

A Bill for an Act Relating to Motor Vehicle Repairs.

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

SECTION 1. Section 437B,¹ Hawaii Revised Statutes, is amended to read as follows:

“§437B-1 Definitions. As used in this chapter:

“Board” means the motor vehicle repair industry board.

“Certified mechanic” is a motor vehicle mechanic who has successfully passed the certification tests in any or all of the certification specialties set forth in this chapter.

“Crash parts” means motor vehicle replacement parts, either sheet metal or plastic, which constitute the visible exterior of the vehicle, including inner and outer panels, and which are repaired or replaced as the result of a collision.

“Department” means the department of commerce and consumer affairs.

“Motor vehicle” means any passenger car, truck, truck tractor, motorcycle, or motor scooter, as defined in section 286-2.

“Motor vehicle mechanic” means any person whether self-employed or employed by another, who, for compensation, engages in the diagnosis or repair of malfunctions of motor vehicles, and may be classified as “intermediate” or “journeyman” as the terms are commonly used in the motor vehicle repair industry.

[“Motor vehicle mechanic apprentice/trainee” means any person who is a party to an apprenticeship/trainee agreement registered with the department of labor and industrial relations in accordance with chapter 372.]

“Motor vehicle mechanic helper” means any person who, for compensation, engages in the diagnosis or repair of malfunctions of motor vehicles under the supervision of a registered motor vehicle mechanic.

“Motor vehicle repair dealer” means any person who is, or has in the person’s employ, a motor vehicle mechanic registered under this chapter and who, for compensation, engages in the business of diagnosing or repairing malfunctions of motor vehicles.

[“Registered-certified mechanic” is a motor vehicle mechanic who has been registered and certified in accordance with this chapter.]

“Registered mechanic” is a motor vehicle mechanic who has registered in accordance with this chapter.

“Repair of motor vehicles” means all maintenance of and modifications and repairs to motor vehicles, including the rebuilding or restoring of rebuilt vehicles as defined in section 286-2, but excluding repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor accessories, cleaning, adjusting, and replacing spark plugs, replacing fan belts, oil, and air filters, and other minor services, which the board by rule determines may be performed by persons without the skills and knowledge required of motor vehicle mechanics and [apprentices] helpers. No service shall be designated as minor, for purposes of this section, if the board finds that performance of the service requires mechanical expertise, has given rise to a high incidence of fraud or deceptive practices, or involves a part of the vehicle essential to its safe operation.”

SECTION 2. Chapter 437B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§437B- Motor vehicle mechanic helpers. It shall be unlawful for any motor vehicle mechanic helper to assist a motor vehicle repair dealer or motor

vehicle mechanic unless (1) helper works under the direct supervision of a registered or certified motor vehicle repair dealer or motor vehicle mechanic.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 4. This Act shall take effect upon its approval.

(Approved June 13, 1988.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.