

SB2324

Measure Title: RELATING TO MOTOR VEHICLES.

Report Title: Aftermarket Motorcycle Frames; Motor Vehicle Registration
Expands the definition of "aftermarket motorcycle frame" to include a frame that was built as a hobby and retrofitted with certain features to be in compliance with all applicable

Description: Federal Motor Vehicle Safety Standards. Requires a county director of finance to register a motorcycle with an aftermarket motorcycle frame that meets all registration requirements.

Companion:

Package: None

Current Referral: CPH/TRE, WAM

Introducer(s): K. KAHELE, SHIMABUKURO, S. Chang, Dela Cruz, Galuteria, Inouye, Kidani



Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097
February 9, 2018
9:00 a.m.
State Capitol, Room 229

S.B. 2324
RELATING TO MOTOR VEHICLES

Senate Committee on Commerce Consumer Protection, and Health

The Department of Transportation **opposes** S.B. 2324 relating to motorcycles. This bill will allow motorcycles to be manufactured and sold by a hobbyist who is not registered with the National Highway Traffic Safety Administration (NHTSA) or required to certify to NHTSA that the manufactured vehicles comply with all applicable Federal Motor Vehicle Safety Standard (FMVSS) as of the date of manufacture.

Section 1, paragraph (2) of the bill gives the impression that a motorcycle that is manufactured by a hobbyist using an aftermarket frame or a homemade frame can be retrofitted to comply with all applicable FMVSS. This is not necessarily true. Federal regulations require vehicle manufacturers to certify to NHTSA that their vehicles comply with all applicable FMVSS as of the date of manufacture and to affix a certification label on the vehicle. However, no certification label is mentioned in the bill. Furthermore, it is a violation of federal regulations to manufacture and introduce to commerce an uncertified motor vehicle.

Paragraph (2) is aimed at accommodating hobbyists who build motorcycles not for profit but as a hobby. Regardless of the source, selling a defective motorcycle can have serious safety consequences. To minimize potential safety consequences for people who would buy an uncertified "retrofitted" hobbyist motorcycle, it is recommended that a provision to prevent the sale of an uncertified motorcycle manufactured by a hobbyist be added to this bill. This will allow the hobbyist to enjoy his or her hobby while minimizing the risk for potential buyers who are unaware of the uncertified status of the vehicle. If a hobbyist decides to turn a hobby into a business, then the business should be required to comply with all applicable FMVSS as of the date of manufacture and affix a certification label as required by federal regulations.

There is no Federal Motor Vehicle Safety Standard for a motorcycle frame, but the integrity of the frame in a particular application is tested along with the rest of the vehicle during the testing process. When the vehicle is ready to be sold, a certification label is affixed.

Thank you for the opportunity to provide testimony.

SB-2324

Submitted on: 2/7/2018 8:17:22 PM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Vierra	Rock Island Riders	Support	No

Comments:

Dear Senators,

My Name is Dennis Vierra, a 70 year old resident of the State of Hawaii and an avid motorcycle rider for over 50 years, that has always tried to follow the law.

I'm in support of SB2324, as it seems to address the issues raised in my letter of September 7, 2017 to Senator Kai Kahele. In that Letter which is attached , we were having difficulty getting safety inspections on previously registered reconstructed motorcycles. Your approval of this bill will help to clarify the County of Hawaii's confusion.

Respectfully submitted

Dennis Vierra

February 8, 2018

Senate Committee on Transportation and Energy

Testimony on SB2324 Relating to Motor Vehicles

Position: Support

Dear Chair Inouye and members,

The OHV Committee of Mauna Kea Recreational Users Group (MKRUG) supports SB2324. We represent the interests of off-highway vehicle users on the big island. We believe that SB2324 will help address an issue that has arisen in Hawaii County that has been preventing many of our members who own registered and titled street-legal motorcycles from getting State mandated safety checks.

Over the years many different kinds of vehicles, including motorcycles, have been converted to use on the street by modifications and additional equipment to comply with highway motor vehicle safety standards. In 2011 the then Governor Abercrombie signed Act 064 which appeared to change the definition of vehicles that could be registered.

Until recently, owners of converted motorcycles continued to pay registration fees and maintained current safety checks. While the county still collects the registration fees it appears that pressure has been applied to the safety check stations to not certify checks on converted motorcycles that resemble 'dirt bikes' and fail to show up on a federal database of vehicles imported for use on the road.

These converted "off road or enduro" motorcycles cannot reasonably be distinguished from other imported motorcycles that do show up on the database as street use. This has created an extremely unfair situation for our members who have invested much money, time and effort invested in their equipment.

