

JAN 20 2023

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Section 286-26, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (e) to read:

4 "(e) Upon application for a certificate of inspection to
5 be issued for a vehicle or moped, an inspection as prescribed by
6 the director under subsection (g) shall be conducted on the
7 vehicle or moped, and if the vehicle or moped is found to be in
8 a safe operating condition~~[7]~~ and is not equipped with a muffler
9 or exhaust system that fails to comply with section 291-24 or
10 291-24.5, as applicable, a certificate of inspection shall be
11 issued upon payment of a fee to be determined by the director.
12 The certificate shall state the effective date, the termination
13 date, the name of the issuing insurance carrier, and the policy
14 number of the motor vehicle insurance identification card for
15 the inspected motor vehicle as specified by section 431:10C-107
16 or state the information contained in the proof of insurance
17 card as specified by section 431:10G-106. A sticker, authorized



1 by the director, shall be affixed to the vehicle or moped at the
2 time a certificate of inspection is issued. An inspection
3 sticker which has been lost, stolen, or destroyed shall be
4 replaced without reinspection by the inspection station that
5 issued the original inspection sticker upon presentation of the
6 current certificate of inspection; provided that the current
7 certificate of inspection and inspection sticker shall not have
8 expired at the time the replacement is requested. The director
9 shall adopt rules to determine the fee for replacement of lost,
10 stolen, or destroyed inspection stickers."

11 2. By amending subsection (g) to read:

12 "(g) The director of transportation shall adopt necessary
13 rules for the administration of inspections and the issuance of
14 certificates of inspection[-]; provided that the rules shall, at
15 a minimum, require inspections to ensure that a motorcycle,
16 moped, or motor vehicle is not equipped with a muffler or
17 exhaust system that fails to comply with section 291-24 or 291-
18 24.5, as applicable."

19 SECTION 2. Section 286-211, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "[\S286-211] **Permits to operate official inspection**

2 **stations.** (a) The director shall issue permits for and furnish
3 instructions and all forms to official inspection stations. The
4 stations shall operate pursuant to standards established by the
5 director.

6 (b) Application for an official inspection station permit
7 shall be made upon an official form and shall be granted only
8 when the director is satisfied that the station is properly
9 equipped and has competent personnel to make the required
10 inspections. Before issuing a permit, the director shall
11 require the applicant to file proof that the applicant has, in
12 effect, a liability insurance policy, issued to the applicant by
13 an insurance company, authorized to do business in the State,
14 insuring against the liability of the applicant and any of the
15 applicant's employees, in minimum amounts as follows:
16 comprehensive public liability insurance in the amount of
17 \$10,000 for one person and \$20,000 for one accident and
18 comprehensive property damage insurance of \$5,000, provided that
19 the director may, by rules and regulations, set higher limits;
20 provided that the proof of insurance need not be filed by an
21 applicant who inspects only vehicles owned by the applicant; and



1 provided further that the proof of insurance need not be filed
2 by instrumentalities of the United States.

3 (c) A permit for an official inspection station shall not
4 be assigned or transferred or used at any location other than
5 that designated by the director and every permit shall be posted
6 in a conspicuous place at the location so designated.

7 (d) A permit for an official inspection station shall be
8 suspended or revoked, or renewal thereof shall be refused by the
9 director, upon a third or subsequent wilful violation within a
10 period of eighteen months of any rule requiring an official
11 inspection station to ensure a motorcycle, moped, or motor
12 vehicle is not equipped with a muffler or exhaust system that
13 fails to comply with section 291-24 or 291-24.5, as applicable."

14 SECTION 3. Section 291-24, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) Whoever violates this section shall be [~~fined not~~
17 ~~more than \$100.~~] guilty of a petty misdemeanor and shall be
18 fined no more than \$500 or imprisoned for no more than thirty
19 days."

20 SECTION 4. Section 291-24.5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§291-24.5~~ **Motor vehicle muffler.** (a) No person
2 shall use on a public highway, sell, offer for sale, alter or
3 install a muffler ~~[which]~~, including but not limited to a cut-
4 out, bypass, or similar device, that will noticeably increase
5 the noise emitted by a motor vehicle above that emitted by the
6 vehicle as equipped from the factory.

