

ACT 23

H.B. NO. 2349

A Bill for an Act Relating to Citations for Motor Vehicle Repair Violations.

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

SECTION 1. Chapter 437B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§437B- Citation for licensee violations; fines. (a) In addition to any other remedy available under this chapter, the department may issue a citation to

any person who holds a motor vehicle repair dealer or motor vehicle mechanic license for any of the following violations of this chapter or the rules adopted pursuant to this chapter and chapter 91:

- (1) Failure of a motor vehicle repair dealer to conspicuously display the dealer's licensure certificate or certification certificate in the dealer's place of business;
 - (2) Failure of a motor vehicle repair dealer to conspicuously place a board-approved sign in all the dealer's motor vehicle repair locations; or
 - (3) Failure of a motor vehicle mechanic to carry or have readily available for inspection the pocket card provided to the motor vehicle mechanic by the department.
- (b) Each citation:
- (1) Shall be in writing and describe the basis of the citation, including the specific statute or rule violated;
 - (2) May contain an order of abatement and the assessment of a fine in the amount of \$250 for each violation by a motor vehicle repair dealer and a fine in the amount of \$100 for each violation by a motor vehicle mechanic;
 - (3) Shall be served on the licensee by personal service; and
 - (4) Shall inform the licensee that the licensee may submit a written request to the board or its designee for a hearing to contest the citation, within twenty calendar days from the service of the citation.
- (c) If the licensee timely submits a written request to the board or its designee for a hearing, the board may designate a hearings officer to conduct the hearing in accordance with chapter 91.
- (d) If the licensee does not timely submit a written request to the board or its designee for a hearing, the citation shall be deemed a final order of the board.
- (e) Failure of a licensee to pay any assessed fine within thirty calendar days, unless the licensee contests the citation, may result in further disciplinary action taken by the board."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2018.

(Approved June 4, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.