

ACT 36

A Bill for an Act Relating to the Motor Vehicle Dealers Licensing Boards Created Pursuant to the Provisions of Part V of Chapter 160, Revised Laws of Hawaii 1955, as Amended.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of Section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Act 136, Session Laws of Hawaii 1963, did not complete the transfer of the Motor Vehicle Dealers Licensing Boards to the various counties. Act 136 merely transferred the appointing power to the executive heads of the counties. As such, the status of the Board, as well as its employees, is not clear. Also, supervision of the Boards' funds is not subject to supervision of the various counties. This bill proposes to:

1. Clearly indicate that the various Boards are county Boards;
2. Transfer the Boards' funds to the county general funds;
3. Transfer the Boards' employees to the counties and provide civil service status to non-civil service employees;
4. Delineate the Boards' relationship with the county departments to which they are assigned; and

5. Authorize counties with population in excess of 200,000 to establish the annual license fees.

It is imperative and urgent that the foregoing matters be clarified. Accordingly, this Act is considered an urgency measure deemed necessary in the public interest.

SECTION 2. Chapter 160, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

a. The first paragraph of Section 160-162 thereof is hereby amended to read as follows:

“A motor vehicle dealers licensing board is created for each of the counties. Each board shall be a county agency and shall be made a part of an appropriate department by ordinance. For each county with a population of 200,000 or more, the board shall consist of five members; for each county with a population of less than 200,000, the board shall consist of three members. The elected executive head of each county, or any duly elected or appointed successor shall appoint the members of the board with the approval of the legislative body of the county. The board shall designate one of its members as chairman. Each member shall have been engaged in the business of selling at retail, or negotiating for the purchase of motor vehicles in the State for a period of at least one year preceding the date of his appointment. For each county with a population of 200,000 or more, three of the members shall be, or shall have been, engaged as dealers primarily in the sale of new motor vehicles, one of the members shall be, or shall have been, engaged primarily in the sale of used motor vehicles, and one of the members shall be solely and exclusively engaged as salesman of new or used motor vehicles. For each county with a population of less than 200,000, two of the members shall be, or shall have been, engaged primarily as a new motor vehicle dealers, and one of the members shall be solely and exclusively engaged as a salesman. The Board shall designate one of its members as chairman.”

b. Section 160-163 thereof is hereby amended in the following respects:

(1) By deleting the first twenty-five words in the opening sentence thereof and inserting in lieu thereof the following:

“Neither the board nor its members shall in any way interfere with the administrative affairs of the department to which it is assigned. However, the board within its own county, shall have the sole jurisdiction, power and authority and discretion, subject only to the provisions of this part, to:”

(2) By deleting subsection (c) and redesignating subsections (d) through (i) as (c) through (h).

c. Section 160-165 thereof is hereby amended to read as follows:

“Section 160-165. Funds and Personnel.

“(a) Funds. All fees and other moneys collected or received under this part shall be deposited in the general fund of the county and no expenditure for the operation of the board shall be made unless there is an appropriation therefor as provided by law.

“(b) Personnel. All employees of the board, other than members of the board, shall be subject to civil service laws.

“(c) Administration. The function of administering the funds ap-

propriated for the operations of the board shall be vested in the department head of the department to which the board is assigned and such department head shall be empowered to take all necessary personnel actions with reference to employees of the board.”

SECTION 3. Section 160-171 thereof is hereby further amended to read as follows:

“Section 160-171. License Fees.

a. Annual license fees for counties with a population in excess of 200,000. In counties with population in excess of 200,000, the annual license fees for new or used motor vehicle dealers or dealers in business or wrecking and dismantling motor vehicles, shall be established by the Council or Board of Supervisors, whichever the case may be, by ordinance.

b. Annual license fees for counties with a population of less than 200,000. For counties with a population of less than 200,000, the annual license fee for the following licenses shall be the following respective amounts:

- 1. New Motor Vehicle Dealer.....\$60.00
- 2. Used Motor Vehicle Dealer..... 30.00
- 3. Used Motor Vehicle Dealer dealing primarily in the business of wrecking and dismantling motor vehicles, motorcycles, and scooters..... 30.00
- 4. Salesman 3.00

c. Fees to accompany application. In all cases, the fee shall accompany the application for license.

d. Fees when license denied. In case any license is not granted, the fee, less the filing fee, shall be returned to the applicant at the time he is notified that his application has been denied.

e. Forms of license. The board shall prescribe the forms for licenses of automobile dealers and automobile salesmen.

f. Scope of dealer’s license. A new or used motor vehicle dealer’s license shall also authorize the holder thereof to sell new and used motorcycles and motor scooters.”

SECTION 4. **Special Fund Abolished.** The “Motor Vehicle Dealers Licensing Board Fund” heretofore created pursuant to the provisions of Section 160-165 is hereby abolished and any balance remaining in said fund shall be transferred to the general fund of the county or city and county.

SECTION 5. **Status of Employees.** All personnel presently under the employ and jurisdiction of the Board shall be transferred to the department to which the Board is assigned and the status of such employees shall be governed in like manner as the status of employees of any county or city and county is governed by the provisions of Section 138-44 or Section 138-45, Revised Laws of Hawaii 1955, whichever is applicable.

SECTION 6. This Act shall take effect as of July 1, 1964.

(Approved April 22, 1964.) H.B. 514.