7 (b) Any violation of this section shall constitute a
8 violation and shall be enforceable by police officers. ~~[The~~
9 ~~fine for this violation shall be not less than \$25 nor more than~~
10 ~~\$250 for each separate offense.]~~ Any person who violates ~~[the~~
11 ~~provisions of this section may]~~ this section:

12 (1) Shall be guilty of a petty misdemeanor; and

13 (2) May be issued a summons or citation for such
14 violation."

15 SECTION 5. Section 437B-11, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§437B-11 Prohibited practices.** In addition to any other
18 grounds for disciplinary action authorized by law, the following
19 acts or omissions related to the repair of motor vehicles shall
20 be grounds for invoking the enforcement procedures of section
21 437B-12:



- 1 (1) Making or authorizing in any manner or by any means
2 whatever any statement written or oral which is untrue
3 or misleading, and which is known, or which by the
4 exercise of reasonable care should be known, to be
5 untrue or misleading;
- 6 (2) Causing or allowing a customer to sign any work order
7 that does not state the repairs requested by the
8 customer or the automobile's odometer reading at the
9 time of repair;
- 10 (3) Failing or refusing to give to a customer a copy of
11 any document requiring the customer's signature, as
12 soon as the customer signs the document;
- 13 (4) Any other conduct that constitutes fraud;
- 14 (5) Conduct constituting gross negligence;
- 15 (6) Failure to comply with this chapter or rules adopted
16 pursuant to it;
- 17 (7) Any wilful departure from or disregard of accepted
18 practices or professional standards;
- 19 (8) Making false promises of a character likely to
20 influence, persuade, or induce a customer to authorize



- 1 the repair, service, or maintenance of a motor
2 vehicle;
- 3 (9) Having repair work subcontracted without the knowledge
4 or consent of the customer unless the motor vehicle
5 repair dealer, mechanic, or apprentice demonstrates
6 that the customer could not reasonably have been
7 notified;
- 8 (10) Conducting the business of motor vehicle repair in a
9 place other than stated on the license except that
10 mobile repair facilities may be permitted if the
11 license so indicates;
- 12 (11) Rebuilding or restoring of rebuilt vehicles as defined
13 in section 286-2 in such a manner that it does not
14 conform to the original vehicle manufacturer's
15 established repair procedures or specifications and
16 allowable tolerances for the particular model and
17 year;
- 18 (12) Subcontracting, recommending, or referring motor
19 vehicle repair work to, or in any way assisting, a
20 motor vehicle repair dealer or mechanic whose license



1 or certification is not in full compliance with this
2 chapter;

3 (13) Failure to directly supervise a motor vehicle mechanic
4 apprentice/trainee or motor vehicle mechanic helper;

5 (14) Servicing mobile air conditioners without using
6 refrigerant recovery and recycling equipment that is
7 certified by Underwriters Laboratories, Incorporated
8 or was in use by the motor vehicle repair industry
9 prior to December 31, 1989;

10 (15) Performing service on any motor vehicle or mobile air
11 conditioner after January 1, 1994, without successful
12 completion of an appropriate training course in the
13 recovery and recycling of CFC and HCFC refrigerants,
14 which included instruction in the proper use of
15 refrigerant recovery and recycling equipment that is
16 certified by Underwriters Laboratories, Incorporated;
17 [~~and~~]

18 (16) Violating chapter 342C[~~-~~]; and

19 (17) Repairing or installing a muffler or exhaust system
20 that fails to comply with section 291-24 or 291-24.5,
21 as applicable."



1 SECTION 6. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval.

7

INTRODUCED BY: _____

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Shirley".

S.B. NO. 586

Report Title:

Mufflers; Exhaust System; Motorcycle; Moped; Motor Vehicle;
Certificate of Inspection; Motor Vehicle Repair; Penalties

Description:

Specifies that a certificate of inspection shall be issued if a vehicle is not equipped with a noisy muffler or exhaust system. Requires rules regarding safety check inspections to ensure that a motorcycle, moped, or motor vehicle is not equipped with a noisy muffler or exhaust system. Suspends, revokes, or refuses renewal of a permit for an official inspection station upon a third or subsequent wilful violation of any rule regarding inspecting a noisy muffler or exhaust system. Makes violating the noisy muffler laws a petty misdemeanor. Includes repairing or installing a noisy muffler or exhaust system as a prohibited practice for motor vehicle repair regulations.

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