Please approve SB2324.

Sincerely,

Wayne Blyth

OHV Committee

Mauna Kea Recreational Users Group

wayne@maunakearug.com

SB-2324

Submitted on: 2/6/2018 7:35:42 AM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Michael Lawrence		Support	No

Comments:

February 6, 2018

Dear Senate,

For 16 years I, Dennis M. Lawrence have been going to Stan's to have a safety inspection done on my Honda 2001 XR400 Dual Sport Motorcycle and to my disbelief on August 9, 2017 I went to have it done again and Stan said my vin# number was kicked back so I could no longer have it done. I just paid for my registration renewal and no one said I would not be able to safety check it!!! Something has gone very wrong with the system!!!

In 2001 I purchased this Honda XR400 from Kiser Honda in Kona. It had a Baja Designs Dual Sport Kit installed by the dealer. It was inspected by Hawaii DOT and passed as a legal motor vehicle. It has highway lights, high and low beam, brake lights, turn signals, horn, license plate and mirrors. So why after all these years it is no longer legal???

For sixteen years I've have paid my registration, safety inspection and gotten insurance just like every law abiding citizen. Now I will no longer be able to ride legally on the road, this just doesn't make any sense. It's not only bad for me but also the state losses the revenue.

Other points to consider are that Motorcycles are more energy wise because they use less fuel, which is good for the environment. Also during emergency situations such as hurricane Iniki motorcycles were the first to be able to get around all the down power poles and trees to get medical aide and supplies to the ones in need. We need to move forward not behind in our ability to be self sufficient.

There seems to be a grave error on how the law has been interpreted, all of us who have been maintaining legal status and paying into the system for many years should have been at least grandfathered in. There was no warning that my transportation and recreation was going to be regarded illegal at any given time. This effects my family life because my wife also has a Dual Sport Motorcycle and she also is unable to safety

inspect her bike. We have enjoyed riding together all these years. We're in our 60's and truly would enjoy to continue these activities together for many more.

PLEASE HELP CORRECT THIS INJUSTICE.

I fully support SB2324

Confused, Disappointed and Angry,

Dennis M Lawrence

25-258 Pukana La St

Hilo, Hi 96720

(808) 348-2388

SB-2324

Submitted on: 2/6/2018 8:35:24 AM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Giselle Lawrence		Support	No

Comments:

February 6, 2018

Dear Senate,

Please note, I would be supporting this bill in person, but presently I'm in California handling family business due to the death of my mother.

I have been a avid motorcyclist for 40 years and what I'm witnessing is beyond belief. In 2009 I purchased a used 2005 Honda CRF230 Dual Sport Motorcycle form Keith Resurreccion who had purchased the bike new from Kiser Motorcycle Shop in Kona who had installed a Baja Design Dual Sport Kit at that time. So by that time I purchased this Dual Sport Bike in 2009 it had been registered and and safety checked many times and since I have owned it have also done the same. It had a Baja Designs Dual Sport Kit installed by the dealer. It was inspected by Hawaii DOT and passed as a legal motor vehicle. It has highway lights, high and low beam, brake lights, turn signals, horn, license plate and mirrors. So why after all these years it is no longer legal???

For 8 years I've have paid my registration, safety inspection and gotten insurance just like every law abiding citizen. Now I will no longer be able to ride legally on the road, this just doesn't make any sense. It's not only bad for me but also the state losses the revenue.

Other points to consider are that Motorcycles are more energy wise because they use less fuel, which is good for the environment. Also during emergency situations such as hurricane Iniki motorcycles were the first to be able to get around all the down power poles and trees to get medical aide and supplies to the ones in need. We need to move forward not behind in our ability to be self sufficient.

There seems to be a grave error on how the law has been interpreted, all of us who have been maintaining legal status and paying into the system for many years should have been at least grandfathered in. There was no warning that my transportation and recreation was going to be regarded illegal at any given time. This effects my family life because my husband also has a Dual Sport Motorcycle and he also is unable to safety inspect his bike. We have enjoyed riding together all these years. We're in our 60's and

truly would enjoy to continue these activities together for many more. It's absolutely insane to now say it can't be safety check which will intern make my registration invalid.

Along with my husband Dennis Lawrence and many others are sadden by this decision. PLEASE HELP right the wrong!!!

I fully support SB2324.

Confused, Disappointed and Angry,

Mary G Lawrence

25-258 Pukana La St

Hilo, Hi 96720

(808)348-2848