

ACT 27

H.B. NO. 838

A Bill for an Act Relating to Trailer Registrations.

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

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§286- Certificate of trailer registration. Upon the registration of a trailer, the director of finance shall issue a certificate of registration to the owner, dealer, or manufacturer of the trailer. The certificate shall meet the following requirements:

- (1) It shall contain upon the face thereof, the date it was issued, the license plate number assigned to the vehicle, the vehicle identification number of the vehicle, the name and address of the registered owner of the vehicle, and such description of the registered vehicle as may be required by the director of finance. If any of the information subsequently proves to be incorrect due to a typographical error, the dealer, manufacturer, or owner of the trailer shall notify the director of finance of the error by a written certificate stating the reasons for and nature of the error and the correction that should be made on the certificate of registration. Upon receipt of such notification by the director of finance, the certificate of registration shall be corrected accordingly so long as the correction does not constitute a change of the vehicle originally registered. A fee shall be paid to the director of finance for each instance of correction of the registration records. The fee charged for each instance of correction of the registration records shall be established by the county's legislative body.
- (2) In addition to the requirements provided for in paragraph (1), the face of the certificate of registration shall contain endorsement lines for the transfer of interest of the registered owner of the trailer.
- (3) Every owner of a trailer, except for those trailers owned by a company or person operating under the jurisdiction of the public

utilities commission, shall carry the certificate of registration with the trailer and shall present the certificate at the request of a police officer. This requirement to carry the certificate of registration with the trailer shall not apply when the certificate is removed for the purpose of application for renewal, transfer of registration, or to record a change in the registration.

- (4) The director of finance shall not issue a certificate of ownership for a trailer nor record any liens upon or legal ownership to the trailer.

§286- Procedure when registration of a trailer transferred. (a) Upon transfer of registered ownership in or to a trailer, the person whose interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of registration issued for the trailer, together with the address of the transferee in the appropriate space provided upon the certificate.

(b) Within twenty calendar days of the transfer of registered ownership of a trailer, the transferee shall forward the certificate of registration to the director of finance who shall file the certificate. Whenever a transferee fails to comply with this section, the director of finance shall charge the transferee a fee of \$5, in addition to the fee provided in this section, for the issuance of a new certificate of registration.

(c) If the director of finance has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county, the director may require, as a condition precedent to the transfer, that the registered owner deposit or pay bail with respect to all such summonses or citations.

(d) The director of finance, upon receipt of the certificate of registration properly endorsed, shall register the trailer and shall issue to the owner thereof by reason of the transfer a new certificate of registration in the manner and form provided for original registration.

(e) Until the director of finance has issued the new certificate of registration as provided in subsection (d), delivery of such trailer shall be deemed not to have been made and registration thereto shall be deemed not to have passed, and the intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose.

(f) In the event of the transfer by operation of law in or to a trailer registered under section 286-, as upon inheritance, devise, or bequest, order in bankruptcy, or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose interest is to be transferred, the certificate of registration shall be signed upon the spaces provided by the personal representative of, or successor in interest of the person whose registered ownership or interest is so transferred in lieu of such person. Every personal representative, receiver, trustee, sheriff, or other personal representative hereinabove referred to shall file with the director of finance a notice of any transfer by sale, lease, or otherwise by the person, of any such trailer, together with evidence satisfactory to the director of finance of all facts entitling such representative to make the transfer.

(g) Any person who refuses or neglects to deliver a certificate of registration to a transferee entitled thereto under this section, shall be punished as provided in section 286-61.

(h) Every dealer or manufacturer, upon transferring a trailer, whether by sale, lease, or otherwise, shall immediately give notice of the transfer to the director of finance upon the official form provided by the director of finance.

Every such notice shall contain the date of transfer, the names and addresses of the transferor and transferee, and such description of the trailer as may be called for in the official form.

(i) Every person, other than a dealer or manufacturer, upon transferring a trailer, whether by sale, lease, or otherwise, shall within ten days give notice of the transfer to the director of finance upon the official form provided by the director of finance. Every notice shall contain the date of transfer, the names and addresses of the transferor and transferee, and such description of the trailer as may be called for in the official form. Any person who violates this subsection shall be fined not more than \$100.

(j) Whenever the registered owner of any trailer or any dealer or manufacturer has given notice to the director of finance of a transfer of the registered ownership to the trailer, as provided in subsections (h) and (i), and has delivered the certificate of registration bearing the transferor's signature to the transferee as required by subsection (a), the transferor shall be relieved from liability, civil or criminal, which the transferor might subsequently incur by reason of being the registered owner of the trailer.

(k) A dealer or manufacturer who has forwarded a properly endorsed certificate of registration to the director of finance shall be relieved of any civil liability, only if, in addition to the requirement of subsection (j), the dealer or manufacturer obtains from the transferee a specific written authorization to forward the certificate.

(l) Any person who falsely or fraudulently gives notice to the director of finance of a transfer of registered ownership to a trailer shall be subject to the penalty provided in section 286-61.

(m) The director of finance may charge a fee which shall be deposited in the general fund for each new certificate of registration issued. The fee charged to issue a new certificate of registration shall be established by the county's legislative body."

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved April 18, 1985.)

Note

1. Edited pursuant to HRS §23G-16.5.