
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE KEY INFORMATION ACCESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds and declares the
2 following:

3 (1) There are over five hundred thousand registered motor
4 vehicles in Hawaii, and those motor vehicles are an
5 essential part of Hawaii residents' work and mobility;

6 (2) A key or functionally similar device that allows a
7 motor vehicle's registered owner to enter, start, and
8 operate the motor vehicle is a critical and necessary
9 part of motor vehicle ownership, without which a
10 person cannot perform the basic functions of gaining
11 entry to a motor vehicle or starting its engine; and

12 (3) A registered owner of a motor vehicle has the right to
13 access the information necessary to gain entry to and
14 operate the motor vehicle in a timely, convenient, and
15 reliable manner.

16 It is the intent of the legislature to give motorists
17 better access to this necessary information, while at the same



1 time protecting the security of that information and the motor
2 vehicle.

3 The purpose of this Act is to allow appropriate motor
4 vehicle security while providing essential and necessary
5 consumer access.

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

9 "§437- Replacement motor vehicle keys or other
10 functionally similar devices; twenty-four-hour availability;
11 exemption. (a) For the purposes of this section, unless the
12 context clearly indicates otherwise:

13 "Family member" means any individual who is a member of the
14 immediate family of the registered owner, including the
15 registered owner's spouse, child, parent, grandparent, or any
16 related individual who resides in the same household as the
17 registered owner.

18 "House car" means a motor vehicle originally designed, or
19 permanently altered, and equipped for human habitation, or to
20 which a camper has been permanently attached.



1 "Information" includes, but is not limited to, the motor
2 vehicle's key code and, if applicable, immobilizer or access
3 code, and its successor technology and terminology.

4 "Locksmith" means a natural person who provides the
5 services of origination of a key, opening modification,
6 rekeying, recombination, repair or installation of a mechanical
7 or electronic access or locking device. "Locksmith" does not
8 include tow truck operators who do not originate keys for locks
9 and whose locksmith services are limited to motor vehicles.

10 "Manufacturer" means any person, resident or nonresident,
11 who is engaged in the business of manufacturing or assembling
12 new motor vehicles or a designated agent by contract.

13 "Motor vehicle" means a passenger vehicle as defined in
14 section 437-1.1 and a pickup truck, and does not include a house
15 car, a motorcycle as defined in section 286-2, or other two-
16 wheeled motor vehicle.

17 "Pickup truck" means a motor vehicle designed, used, or
18 maintained primarily for the transportation of property with a
19 manufacturer's gross vehicle weight rating of less than eleven
20 thousand one hundred pounds, an unladen weight of less than
21 eight thousand one pounds, and which is equipped with an open
22 box-type bed not exceeding nine feet in length. "Pickup truck"



1 does not include a motor vehicle otherwise meeting the above
2 definition that is equipped with a bed-mounted storage
3 compartment unit commonly called a "utility body".

4 "Registered locksmith" means a locksmith who has undergone
5 a background check by a nationally recognized association, is
6 bonded in the state, and has registered with a manufacturer and
7 has been issued a registry number and security password by the
8 manufacturer.

9 "Registered owner" means "owner" as defined in section 286-
10 2, and also includes a lessee of the motor vehicle when the
11 lessee's name appears on the motor vehicle registration.

12 (b) Except as provided in subsections (j) and (k), this
13 section applies only to new motor vehicles sold or leased in the
14 state after December 31, 2007.

15 (c) A manufacturer of a motor vehicle sold or leased in
16 the state shall provide the means whereby the registered owner
17 of that motor vehicle, through a registered locksmith, can
18 access only the information that is necessary to permit the
19 production of a replacement key or other functionally similar
20 device by the registered locksmith that will allow the motor
21 vehicle's registered owner to enter, start, and operate the
22 motor vehicle. The means to access this information, as



1 provided in subsections (d) to (f), shall be available by
2 telephone or electronically twenty-four hours a day and seven
3 days a week.

