

**ACT 246**

S.B. NO. 130

A Bill for an Act Relating to Motor Vehicles.

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

SECTION 1. The legislature finds that constructive leisure pursuits by Hawaii citizens are important. Consequently, the intent of this Act is to encourage responsible participation in the hobby of collecting, preserving, restoring, and maintaining motor vehicles of historic and special interest, which hobby contributes to the enjoyment of citizens and the preservation of Hawaii memorabilia.

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§286- Special interest vehicles.** (a) As used in this section:

“Collector” means an owner of one or more vehicles, including parts vehicles, who collects, purchases, acquires, trades, or disposes of a vehicle or its parts, for the owner’s own use, to preserve, restore, and maintain the vehicle or another vehicle for hobby or historical purposes.

“Parts vehicle” means a vehicle that is owned by a collector to furnish parts for the restoration or maintenance of a special interest vehicle.

“Street rod replica vehicle” means a vehicle that was assembled from a manufactured kit, either as:

- (1) A complete kit to construct a new vehicle consisting of a prefabricated body and chassis;
- (2) Components manufactured before 1949; or
- (3) Components manufactured after 1948 to resemble a vehicle manufactured before 1949;

and that has been modified in its body style or design through the use of nonoriginal or reproduction components, such as the frame, engine, drive train, suspension, or brakes, in a manner that does not adversely affect its safe performance as a motor vehicle or render the vehicle unlawful for use on public highways.

“Street rod vehicle” means a vehicle that was:

- (1) Manufactured before 1949; or
- (2) Manufactured after 1948 to resemble a vehicle manufactured before 1949;

and that has been modified in its body style or design through the use of nonoriginal or reproduction components, such as the frame, engine, drive train, suspension, or brakes, in a manner that does not adversely affect its safe performance as a motor vehicle or render the vehicle unlawful for use on public highways. The term does not include a motorcycle, an antique vehicle, or a restored vehicle.

(b) If a street rod vehicle was manufactured before 1949 and has been modified in body style or design, the make and year of the vehicle shall be the year the vehicle most nearly resembles. If a street rod vehicle was manufactured after 1948 to resemble a vehicle manufactured before 1949, the body type of the vehicle shall be street rod vehicle or “STRD.”

(c) A state vehicle identification number shall be issued to a street rod vehicle that was manufactured after 1948 to resemble a vehicle manufactured before 1949, when no vehicle identification number is present on the vehicle; when more than one vehicle identification number is present on the vehicle; or when the vehicle identification number is absent from the body or frame, or both, of the vehicle. The state vehicle identification number shall be assigned by the director of finance of the county in which the vehicle resides.

To obtain a state vehicle identification number under this subsection, the owner of a street rod vehicle that was manufactured after 1948 to resemble a vehicle manufactured before 1949 shall provide:

- (1) A title of ownership from the previous owner of the vehicle’s body or frame;
  - (2) A bill of sale or invoices for all major parts used in the modification of the vehicle; and
  - (3) A weight certificate issued by a state-certified scale for the actual weight of the vehicle.
- (d) Notwithstanding any other law to the contrary:
- (1) Street rod vehicles and street rod replica vehicles shall be equipped with the following equipment:

- (A) Hydraulic service brakes on all wheels;
  - (B) Sealed beam or halogen headlights;
  - (C) Turn signals and a turn signaling switch;
  - (D) Safety glass or lexan windshield;
  - (E) Electric or vacuum windshield wiper located in front of the driver;
  - (F) Standard or DOT/SAE-approved tail lights; and
  - (G) A parking brake that operates on at least two wheels on the same axle;
- (2) Street rod vehicles and street rod replica vehicles shall be equipped in such a manner that no part of a vehicle, other than the vehicle's tires, will make contact with the surface of a flat highway when the vehicle is operated on the same;
  - (3) Seatbelts, bumpers, hoods, door handles, and fenders shall be optional equipment on street rod vehicles and street rod replica vehicles; and
  - (4) Seatbelts, bumpers, hoods, door handles, and fenders shall be optional equipment on vehicles manufactured before 1949, and on vehicles manufactured after 1948 to resemble a vehicle manufactured before 1949.

In the event of a conflict between this subsection and equipment requirements specified in chapters 286, 291 and 291C, this subsection shall control.

(e) If a street rod replica vehicle was assembled from a manufactured kit as a complete kit to construct a new vehicle consisting of a prefabricated body and chassis, the year of the vehicle shall be the year the vehicle resembles as reflected on the manufacturer's certificate of origin. If a street rod replica vehicle was assembled from a manufactured kit as components manufactured before 1949 or components manufactured after 1948 to resemble a vehicle manufactured before 1949, the year of the vehicle shall be the year the vehicle resembles as reflected on the manufacturer's certificate of origin. The certificate of title for a street rod replica vehicle shall be for the make and year the vehicle resembles, and the body type of the vehicle shall be street rod vehicle replica (STRD-RPLC).

(f) The state vehicle identification number of a street rod replica vehicle that was assembled from a manufactured kit as a complete kit to construct a new vehicle consisting of a prefabricated body and chassis shall be taken from the manufacturer's certificate of origin. The state vehicle identification number shall be assigned by the director of finance of the county in which the vehicle resides.

