unregistered vehicles shipped with a bill of lading[.]; or
- (3) Vehicles owned by the federal, state, or county government.

(b) A legal owner of a damaged vehicle shall not ship that vehicle interisland in this State for repair, disposal, or salvage unless the legal owner first presents to the [shipper] carrier the legal owner's current certificate of registration showing that the person is the registered owner of the vehicle [and a picture identification,] or a car dealer's license], or a notarized bill of sale, as applicable, which evidences the vehicle's identification number or serial number]. For an unrecorded owner pending a lawful transfer, a certificate of ownership signed by the previous owner may be acceptable for a vehicle purchased within thirty days of shipping. A registered owner of the vehicle who is not the legal owner of the vehicle must present a current certificate of registration and a [notarized] written consent of the legal owner thereof to the transportation or a car dealer's license], or a notarized bill of sale, as applicable, which evidences the vehicle's identification number or serial number].

(c) Any legal or registered owner who violates this section shall be fined not more than \$100.

(d) This section shall not apply to licensed dealers who periodically ship in quantities of ten vehicles or more, or whose primary business is the auction of insurance salvage vehicles.'

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 26, 1998.)