

ACT 110

S.B. NO. 1488

A Bill for an Act Relating to Motor Vehicle Repair Dealer and Mechanic Registration.

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

SECTION 1. Chapter 437B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§437B- Requirements for registration of repair dealer; inspection.

(a) Before a motor vehicle repair dealer registration is granted by the board, the applicant shall establish that the applicant is or employs a full-time motor vehicle mechanic registered with the board, and has a repair facility and the equipment necessary to properly perform work in the specialty or area of certification in which registration is requested.

(b) The board may inspect an applicant's repair facility and equipment prior to registration, and may conduct subsequent inspections of repair facilities to verify continued compliance with subsection (a)."

SECTION 2. Section 437B-1, Hawaii Revised Statutes, is amended:

1. By amending the definition of "motor vehicle" to read as follows:

"“Motor vehicle” means any passenger car, truck, truck tractor, motor-cycle, or motor scooter, as defined in section 286-2[.], and the integral parts thereof.”

2. By amending the definition of "repair of motor vehicles" to read as follows:

"“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 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 3. Section 437B-9, Hawaii Revised Statutes, is amended to read as follows:

“§437B-9 Fees: application; biennial renewals; registration[.]; restoration. (a) The fees for each application, original biennial registration, and renewal for the motor vehicle repair dealer and the motor vehicle mechanic shall be as provided in rules adopted by the department pursuant to chapter 91. At the time of registration renewal, each registrant shall submit a completed renewal application and all applicable fees, and shall demonstrate continued compliance with all registration and certification requirements.

(b) Any motor vehicle repair dealer maintaining more than one motor vehicle repair facility shall separately register each repair facility, providing the name of the full-time motor vehicle mechanic for the facility, and pay a fee for each facility.

(c) The renewal fee shall be paid to the board on or before June 30 of each odd-numbered year. Failure, neglect, or refusal of any registrant to pay the biennial renewal fee before the date shall constitute a forfeiture of the registration. Any registration may be restored within one year after the date of forfeiture upon compliance with the renewal requirements and upon written application [therefor] and the payment of the required fee plus an amount equal to fifty per cent thereof. Any registrant who fails to restore registration within one year from the date of forfeiture shall reapply for registration as a new applicant.

[(d) Upon written request of a registrant, the board may place that person's active registration on an inactive status. The registrant, upon payment of the inactive registration fee, may continue inactive status for the biennial period. Failure, neglect, or refusal of any registrant on inactive status to pay the inactive registration fee shall constitute a forfeiture of the registration. The registration may be

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reactivated at any time during the biennial period by making written request to the board and by fulfilling all the requirements including payment of the appropriate fees.]”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval; provided that section 1 shall take effect on July 1, 1993.

(Approved May 17, 1993.)

Note

1. Edited pursuant to HRS §23G-16.5.