

ACT 122

S.B. NO. 1212

A Bill for an Act Relating to Motor Vehicle Registration.

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

SECTION 1. Section 286-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Out-of-service order” means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, commercial motor vehicle, or motor carrier operation is out-of-service pursuant to title 49 Code of Federal Regulations sections 386.72, 392.5, 392.9a, 395.13, or 396.9, or title 49 United States Code section 31106(b)(2), or compatible laws, or the North American Standard Out-of-Service Criteria.”

SECTION 2. Section 286-41, Hawaii Revised Statutes, is amended to read as follows:

“§286-41 Application for registration; full faith and credit to current certificates; this part not applicable to certain equipment. (a) Every owner of a motor vehicle [which] that is to be operated upon the public highways shall, for each vehicle owned, except as herein otherwise provided and except as provided in section 286-42(c), apply to the director of finance of the county where the vehicle is to be operated, for the registration thereof. If a vehicle is moved to another county and is to be operated upon the public highways of that county, the existing certificate of registration shall be valid until its expiration date, at which time the owner shall apply to the director of finance of the county in which the vehicle is then located for the registration of the vehicle, whether or not the owner is domiciled in the county or the owner’s principal place of business is in that county, except that this provision shall not apply to vehicles [which] that are temporarily transferred to another county for a period of not more than three months.

(b) Application for the registration of a vehicle shall be made upon the appropriate form furnished by the director of finance and shall contain the name, occupation, and address of the owner and legal owner; and, if the applicant is a member of the United States naval or military forces, the applicant shall give the organization and station. All applications shall also contain a description of the vehicle, including the name of the maker~~[-];~~ the type of fuel for the use of which it is adapted [~~e.g.~~, such as gasoline, diesel oil, liquefied petroleum gas~~[-];~~]; the serial or motor number~~[-and];~~ the date first sold by the manufacturer or dealer~~[-and such];~~ a further description of the vehicle as is called for in the form~~[-];~~ and ~~such~~ other information as may be required by the director of finance, to establish legal ownership. A person applying for initial registration of a neighborhood electric vehicle shall certify in writing that a notice of the operational restrictions applying to the vehicle as provided in section 291C-134 are contained on a permanent notice attached to or painted on the vehicle in a location that is in clear view of the driver.

(c) If the vehicle to be registered is specially constructed, reconstructed, or rebuilt; is a special interest vehicle; or is an imported vehicle, this fact shall be stated in the application and upon the registration of the special interest motor vehicle and imported motor vehicle, which has been registered until that time in any other state or county, and the owner shall surrender to the director of finance the certificates of registration or other evidence of ~~such~~ a form of registration as may be in the applicant's possession or control. The director of finance shall grant full faith and credit to the currently valid certificates of title and registration describing the vehicle, the ownership thereof, and any liens noted thereon, issued by any title state or county in which the vehicle was last registered. The acceptance by the director of finance of a certificate of title or of registration issued by another state or county, as provided in this subsection, in the absence of knowledge that the certificate is forged, fraudulent, or void, shall be a sufficient determination of the genuineness and regularity of the certificate and of the truth of the recitals therein, and no liability shall be incurred by any officer or employee of the director of finance by reason of so accepting the certificate.

(d) The owner of every motor vehicle of the current, previous, and subsequent year model bought out-of-state, subsequently brought into the State, and subject to the use tax under chapter 238 shall provide with the application for registration proof of payment of the use tax pursuant to requirements established by the department of taxation. No registration certificate shall be issued without proof of payment of the use tax.

(e) Notwithstanding any other law to the contrary, the director of finance of the county in which the application for registration is sought shall not require proof of insurance as a condition to satisfy the requirements of this part. This subsection shall apply only to the initial registration of any motor vehicle.

(f) Any motor carrier, as defined in section 286-201, that has not resolved any outstanding federal operations out-of-service order issued by the United States Secretary of Transportation shall not complete an initial registration of a motor carrier vehicle until all federal operations out-of-service orders are resolved.

~~(f)~~ (g) The provisions of this part requiring the registration of motor vehicles shall not apply to:

- (1) Special mobile equipment;
- (2) Implements of husbandry temporarily drawn, moved, or otherwise propelled upon the public highways;
- (3) Aircraft servicing vehicles ~~which~~ that are being used exclusively on lands set aside to the department of transportation for airport purposes; and

- (4) Tractor trucks, forklifts, and top picks being used as marine terminal equipment temporarily moving in or between terminals at:
 - (A) Sand Island and along Sand Island Parkway and Sand Island Access Road;
 - (B) Kalanianaʻole Avenue between Kuhio Street and Kahanu Street, abutting Hilo Harbor;
 - (C) Kawaihae-Mahukona Road abutting Kawaihae Harbor;
 - (D) East Kaahumanu Avenue between Hobron Avenue and Kane Street, abutting Kahului Harbor; and
 - (E) Waipaa Road abutting Nawiliwili Harbor.”

SECTION 3. Section 286-51, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The certificate of registration for each motor vehicle in the counties of the State shall be renewed on a staggered basis as established by each county. The director of finance of each county may adopt rules to carry out the purposes stated in this section and shall expend the necessary funds from the director’s operating funds as may be necessary for these purposes; provided that the director of finance, if the director has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county, or the registered owner of a motor carrier vehicle, as defined in section 286-201, has not resolved any outstanding federal operations out-of-service orders issued by the United States Secretary of Transportation, may require, as a condition precedent to the renewal, that the registered owner deposit or pay bail with respect to all such summonses or citations[-], or resolve all federal operations out-of-service orders. The certificates of registration issued hereunder shall show, in addition to all information required under section 286-47, the serial number of the tag or emblem and shall be valid during the registration year only for which they are issued. Any certificate of registration belonging to a motor carrier shall be suspended or revoked when that motor carrier has been issued any federal operations out-of-service orders by the United States Secretary of Transportation and that certificate of registration shall remain suspended or revoked until all the federal operations out-of-service orders are resolved. The certificates of ownership need not be renewed annually but shall remain valid as to any interest shown therein until canceled by the director of finance as provided by law or replaced by new certificates of ownership as hereinafter provided.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2021.

(Approved June 28, 2021.)