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# 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]~~. If the vehicle or moped is found to  
8 be in a safe operating condition, including adhering to head  
9 lamp requirements and specifications pursuant to section 291-  
10 25(a), as applicable, and is not equipped with a muffler or  
11 exhaust system that fails to comply with section 291-24 or  
12 291-24.5, as applicable, a certificate of inspection shall be  
13 issued upon payment of a fee to be determined by the director.  
14 The certificate shall state the effective date, ~~[the]~~  
15 termination date, ~~[the]~~ name of the issuing insurance carrier,  
16 ~~[the]~~ policy number of the motor vehicle insurance  
17 identification card for the inspected motor vehicle as specified



1 by section 431:10C-107 or state the information contained in the  
2 proof of insurance card as specified by section 431:10G-106, and  
3 the odometer reading of the vehicle on the date of inspection.  
4 A sticker[7] 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 that 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 2. By amending subsection (g) to read:

16 "(g) The director of transportation shall adopt necessary  
17 rules for the administration of inspections and the issuance of  
18 certificates of inspection; provided that the rules shall  
19 [include]:

20 (1) At a minimum, require inspections to ensure that a  
21 motorcycle, moped, or motor vehicle is not equipped



1           with a muffler or exhaust system that fails to comply  
 2           with section 291-24 or 291-24.5, as applicable; and  
 3           (2) Include head lamp requirements that adhere to the  
 4           specifications pursuant to section 291-25(a), as  
 5           applicable."

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

8           "**[+]§286-211[+]** **Permits to operate official inspection**  
 9 **stations.** (a) The director shall issue permits for and furnish  
 10 instructions and all forms to official inspection stations. The  
 11 stations shall operate pursuant to standards established by the  
 12 director.

13           (b) Application for an official inspection station permit  
 14 shall be made upon an official form and shall be granted only  
 15 when the director is satisfied that the station is properly  
 16 equipped and has competent personnel to make the required  
 17 inspections. Before issuing a permit, the director shall  
 18 require the applicant to file proof that the applicant has, in  
 19 effect, a liability insurance policy, issued to the applicant by  
 20 an insurance company, authorized to do business in the State,  
 21 insuring against the liability of the applicant and any of the



1 applicant's employees, in minimum amounts as follows:  
2 comprehensive public liability insurance in the amount of  
3 \$10,000 for one person and \$20,000 for one accident and  
4 comprehensive property damage insurance of \$5,000~~[7]~~; provided  
5 that the director may, by rules [~~and regulations~~], set higher  
6 limits; provided further that the proof of insurance need not be  
7 filed by an applicant who inspects only vehicles owned by the  
8 applicant; [~~and~~] provided further that the proof of insurance  
9 need not be filed by instrumentalities of the United States.

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

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



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

3 "(c) Whoever violates this section shall be fined [~~not~~] no  
4 more than [~~\$100.~~] \$150."

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

7 "**§291-24.5 Motor vehicle muffler.** (a) No person shall  
8 use on a public highway, sell, offer for sale, alter, or install  
9 a muffler, including but not limited to a cut-out, bypass, or  
10 similar device, that will noticeably increase the noise emitted  
11 by a motor vehicle above that emitted by the vehicle as equipped  
12 from the factory~~[-]~~; provided that this subsection shall not  
13 apply to motorcycles and mopeds that do not exceed United States  
14 Environmental Protection Agency regulations under title 40, Code  
15 of Federal Regulations section 205.152.

16 (b) Except as provided in section 291-24.4, any violation  
17 of this section shall [~~constitute a violation and shall~~] be  
18 enforceable by police officers. Violation of this section shall  
19 subject the violator to the following penalties:

20 (1) For a first violation, the person shall be fined [~~not~~]  
21 no more than [~~\$100.~~] \$150;



1 (2) For a second violation committed within three years of  
2 any other violation under this section, the person  
3 shall be fined [~~not~~] no more than [~~\$300,~~] \$350; and

4 (3) For a violation of a third or subsequent offense  
5 committed within five years of any other violation  
6 under this section, the person shall be fined [~~not~~] no  
7 more than [~~\$900,~~] \$950.

8 Any person who violates the provisions of this section may be  
9 issued a summons or citation for the violation."

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

12 "**§437B-11 Prohibited practices.** In addition to any other  
13 grounds for disciplinary action authorized by law, the following  
14 acts or omissions related to the repair of motor vehicles shall  
15 be grounds for invoking the enforcement procedures of section  
16 437B-12:

17 (1) Making or authorizing in any manner or by any means  
18 whatever any statement written or oral [~~which~~] that is  
19 untrue or misleading, and [~~which~~] that is known, or  
20 [~~which~~] that by the exercise of reasonable care should  
21 be known, to be untrue or misleading;



- 1 (2) Causing or allowing a customer to sign any work order  
2 that does not state the repairs requested by the  
3 customer or the automobile's odometer reading at the  
4 time of repair;
- 5 (3) Failing or refusing to give to a customer a copy of  
6 any document requiring the customer's signature, as  
7 soon as the customer signs the document;
- 8 (4) Any other conduct that constitutes fraud;
- 9 (5) Conduct constituting gross negligence;
- 10 (6) Failure to comply with this chapter or rules adopted  
11 pursuant to it;
- 12 (7) Any wilful departure from or disregard of accepted  
13 practices or professional standards;
- 14 (8) Making false promises of a character likely to  
15 influence, persuade, or induce a customer to authorize  
16 the repair, service, or maintenance of a motor  
17 vehicle;
- 18 (9) Having repair work subcontracted without the knowledge  
19 or consent of the customer unless the motor vehicle  
20 repair dealer, mechanic, or apprentice demonstrates



1 that the customer could not reasonably have been  
2 notified;

3 (10) Conducting the business of motor vehicle repair in a  
4 place other than stated on the license except that  
5 mobile repair facilities may be permitted if the  
6 license so indicates;

7 (11) Rebuilding or restoring of rebuilt vehicles as defined  
8 in section 286-2 in [~~such~~] a manner that [~~it~~] does not  
9 conform to the original vehicle manufacturer's  
10 established repair procedures or specifications and  
11 allowable tolerances for the particular model and  
12 year;

13 (12) Subcontracting, recommending, or referring motor  
14 vehicle repair work to, or in any way assisting, a  
15 motor vehicle repair dealer or mechanic whose license  
16 or certification is not in full compliance with this  
17 chapter;

18 (13) Failure to directly supervise a motor vehicle mechanic  
19 [~~apprentice/trainee~~] apprentice or trainee or motor  
20 vehicle mechanic helper;



1 (14) Servicing mobile air conditioners without using  
2 refrigerant recovery and recycling equipment that is  
3 certified by Underwriters Laboratories, Incorporated  
4 or was in use by the motor vehicle repair industry  
5 [~~prior to~~] before December 31, 1989;

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

14 (16) Violating chapter 342C[~~+~~]; and

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

18 SECTION 6. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.



1 SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect on July 1, 3000.



**Report Title:**

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

**Description:**

Conditions the issuance of a certificate of inspection upon a vehicle not being 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. Increases the maximum fine for motorcycle and moped owners that violate noisy muffler laws. Clarifies the types of mufflers that are prohibited, except for certain motorcycles and mopeds. Includes repairing or installing a noisy muffler or exhaust system as a prohibited practice for motor vehicle repair laws. Effective 7/1/3000. (HD1)

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

