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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, commercial motor  
7 vehicle, or motor carrier operation is out-of-service pursuant  
8 to title 49 Code of Federal Regulations sections 386.72, 392.5,  
9 392.9a, 395.13, or 396.9, or title 49 United States Code  
10 section 31106(b)(2), or compatible laws, or the North American  
11 Standard Out-of-Service Criteria."

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

14 "§286-41 Application for registration; full faith and  
15 credit to current certificates; this part not applicable to  
16 certain equipment. (a) Every owner of a motor vehicle [~~which~~  
17 that is to be operated upon the public highways shall, for each



1 vehicle owned, except as herein otherwise provided and except as  
2 provided in section 286-42(c), apply to the director of finance  
3 of the county where the vehicle is to be operated, for the  
4 registration thereof. If a vehicle is moved to another county  
5 and is to be operated upon the public highways of that county,  
6 the existing certificate of registration shall be valid until  
7 its expiration date, at which time the owner shall apply to the  
8 director of finance of the county in which the vehicle is then  
9 located for the registration of the vehicle, whether or not the  
10 owner is domiciled in the county or the owner's principal place  
11 of business is in that county, except that this provision shall  
12 not apply to vehicles [~~which~~] that are temporarily transferred  
13 to another county for a period of not more than three months.

14 (b) Application for the registration of a vehicle shall be  
15 made upon the appropriate form furnished by the director of  
16 finance and shall contain the name, occupation, and address of  
17 the owner and legal owner; and, if the applicant is a member of  
18 the United States naval or military forces, the applicant shall  
19 give the organization and station. All applications shall also  
20 contain a description of the vehicle, including the name of the  
21 maker[~~r~~]; i the type of fuel for the use of which it is adapted



1 [~~e.g.~~], such as gasoline, diesel oil, liquefied petroleum  
2 gas [~~]~~]; the serial or motor number [~~]~~ ~~and~~]; the date first sold  
3 by the manufacturer or dealer [~~]~~ ~~and such~~]; a further description  
4 of the vehicle as is called for in the form [~~]~~]; and [~~such~~] other  
5 information as may be required by the director of finance, to  
6 establish legal ownership. A person applying for initial  
7 registration of a neighborhood electric vehicle shall certify in  
8 writing that a notice of the operational restrictions applying  
9 to the vehicle as provided in section 291C-134 are contained on  
10 a permanent notice attached to or painted on the vehicle in a  
11 location that is in clear view of the driver.

12 (c) If the vehicle to be registered is specially  
13 constructed, reconstructed, or rebuilt; is a special interest  
14 vehicle; or is an imported vehicle, this fact shall be stated in  
15 the application and upon the registration of the special  
16 interest motor vehicle and imported motor vehicle, which has  
17 been registered until that time in any other state or county,  
18 and the owner shall surrender to the director of finance the  
19 certificates of registration or other evidence of [~~such~~] a form  
20 of registration as may be in the applicant's possession or  
21 control. The director of finance shall grant full faith and



1 credit to the currently valid certificates of title and  
2 registration describing the vehicle, the ownership thereof, and  
3 any liens noted thereon, issued by any title state or county in  
4 which the vehicle was last registered. The acceptance by the  
5 director of finance of a certificate of title or of registration  
6 issued by another state or county, as provided in this  
7 subsection, in the absence of knowledge that the certificate is  
8 forged, fraudulent, or void, shall be a sufficient determination  
9 of the genuineness and regularity of the certificate and of the  
10 truth of the recitals therein, and no liability shall be  
11 incurred by any officer or employee of the director of finance  
12 by reason of so accepting the certificate.

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



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

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

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

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



1 (4) Tractor trucks, forklifts, and top picks being used as  
2 marine terminal equipment temporarily moving in or  
3 between terminals at:

4 (A) Sand Island and along Sand Island Parkway and  
5 Sand Island Access Road;

6 (B) Kalaniana'ole Avenue between Kuhio Street and  
7 Kahanu Street, abutting Hilo Harbor;

8 (C) Kawaihae-Mahukona Road abutting Kawaihae Harbor;

9 (D) East Kaahumanu Avenue between Hobron Avenue and  
10 Kane Street, abutting Kahului Harbor; and

11 (E) Waipaa Road abutting Nawiliwili Harbor."

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

14 "(a) The certificate of registration for each motor  
15 vehicle in the counties of the State shall be renewed on a  
16 staggered basis as established by each county. The director of  
17 finance of each county may adopt rules to carry out the purposes  
18 stated in this section and shall expend the necessary funds from  
19 the director's operating funds as may be necessary for these  
20 purposes; provided that the director of finance, if the director  
21 has ascertained as of the date of the application that the



1 registered owner has not deposited or paid bail with respect to  
2 any summons or citation issued to the registered owner for  
3 stopping, standing, or parking in violation of traffic  
4 ordinances within the county, or the registered owner of a motor  
5 carrier vehicle, as defined in section 286-201, has not resolved  
6 any outstanding federal operations out-of-service orders issued  
7 by the United States Secretary of Transportation, may require,  
8 as a condition precedent to the renewal, that the registered  
9 owner deposit or pay bail with respect to all such summonses or  
10 citations[-], or resolve all federal operations out-of-service  
11 orders. The certificates of registration issued hereunder shall  
12 show, in addition to all information required under  
13 section 286-47, the serial number of the tag or emblem and shall  
14 be valid during the registration year only for which they are  
15 issued. Any certificate of registration belonging to a motor  
16 carrier shall be suspended or revoked when that motor carrier  
17 has been issued any federal operations out-of-service orders by  
18 the United States Secretary of Transportation and that  
19 certificate of registration shall remain suspended or revoked  
20 until all the federal operations out-of-service orders are  
21 resolved. The certificates of ownership need not be renewed



1 annually but shall remain valid as to any interest shown therein  
2 until canceled by the director of finance as provided by law or  
3 replaced by new certificates of ownership as hereinafter  
4 provided."

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

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



**S.B. NO.** 1212  
S.D. 2  
H.D. 2  
C.D. 1

**Report Title:**

Motor Vehicle Registration; Motor Carrier Vehicle; Federal  
Out-of-service Order

**Description:**

Requires resolution of an outstanding federal out-of-service  
order prior to registration renewals and initial registrations  
of motor carrier vehicles. Defines "out-of-service order".  
(CD1)

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not legislation or evidence of legislative intent.*

