

# S.B. NO. 1212

JAN 27 2021

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## A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION.

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

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

4           ""Out-of-service order" means a declaration by an  
5 authorized enforcement officer of a Federal, State, Canadian,  
6 Mexican, or local jurisdiction that a driver, a commercial motor  
7 vehicle, or a motor carrier operation is out-of-service pursuant  
8 to 49 CFR 386.72, 392.5, 392.9a, 395.13, or 396.9, or 49 USC  
9 31106(b)(2), or compatible laws, or the North American Standard  
10 Out-of-Service Criteria."

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

13           "**§286-41 Application for registration; full faith and**  
14 **credit to current certificates; this part not applicable to**  
15 **certain equipment.** (a) Every owner of a motor vehicle [~~which~~]  
16 that is to be operated upon the public highways shall, for each  
17 vehicle owned, except as herein otherwise provided and except as  
18 provided in section 286-42(c), apply to the director of finance

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1 of the county where the vehicle is to be operated, for the  
2 registration thereof. If a vehicle is moved to another county  
3 and is to be operated upon the public highways of that county,  
4 the existing certificate of registration shall be valid until  
5 its expiration date, at which time the owner shall apply to the  
6 director of finance of the county in which the vehicle is then  
7 located for the registration of the vehicle, whether or not the  
8 owner is domiciled in the county or the owner's principal place  
9 of business is in that county, except that this provision shall  
10 not apply to vehicles which are temporarily transferred to  
11 another county for a period of not more than three months.

12 (b) Application for the registration of a vehicle shall be  
13 made upon the appropriate form furnished by the director of  
14 finance and shall contain the name, occupation, and address of  
15 the owner and legal owner; and, if the applicant is a member of  
16 the United States naval or military forces, the applicant shall  
17 give the organization and station. All applications shall also  
18 contain a description of the vehicle, including the name of the  
19 maker, the type of fuel for the use of which it is adapted  
20 (e.g., gasoline, diesel oil, liquefied petroleum gas), the  
21 serial or motor number, and the date first sold by the  
22 manufacturer or dealer, and such further description of the

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1 vehicle as is called for in the form, and such other information  
2 as may be required by the director of finance, to establish  
3 legal ownership. A person applying for initial registration of  
4 a neighborhood electric vehicle shall certify in writing that a  
5 notice of the operational restrictions applying to the vehicle  
6 as provided in section 291C-134 are contained on a permanent  
7 notice attached to or painted on the vehicle in a location that  
8 is in clear view of the driver.

9 (c) If the vehicle to be registered is specially  
10 constructed, reconstructed, or rebuilt; is a special interest  
11 vehicle; or is an imported vehicle, this fact shall be stated in  
12 the application and upon the registration of the special  
13 interest motor vehicle and imported motor vehicle, which has  
14 been registered until that time in any other state or county,  
15 and the owner shall surrender to the director of finance the  
16 certificates of registration or other evidence of such form of  
17 registration as may be in the applicant's possession or control.  
18 The director of finance shall grant full faith and credit to the  
19 currently valid certificates of title and registration  
20 describing the vehicle, the ownership thereof, and any liens  
21 noted thereon, issued by any title state or county in which the  
22 vehicle was last registered. The acceptance by the director of

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

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

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

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1        (f) Any motor carrier, as defined in section 286-201, that  
2 has not resolved any federal operations out-of-service order  
3 issued by the U.S. Department of Transportation Secretary shall  
4 not complete an initial registration of a motor carrier vehicle  
5 until all such federal operations out-of-service orders are  
6 resolved.

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

- 9        (1) Special mobile equipment;
- 10       (2) Implements of husbandry temporarily drawn, moved, or  
11       otherwise propelled upon the public highways;
- 12       (3) Aircraft servicing vehicles [~~which~~] that are being used  
13       exclusively on lands set aside to the department of  
14       transportation for airport purposes; and
- 15       (4) Tractor trucks, forklifts, and top picks being used as  
16       marine terminal equipment temporarily moving in or  
17       between terminals at:
  - 18       (A) Sand Island and along Sand Island Parkway and  
19       Sand Island Access Road;
  - 20       (B) Kalaniana'ole Avenue between Kuhio Street and  
21       Kahanu Street, abutting Hilo Harbor;
  - 22       (C) Kawaihae-Mahukona Road abutting Kawaihae Harbor;

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- 1 (D) East Kaahumanu Avenue between Hobron Avenue and  
2 Kane Street, abutting Kahului Harbor; and  
3 (E) Waipaa Road abutting Nawiliwili Harbor."

