

JAN 23 2015

---

# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1       SECTION 1. Section 286-41, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:  
3       "(c) If the vehicle to be registered is specially  
4 constructed~~[, reconstructed,]~~ or rebuilt; is a special interest  
5 vehicle; or is an imported vehicle, this fact shall be stated in  
6 the application and upon the registration of the special  
7 interest motor vehicle and imported motor vehicle, which has  
8 been registered until that time in any other state or county,  
9 and the owner shall surrender to the director of finance the  
10 certificates of registration or other evidence of such form of  
11 registration as may be in the applicant's possession or control.  
12 The director of finance shall grant full faith and credit to the  
13 currently valid certificates of title and registration  
14 describing the vehicle, the ownership thereof, and any liens  
15 noted thereon, issued by any title state or county in which the  
16 vehicle was last registered. The acceptance by the director of  
17 finance of a certificate of title or of registration issued by



1 another state or county, as provided in this subsection, in the  
2 absence of knowledge that the certificate is forged, fraudulent,  
3 or void, shall be a sufficient determination of the genuineness  
4 and regularity of the certificate and of the truth of the  
5 recitals therein, and no liability shall be incurred by any  
6 officer or employee of the director of finance by reason of so  
7 accepting the certificate."

8 SECTION 2. Section 286-42, Hawaii Revised Statutes, is  
9 amended as follows:

10 1. By amending subsection (a) to read:

11 "(a) The county director of finance shall examine and to  
12 the best of the director's ability determine the genuineness and  
13 regularity of every registration and transfer of registration of  
14 a vehicle pursuant to this part to ensure that every certificate  
15 issued for a vehicle contains true statements of the ownership  
16 of the vehicle and to prevent the registration of a vehicle by  
17 any person not entitled to the vehicle. The director of finance  
18 may require any applicant to furnish information, in addition to  
19 that contained in the application, that is necessary to satisfy  
20 the director of finance of the truth and regularity of the  
21 application. The director of finance may accept any county



1 certificate of title issued for a vehicle as prima facie  
2 evidence of ownership for registration and transfer of  
3 registration. The director may issue vehicle identification  
4 numbers for [~~reconstructed vehicles,~~] special interest  
5 vehicles[~~7~~] or motorcycles that do not have vehicle  
6 identification numbers if the director determines that the  
7 requirements of this section have been met.

8 The county director of finance may register a motorcycle  
9 with an aftermarket motorcycle frame, using the number of the  
10 frame as issued by the manufacturer of the frame, the vehicle  
11 identification number on the certification label, or a vehicle  
12 identification number assigned by the director of finance. A  
13 bill of sale and Manufacturer's Statement of Origin for the  
14 frame, engine, and transmission must be presented and retained  
15 as a part of the permanent county registration records. If a  
16 Manufacturer's Statement of Origin is not available for the  
17 engine and transmission due to the use of a used [~~or~~  
18 ~~reconstructed~~] engine, transmission, or both, then a bill of  
19 sale or other proof of ownership, satisfactory to the director  
20 of finance must be presented. Except for motorcycles that are  
21 built on an aftermarket motorcycle frame[~~7~~] and special interest



1 vehicles, ~~[and reconstructed vehicles,]~~ any motor vehicle or  
2 device that is not certified by the manufacturer to be in  
3 compliance with all applicable Federal Motor Vehicle Safety  
4 Standards as of the date of ~~[+]~~manufacture~~[+]~~ shall not be  
5 registered."

6 2. By amending subsection (e) to read:

7 "(e) The county finance director, upon being notified by  
8 the designated county department that a vehicle is a special  
9 interest vehicle ~~[or that a vehicle has been inspected and~~  
10 ~~approved as a reconstructed vehicle]~~, shall cause that fact to  
11 be shown upon the registration and title certificates for that  
12 vehicle."

13 SECTION 3. Section 286-2, Hawaii Revised Statutes, is  
14 amended by deleting the definition of "reconstructed vehicle".

15 ~~["Reconstructed vehicle" means a vehicle that is~~  
16 ~~registered to be operated on a public highway, and that is:~~

17 ~~(1) Assembled from new or used parts by a person other~~  
18 ~~than a recognized manufacturer of new vehicles;~~

19 ~~(2) Modified to the extent that the identity of the~~  
20 ~~vehicle's make, model, or type is obscured by material~~  
21 ~~changes in its appearance; or~~



1       ~~(3) Modified by the removal, addition, alteration, or~~  
2       ~~substitution of other than original replacement~~  
3       ~~essential parts, including the vehicle's body, power~~  
4       ~~train, steering system, suspension system, exhaust~~  
5       ~~system, intake system, or bumper system,~~  
6       ~~excluding ordinary body repair that does not change the exterior~~  
7       ~~structure of the vehicle. The term does not include a special~~  
8       ~~interest vehicle or a motorcycle."]~~

9       SECTION 4. Section 286-85, Hawaii Revised Statutes, is  
10      repealed.

11       ~~["§286-85 Reconstructed vehicles, approval required. (a)~~  
12      ~~No person shall operate a reconstructed vehicle upon a public~~  
13      ~~highway unless it has been inspected and certified by the~~  
14      ~~designated county agency as meeting the specifications and~~  
15      ~~requirements established in rules and regulations adopted by the~~  
16      ~~state director of transportation.~~

17       ~~(b) This section shall not apply to any vehicle which is~~  
18      ~~subject to the rules and regulations of the public utilities~~  
19      ~~commission governing safety of operation and equipment.~~

20       ~~(c) Each county through its chief executive officer, shall~~  
21      ~~designate a county department, whose responsibilities shall~~



1 ~~include the inspection of reconstructed vehicles and the~~  
2 ~~issuance of permits to operate reconstructed vehicles pursuant~~  
3 ~~to standards established by the state director of~~  
4 ~~transportation.~~

5 ~~(d) The state director of transportation shall adopt rules~~  
6 ~~pursuant to chapter 91, establishing the fees an inspector may~~  
7 ~~charge for the inspection of a reconstructed vehicle.~~

8 ~~(e) The department designated pursuant to subsection (c)~~  
9 ~~shall identify to the county director of finance every vehicle~~  
10 ~~that has been inspected and approved as a reconstructed vehicle.~~

11 ~~(f) This section shall not apply to any privately owned~~  
12 ~~reconstructed vehicle in a county with a population of less than~~  
13 ~~500,000." ]~~

14 SECTION 5. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.

17  
INTRODUCED BY:

Michelle Sidani (br)



# S.B. NO. 859

**Report Title:**

Motor Vehicles; Reconstructed

**Description:**

Repeals the requirement for special inspection and certification of reconstructed vehicles prior to operation upon a public highway.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

