

JAN 25 2023

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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1           SECTION 1. Section 249-5.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) ~~[As]~~ For any stored vehicle that is required to be  
4 certified pursuant to section 286-26, as a condition precedent  
5 to the removal of the vehicle from storage, the owner of the  
6 vehicle shall present to the director of finance a certificate  
7 of inspection that was issued after the recording of the storage  
8 with the director of finance if the certificate of inspection  
9 expired during the period of storage."

10           SECTION 2. Section 286-22, Hawaii Revised Statutes, is  
11 amended by amending subsections (b) and (c) to read as follows:

12           "(b) If the vehicle or moped is found to be in an unsafe  
13 condition or if any required part or equipment is not present or  
14 if any required part or equipment is present but not in proper  
15 repair, the officer shall issue a citation to the owner or  
16 driver stating the reasons that the vehicle or moped is deemed  
17 unsafe or is not equipped as required and, if the vehicle is



1 required to be certified pursuant to section 286-26, shall  
2 require that a new certificate of inspection as provided in  
3 section 286-26 be obtained within five days or that the defect  
4 be cured.

5 (c) If upon inspection, the chief of police or any police  
6 officer determines that any vehicle or moped is in such unsafe  
7 condition as to constitute a menace to the public or is not  
8 equipped as required and cannot reasonably be restored to a safe  
9 condition as required in this part, the chief of police or  
10 police officer shall remove the sticker which signifies the  
11 certificate of inspection, if any, and inform the director of  
12 finance who shall immediately suspend the registration of the  
13 vehicle or moped and give notice of the suspension to its owner.  
14 Whenever the director of finance has suspended the registration  
15 of any vehicle or moped under this part, the owner of the  
16 vehicle or moped shall immediately surrender and forward to the  
17 director of finance the certificate of registration and the  
18 license plates last issued upon registration of the vehicle for  
19 the current year."

20 SECTION 3. Section 286-25, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§286-25 Operation of a vehicle [~~or moped~~] without a  
2 certificate of inspection. Whoever operates, permits the  
3 operation of, causes to be operated, or parks any vehicle [~~or~~  
4 ~~moped~~] having a gross vehicle weight rating of more than 10,000  
5 pounds on a public highway without a current official  
6 certificate of inspection, issued under section 286-26, shall be  
7 fined not more than \$100. Nothing herein shall be construed as  
8 prohibiting the operation of any vehicle having a gross vehicle  
9 weight rating of less than 10,000 pounds or moped without a  
10 certificate of inspection."

11           SECTION 4. Section 286-26, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "§286-26 Certificates of inspection. (a) The following  
14 vehicles shall be certified as provided in subsection (e) once  
15 every year:

- 16           (1) Trucks, truck-tractors, semitrailers, and pole  
17           trailers [~~having a gross vehicle weight rating of more~~  
18           ~~than 10,000 pounds~~];
- 19           (2) Buses;
- 20           (3) Rental or U-drive motor vehicles two years of age or  
21           older; and



1           (4) Taxicabs [~~and~~  
2           ~~(5) Mopeds~~],  
3           having a gross vehicle weight rating of more than 10,000 pounds.  
4           Ambulances having a gross vehicle weight rating of more than  
5           10,000 pounds shall be certified as provided in subsection (e)  
6           once every six months.

7           (b) All [~~other vehicles, including motorcycles, mopeds,~~  
8           ~~trailers, semitrailers, and pole trailers having a gross vehicle~~  
9           ~~weight rating of 10,000 pounds or less, and]~~ antique motor  
10          vehicles, as defined in section 249-1, having a gross vehicle  
11          weight rating of more than 10,000 pounds, except those in  
12          subsections (c) and (d), shall be certified as provided in  
13          subsection (e) every twelve months; provided that any antique  
14          vehicle to which this subsection applies [~~, except a moped,~~]  
15          shall not require inspection within two years of the date on  
16          which the antique vehicle was first sold.

17          (c) Any vehicle [~~or moped~~] having a gross vehicle weight  
18          rating of more than 10,000 pounds that has been involved in an  
19          accident shall be certified as provided in subsection (e) before  
20          it is operated again if:



1           (1) It is determined by a police officer or an insurer  
2           that the vehicle's [~~or moped~~s] equipment has been  
3           damaged so as to render the vehicle [~~or moped~~] unsafe;  
4           or

5           (2) It is rebuilt or restored.

6           (d) Every vehicle [~~or moped~~] having a gross vehicle weight  
7 rating of more than 10,000 pounds shall be certified prior to  
8 the issuance of a temporary or permanent registration by the  
9 director of finance and prior to the transfer of any  
10 registration; provided that this requirement shall not apply to  
11 a subsequent transfer of registration in a vehicle [~~or moped~~]  
12 that carries a current certificate of inspection.

13           (e) Upon application for a certificate of inspection to be  
14 issued for a vehicle [~~or moped~~], an inspection as prescribed by  
15 the director under subsection (g) shall be conducted on the  
16 vehicle [~~or moped~~], and if the vehicle [~~or moped~~] is found to be  
17 in a safe operating condition, a certificate of inspection shall  
18 be issued upon payment of a fee to be determined by the  
19 director. The certificate shall state the effective date, the  
20 termination date, the name of the issuing insurance carrier, and  
21 the policy number of the motor vehicle insurance identification



1 card for the inspected motor vehicle as specified by  
2 section 431:10C-107 or state the information contained in the  
3 proof of insurance card as specified by section 431:10G-106. A  
4 sticker, authorized by the director, shall be affixed to the  
5 vehicle [~~or moped~~] at the time a certificate of inspection is  
6 issued. An inspection sticker which has been lost, stolen, or  
7 destroyed shall be replaced without reinspection by the  
8 inspection station that issued the original inspection sticker  
9 upon presentation of the current certificate of inspection;  
10 provided that the current certificate of inspection and  
11 inspection sticker shall not have expired at the time the  
12 replacement is requested. The director shall adopt rules to  
13 determine the fee for replacement of lost, stolen, or destroyed  
14 inspection stickers.