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

6 "(a) The certificate of registration for each motor  
7 vehicle in the counties of the State shall be renewed on a  
8 staggered basis as established by each county. The director of  
9 finance of each county may adopt rules to carry out the purposes  
10 stated in this section and shall expend the necessary funds from  
11 the director's operating funds as may be necessary for these  
12 purposes; provided that the director of finance, if the director  
13 has ascertained as of the date of the application that the  
14 registered owner has not deposited or paid bail with respect to  
15 any summons or citation issued to the registered owner for  
16 stopping, standing, or parking in violation of traffic  
17 ordinances within the county, or the registered owner of a motor  
18 carrier vehicle, as defined in section 286-201, has not resolved  
19 any federal operations out-of-service orders issued by the U.S.  
20 Department of Transportation Secretary, may require, as a  
21 condition precedent to the renewal, that the registered owner  
22 deposit or pay bail with respect to all such summonses or

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1 citations[~~-~~], or resolve all such federal operations out-of-  
2 service orders. The certificates of registration issued  
3 hereunder shall show, in addition to all information required  
4 under section 286-47, the serial number of the tag or emblem and  
5 shall be valid during the registration year only for which they  
6 are issued. Any certificate of registration belonging to a  
7 motor carrier shall be suspended or revoked when that motor  
8 carrier has been issued any federal operations out-of-service  
9 orders by the U.S. Department of Transportation Secretary and  
10 that certificate of registration shall remain suspended or  
11 revoked until all such federal operations out-of-service orders  
12 are resolved. The certificates of ownership need not be renewed  
13 annually but shall remain valid as to any interest shown therein  
14 until canceled by the director of finance as provided by law or  
15 replaced by new certificates of ownership as hereinafter  
16 provided."

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

19 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:                     *Am 12/11*                    

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BY REQUEST

# S .B. NO. 1212

**Report Title:**

Motor Vehicle Registration; Federal Out-of-service Order

**Description:**

Amends the law relating to registration renewals and initial registrations of motor carrier vehicles of any motor carrier who has an outstanding federal out-of-service order. Adds a definition for "out-of-service order".

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

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION.

PURPOSE: To amend the law relating to registration renewals and initial registrations of motor carrier vehicles to any motor carrier who has an outstanding federal out-of-service order.

MEANS: Amend sections 286-2, 286-41, and 286-51(a), Hawaii Revised Statutes.

JUSTIFICATION: The Hawaii Department of Transportation's (HDOT) Motor Carrier Safety Assistance Program (MCSAP) is funded through a federal grant from the Federal Motor Carrier Safety Administration (FMCSA). MCSAP eligible activities are covered by the FMCSA at 85 percent and the State covers the remaining 15 percent. MCSAP eligible activities include such activities as commercial motor vehicle inspections and compliance reviews.

The Performance Registration Information Systems Management (PRISM) is a federal program that identifies motor carriers that are under a Federal "out-of-service" order because those motor carriers have not corrected safety "deficiencies" noted in FMCSA compliance review investigations.

The Fixing America's Surface Transportation (FAST) Act that was passed in December of 2015 made PRISM mandatory for all States as a condition of receiving MCSAP grant funding. MCSAP recipients are required to "fully participate" or be "PRISM Equivalent" by October 1, 2020. HDOT submitted an implementation plan to FMCSA as part of an extension request due to the condensed legislative session in 2020 due to the pandemic.

By restricting the registration renewals and initial registrations of motor carrier vehicles of any motor carrier who has an unresolved out-of-service order, as proposed in this measure, Hawaii will be "PRISM Equivalent" and continue to be able to receive MCSAP grant funding that will be used to ensure that motor carrier vehicles are safe to operate on Hawaii's roads.

Impact on the public: None.

Impact on the department and other agencies: Should Hawaii not be "PRISM Equivalent" by October 1, 2020, HDOT may not be eligible to receive MCSAP grant funding through the FMCSA.

GENERAL FUND: None.  
OTHER FUNDS: None.  
PPBS PROGRAM DESIGNATION: TRN 597.  
OTHER AFFECTED AGENCIES: None.  
EFFECTIVE DATE: Upon approval.