
A BILL FOR AN ACT

RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT.

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

1 SECTION 1. Section 437-1.1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending the definition of "attachment hardware" to
4 read:

5 ""Attachment hardware" means the body, equipment,
6 components, and associated fasteners that directly attach [~~the~~
7 ~~bumper~~] to the chassis frame."

8 2. By amending the definition of "dealer" to read:

9 ""Dealer" includes "auction" as defined in this section or
10 any person or entity not expressly excluded by this chapter who
11 sells three or more vehicles within a calendar year, or who is
12 engaged in the business of selling, soliciting, offering, or
13 attempting to negotiate sales, purchases, or exchanges of motor
14 vehicles or any interest therein, including options to purchase
15 motor vehicles. The dealer must be the franchisee and be
16 authorized and able to provide the warranty services of the new



1 motor vehicle it sells. The term "dealer" excludes a person who
2 sells or purchases motor vehicles in the capacity of:

- 3 (1) A receiver, trustee, personal representative,
4 guardian, or any other person appointed by or acting
5 under a judgment or order of any court;
- 6 (2) A public officer while performing official duties;
- 7 (3) A holder of an auction license issued under this
8 chapter when acting within the scope of the license;
- 9 (4) An insurance company, finance company, bank, or other
10 financial institution that sells or offers for sale
11 motor vehicles repossessed or foreclosed by it under
12 the terms of a credit sale contract or security
13 agreement;
- 14 (5) A person not engaged in the business of selling or
15 purchasing motor vehicles who acquires or disposes of
16 motor vehicles for the person's own personal, family,
17 or business use; provided that the vehicles are
18 acquired or disposed of for the person's use in good
19 faith and not for the purpose of evading any provision
20 of this chapter;



1 (6) A consumer consultant who is not engaged in the
2 business of selling, soliciting, offering, or
3 attempting to negotiate sales or exchanges of motor
4 vehicles or any interest therein for any dealer, and
5 who for a fee provides specialized information and
6 expertise in motor vehicle sales transactions to
7 consumers who wish to purchase or lease motor
8 vehicles; provided that the consumer consultant shall
9 register and pay a fee to the board prior to offering
10 consultant services; or

11 (7) A Hawaii bank or its affiliate selling or offering for
12 sale motor vehicles surrendered or redelivered to it
13 under the terms of a lease or sold by it pursuant to a
14 purchase option contained in a lease."

15 3. By amending the definition of "manufacturer" to read:

16 "Manufacturer" means any person, resident or nonresident,
17 who is engaged in the business of manufacturing or assembling
18 new motor vehicles[-] that have its motor vehicle identification
19 number (VIN) on the motor vehicle."

20 4. By amending the definition of "motor vehicle" to read:



1 ""Motor vehicle" includes any vehicle, motor vehicle, or
2 truck, as defined in sections 249-1 and 249-2, that are self-
3 propelled, except for tractors, trailers, and amphibious
4 vehicles."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8

INTRODUCED BY: *Robert Am*

JAN 22 2016



Report Title:

Motor Vehicle Industry Licensing Act

Description:

Clarifies the definitions of "attachment hardware", "dealer", "manufacturer", and "motor vehicle" in the motor vehicle industry licensing act.

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