The state vehicle identification number of a street rod replica vehicle that was assembled from a manufactured kit as components manufactured before 1949 or components manufactured after 1948 to resemble a vehicle manufactured before 1949, shall be taken from the manufacturer's certificate of origin or provided by the director of finance of the county in which the vehicle resides.

To obtain a state vehicle identification number under this subsection, the owner of a street rod replica vehicle shall provide:

- (1) Ownership documents from the manufacturer of the kit or components;
- (2) All shipping and freight documents for the kit or components; and
- (3) A weight certificate issued by a state-certified scale for the actual weight of the vehicle.

(g) A state vehicle identification number shall be issued to a street rod replica vehicle when the vehicle identification number is absent from the body or frame, or both, of the vehicle; or when the vehicle identification number is absent from the manufacturer's certificate of origin. The state vehicle identification number shall be assigned by the director of finance of the county in which the vehicle resides."

SECTION 3. Section 286-2, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

““Special interest vehicle” means a vehicle of any age that, because of its significance, is being collected, preserved, restored, or maintained by a collector. The term includes a street rod vehicle and a street rod replica vehicle, as those terms are defined in section 286- ; a vehicle manufactured before 1949; and a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949.”

2. By amending the definition of “reconstructed vehicle” to read:

““Reconstructed vehicle” means a vehicle that is registered to be operated on a public highway [which:

(A) Is assembled], and that is:

(1) Assembled from new or used parts by a person other than a recognized manufacturer of new vehicles;

[(B) Is modified]

(2) Modified to the extent that the identity of [its] the vehicle’s make, model, or type is obscured by material changes in its appearance; or

[(C) Is modified]

(3) Modified by the removal, addition, alteration, or substitution of other than original replacement essential parts, including [but not limited to its] the vehicle’s body, power train, steering system, suspension system, exhaust system, intake system, or bumper system;

excluding ordinary body repair [which] that does not change the exterior structure of the vehicle. The term does not include a special interest vehicle.”

SECTION 4. Section 286-27, Hawaii Revised Statutes, is amended to read as follows:

**“§286-27 Permits to operate official inspection stations.** (a) The department of transportation, referred to in this section and sections 286-28 and 286-29 as “the department”, shall be responsible for issuing permits for and furnishing instructions and all forms to official inspection stations. The stations shall operate in the manner directed by the department pursuant to standards established by the director of transportation.

(b) Application for an official inspection permit shall be made upon an official form and shall be granted only when the department is satisfied that the station is equipped properly and has competent personnel to make the required inspections. Before issuing a permit, the department shall require the applicant to file proof that the applicant has, in effect, a liability insurance policy, issued to the applicant by an insurance company authorized to do business in the State, insuring against the liability of the applicant and any of the applicant’s employees in minimum amounts as follows: comprehensive public liability insurance in the amount of \$10,000 for one person and \$20,000 for one accident and comprehensive property damage insurance of \$5,000; provided that the director of transportation by rules may establish higher limits; provided that the proof of insurance need not be filed by an applicant who shall inspect only vehicles owned by the applicant; and provided further that the proof of insurance need not be filed by instrumentalities of the United States.

(c) Official inspection stations in this State shall be exempt from liability arising from the destruction of property or injury to persons caused by special interest vehicles; provided that the official inspection station:

(1) Meets the requirements of subsection (b); and

(2) Exercises due diligence in inspecting special interest vehicles in accordance with applicable standards for motor vehicle and equipment safety for special interest vehicles.

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[(c)] (d) A permit for an official station shall not be assigned or transferred or used at any location other than that designated by the department and every permit shall be posted in a conspicuous place at the location designated.

[(d)] (e) The counties shall provide for the necessary administrative and enforcement services.

[(e)] (f) The counties shall be reimbursed the costs incurred in providing the services under subsection [(d)] (e) .”

SECTION 5. Section 286-41, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) If the vehicle to be registered is specially constructed, reconstructed, or rebuilt[,] is a special interest vehicle; or is an imported vehicle, [such] this fact shall be stated in the application and upon the registration of [every] the special interest motor vehicle and imported motor vehicle, which has been registered [theretofore] until that time in any other state or county, and the owner shall surrender to the director of finance the certificates of registration or other evidence of such form of registration as may be in the applicant’s possession or control. The director of finance shall grant full faith and credit to the currently valid certificates of title and registration describing [such] the vehicle, the ownership thereof, and any liens noted thereon, issued by any title state or county in which the vehicle was last registered. The acceptance by the director of finance of a certificate of title or of registration issued by another state or county, as [hereinabove] provided[,] in this subsection, in the absence of knowledge that the certificate is forged, fraudulent, or void, shall be a sufficient determination of the genuineness and regularity of the certificate and of the truth of the recitals therein, and no liability shall be incurred by any officer or employee of the director of finance by reason of so accepting the certificate.”

SECTION 6. Section 286-42, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The county finance director, upon being notified by the designated county department that a vehicle is a special interest vehicle or that a vehicle has been inspected and approved as a reconstructed vehicle, shall cause that fact to be shown upon the registration and title certificates for that vehicle.”

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 9. This Act shall take effect upon its approval.

(Approved June 17, 1997.)

### Note

1. Edited pursuant to HRS §23G-16.5.