15 (f) The operator of an official inspection station shall  
16 pay, from the fee in subsection (e), an amount to be determined  
17 by rules adopted pursuant to chapter 91 to the director of  
18 transportation. This amount shall be expended only for  
19 administration and enforcement of the periodic motor vehicle  
20 inspection program. The funds collected pursuant to this  
21 subsection shall be deposited into the highway special fund.



1 (g) The director of transportation shall adopt necessary  
2 rules for the administration of inspections and the issuance of  
3 certificates of inspection.

4 (h) This section shall not apply to:

5 (1) Any motor vehicle that is covered by part XI,  
6 governing safety of motor carrier vehicle operation  
7 and equipment; provided that the rules adopted  
8 pursuant to part IA impose standards of inspection at  
9 least as strict as those imposed under subsection (g)  
10 and that certification is required at least as often  
11 as provided in subsections (a), (b), (c), and (d);

12 (2) Aircraft servicing vehicles that are being used  
13 exclusively on lands set aside to the department of  
14 transportation for airport purposes; [~~and~~]

15 (3) 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;



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

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

4 (E) Waipaa Road abutting Nawiliwili Harbor[-]; and

5 (4) Any vehicle having a gross vehicle weight rating of  
6 less than 10,000 pounds.

7 (i) As part of the inspection required by this section,  
8 the owner of the vehicle to be inspected[, ~~except for mopeds,~~  
9 shall produce and display the motor vehicle insurance  
10 identification card for the inspected motor vehicle required by  
11 section 431:10C-107 or the proof of insurance card required by  
12 section 431:10G-106. If no card is displayed, then the sticker  
13 authorized by the director shall not be affixed to the vehicle  
14 and the certificate of inspection shall not be issued."

15 SECTION 5. Section 286-47, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:

17 "(b) Every owner shall keep the certificate of  
18 registration within the vehicle for which it is registered and  
19 shall present the same at the request of a police officer, or in  
20 the event the vehicle is a motorcycle, shall carry such  
21 certificate in a convenient receptacle attached to the vehicle





1 and which shall be presented at the request of a police officer;  
2 provided that this subsection shall not apply to:

3 (1) State or county vehicles readily identified by the  
4 license plates and markings on sides of such vehicles;

5 (2) Commercial vehicles defined as rental motor vehicles,  
6 or cars shipped by licensed car dealerships or  
7 repossession companies. These businesses may keep a  
8 duplicate copy of the certificate of registration  
9 within the vehicle for which it is registered, in  
10 which case the certificate of registration shall be  
11 available for inspection at their principal place of  
12 business within the State; and

13 (3) Chassis used for transporting shipping containers.  
14 The owner of a chassis used for transporting shipping  
15 containers shall not be required to keep the original  
16 or a copy of the certificate of registration, motor  
17 vehicle identification card, certificate of insurance,  
18 and, if applicable, certificate of inspection on the  
19 chassis. These businesses may keep the original  
20 certificate of registration, motor vehicle  
21 identification card, certificate of insurance, and, if



1           applicable, certificate of inspection available for  
2           inspection at their principal place of business within  
3           the State.

4           This subsection shall not apply when the certificate is  
5 removed from the vehicle for the purpose of application for  
6 renewal, transfer of registration, or to record a change in the  
7 registration."

8           SECTION 6. Section 286-48, Hawaii Revised Statutes, is  
9 amended by amending subsection (d) to read as follows:

10          "(d) In the event the salvage vehicle is rebuilt so as to  
11 be capable of again operating on the highways of this State, the  
12 motor vehicle shall not be licensed for such operation, nor  
13 shall the ownership thereof be transferred until there is  
14 submitted to the director of finance:

- 15           (1) The prescribed bill of sale;
- 16           (2) An appropriate application for registration of the  
17 rebuilt or restored motor vehicle along with the  
18 salvage certificate and, if the rebuilt or restored  
19 motor vehicle has a gross vehicle weight rating of  
20 more than 10,000 pounds, a certificate of inspection  
21 signed by the registered or certified motor vehicle



1 repair dealer who is bonded as required by  
2 section 437B-26, and who rebuilt the vehicle,  
3 attesting that the original recognized vehicle  
4 manufacturer's established repair procedures or  
5 specifications and allowable tolerances for the  
6 particular model and year were utilized and adhered  
7 to; and

8 (3) Any other document and fee required by the director of  
9 finance.

10 The counties may, by ordinance, establish the fee to be charged  
11 for the inspection of rebuilt motor vehicles."

12 SECTION 7. The director of transportation shall adopt or  
13 amend its rules pursuant to chapter 91, Hawaii Revised Statutes,  
14 to repeal any provision requiring certificates of safety  
15 inspection for motor vehicles having a gross vehicle weight  
16 rating of less than 10,000 pounds.

17 SECTION 8. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 9. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 10. This Act shall take effect upon its approval.

2

INTRODUCED BY:  \_\_\_\_\_



# S.B. NO. 1430

**Report Title:**

Motor Vehicles; Inspection; Repealed

**Description:**

Repeals motor vehicle safety inspection requirements for certain motor vehicles.

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

