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## A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSPECTION.

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

1           SECTION 1. Section 291-21.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§291-21.5 Regulation of motor vehicle sun screening**

4 **devices; penalty.** (a) No person shall operate, permit the  
5 operation of, cause to be operated, or park any motor vehicle on  
6 a public highway if the glazing material of the motor vehicle:

7           (1) Does not meet the requirements of the Federal Motor  
8           Vehicle Safety Standards 205 in effect at the time of  
9           its manufacture; or

10           (2) Is used in conjunction with sun screening devices not  
11           exempted from this section by subsection (d) hereof.

12           (b) No person shall install, mount, adhere, affix, or use  
13 any sun screening device or combination of devices in  
14 conjunction with the glazing material of a motor vehicle which  
15 does not meet the requirements of the Federal Motor Vehicle  
16 Safety Standards 205 in effect at the time of the glazing  
17 material's manufacture except as provided in this section. Any



1 person who violates this section shall be liable for the removal  
2 of any sun screening device applied contrary to this section.

3 ~~[(c) A safety inspection required under section 286-25~~  
4 ~~shall include a test to ensure that the glazing material and any~~  
5 ~~sun screening devices meet the requirements specified in this~~  
6 ~~section.]~~

7 ~~[(d)]~~ (c) This section shall not apply to:

- 8 (1) Rearview mirrors;
- 9 (2) Adjustable nontransparent sun visors which are mounted  
10 forward of the side windows and are not attached to  
11 the glazing material;
- 12 (3) Signs, stickers, or other materials which are  
13 displayed in a seven-inch square in the lower corner  
14 of the windshield farthest removed from the driver or  
15 signs, stickers, or other materials which are  
16 displayed in a five-inch square in the lower corner of  
17 the windshield nearest the driver;
- 18 (4) Rear trunk lid handle or hinges;
- 19 (5) Window wipers and window wiper motors;
- 20 (6) Transparent sun screening film materials which are  
21 installed, affixed, or applied along the top edge of  
22 the windshield so long as such materials do not



1 encroach upon the AS-1 portion of the windshield as  
2 provided by the Federal Motor Vehicle Safety Standards  
3 205 or no lower than four inches below the top of the  
4 windshield, when measured from the middle point of the  
5 bottom edge of the top windshield moulding if no AS-1  
6 markings can be found in the left or right upper  
7 margin of the windshield;

8 (7) Sun screening devices for front side wing vents and  
9 windows which, when used in conjunction with the  
10 glazing material have a light transmittance of no less  
11 than thirty-five per cent plus or minus six per cent;

12 (8) Sun screening devices for side windows necessary for  
13 driving visibility which are to the rear of the driver  
14 and for rear windows necessary for driving visibility  
15 which, when used in conjunction with the glazing  
16 material, have a light transmittance of no less than  
17 thirty-five per cent plus or minus six per cent;

18 (9) Side windows which are to the rear of the driver and  
19 rear windows on vans, minivans, trucks, or buses;  
20 provided that the vehicles are equipped with rearview  
21 mirrors on both sides;



1 (10) Privacy drapes, curtains, or blinds, or any  
2 combination, installed on the interior of motor homes.

3 [~~(e)~~] (d) Any person who violates this section shall be  
4 fined:

5 (1) Not less than \$250 or more than \$500 for each separate  
6 offense if the person is the owner of the motor  
7 vehicle which is in violation; and

8 (2) Not less than \$500 nor more than \$1,000 for each  
9 separate offense if the person or business entity is  
10 the installer of any sun screening device which does  
11 not meet the requirements of this section. The  
12 installer shall also reinstall sun protective devices  
13 which comply with this section, free of charge, or  
14 reimburse the motor vehicle owner for the cost of  
15 installing sun protective devices by another installer  
16 which comply with this section.

17 The receipt from the installer in the possession of the person  
18 in the motor vehicle at the time of the issuance of the citation  
19 shall be prima facie evidence of the identity of the installer.  
20 The installer shall issue a certificate to the vehicle owner at  
21 the time the sunscreen device is installed certifying that the



1 device complies with law. The certificate shall be stored in  
2 the motor vehicle at all times."

3 SECTION 2. Chapter 286, part II, Hawaii Revised Statutes,  
4 is repealed.

5 SECTION 3. (a) There is established a task force to  
6 evaluate ways to improve the enforcement and prosecution of  
7 equipment violations that periodic inspections of motor vehicles  
8 are supposed to detect and remedy, as set out in the temporarily  
9 repealed chapter 286, part II, Hawaii Revised Statutes.

10 (b) The director of transportation shall chair the task  
11 force, which shall consist of:

12 (1) The director of finance of each county or the  
13 director's designee;

14 (2) The chief of police of each county or the respective  
15 chief's designee;

16 (3) The prosecuting attorney of each county or the  
17 respective prosecuting attorney's designee; and

18 (4) The administrative judge of the district court of each  
19 judicial circuit or the respective administrative  
20 judge's designee.

21 (c) The members of the task force shall serve without  
22 compensation but shall be reimbursed for reasonable expenses,



1 including travel expenses, necessary for the performance of  
2 their duties.

3 (d) Issues to be considered by the task force shall  
4 include:

5 (1) The evaluation of gaps in current laws that hinder  
6 enforcement and prosecution of equipment violations  
7 causing substantial noise pollution and why periodic  
8 inspections as prescribed by chapter 286, Hawaii  
9 Revised Statutes, are not effective in preventing  
10 noise pollution;

11 (2) Any alternative means by which the enforcement and  
12 prosecution of equipment violations causing  
13 substantial noise pollution can be effectively  
14 implemented; and

15 (3) How inspections can ensure that equipment violations  
16 that cause substantial noise pollution are eliminated.

17 (e) The task force shall report its findings and  
18 recommendations, including any proposed legislation, to the  
19 legislature not later than twenty days before the convening of  
20 the regular session of 2009.

21 (f) The task force shall cease to exist on June 30, 2009.

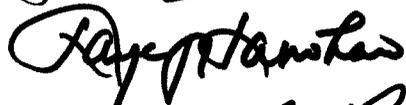


1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval;  
4 provided that on June 30, 2009, chapter 286, part II, and  
5 section 291-21.5 shall be reenacted in the form in which they  
6 read, respectively, on the day before approval of this Act.

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INTRODUCED BY: 

  
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**Report Title:**

Highway Safety; Vehicle Inspection

**Description:**

Repeals temporarily chapter 286, part II and section 291-21(c); establishes a task force to improve enforcement and prosecution of vehicle inspection equipment violations that cause substantial noise pollution.