4 (d) When a registered locksmith is requested by the motor
5 vehicle's registered owner or the registered owner's adult
6 family member to produce a replacement key or other functionally
7 similar device that will allow the motor vehicle to be entered,
8 started, and operated, and the information is needed from the
9 manufacturer in order to produce the requested key or other
10 functionally similar device, the registered locksmith shall:

11 (1) Obtain the name; address; telephone number, if any;
12 date of birth; and driver's license number or
13 identification number of the person requesting or
14 purchasing the key;

15 (2) Obtain the registration or identification number,
16 license number, year, make, model, color, and vehicle
17 identification number of the motor vehicle for which
18 the key is to be made;

19 (3) Visually verify the identity of the requesting party
20 through that party's driver's license;

21 (4) Visually verify that the registration of the motor
22 vehicle matches the requesting party's identity and



1 address (or address if the requesting party is an
2 adult family member of the registered owner); and
3 (5) Visually verify that the vehicle identification number
4 of the motor vehicle matches with the vehicle
5 identification number on the registration.

6 The information required by paragraphs (1) and (2), together
7 with the date the key was made and the signature of the person
8 for whom the key was made, shall be set forth on a work order,
9 and upon satisfactory verification of the three requirements set
10 forth in paragraphs (3) to (5), the registered locksmith shall
11 sign an affidavit that the locksmith has visually verified the
12 information, and proceed to access the needed information from
13 the manufacturer. Copies of the orders and affidavits shall be
14 retained by the registered locksmith for two years, include the
15 name of the registered locksmith performing the service, and
16 be open to inspection by any law enforcement officer during
17 business hours.

18 (e) Upon completing the services, the registered locksmith
19 shall give any key code information obtained from the
20 manufacturer to the registered owner, or if applicable, the
21 owner's adult family member, and shall destroy all information
22 accessed from the manufacturer in the locksmith's possession.



1 (f) After a request is received from a registered
2 locksmith for information to enable the registered locksmith to
3 produce a replacement key or other functionally similar device
4 that will allow the motor vehicle to be entered, started, and
5 operated, and that request is made at the request of the motor
6 vehicle's registered owner or the registered owner's adult
7 family member, the manufacturer shall:

8 (1) Require the registered locksmith to confirm the
9 locksmith's registration with the manufacturer's
10 registry;

11 (2) Provide the security password issued by the
12 manufacturer, and comply with any other reasonable
13 authentication procedure; and

14 (3) Require the registered locksmith to confirm the
15 registered locksmith's visual identity and motor
16 vehicle verifications, pursuant to paragraph (1).

17 Upon satisfactory verification of these requirements, and upon
18 presentation of the vehicle identification number and model
19 number, the manufacturer shall provide to the registered
20 locksmith, for the motor vehicle identified by the vehicle
21 identification number and model number, the information
22 necessary to enable production of a replacement key or other



1 functionally similar device that allows the motor vehicle to be
2 entered, started, and operated.

3 (g) Except in cases of fraud or misappropriation, a
4 registered locksmith who follows the procedures set forth in
5 this section shall incur no liability for theft of the motor
6 vehicle related to the registered locksmith's production of a
7 replacement key or functionally similar device that will allow
8 the motor vehicle to be entered, started, and operated.

9 (h) A manufacturer subject to this section shall retain
10 and make the information available in accordance with this
11 section for not less than twenty-five years from the date of
12 manufacture.

13 (i) A manufacturer that follows the procedures set forth
14 in this section shall incur no liability for theft of the motor
15 vehicle related to furnishing the information to a registered
16 locksmith for the production of a replacement key or
17 functionally similar device that will allow the motor vehicle to
18 be entered, started, and operated.

19 (j) This section shall not apply to a vehicle line of a
20 motor vehicle manufacturer that on January 1, 2007, does not
21 provide for a replacement key or other functionally similar
22 device that allows the vehicle to be entered, started, and



1 operated, to be produced by anyone other than the vehicle
2 manufacturer itself; provided that the vehicle manufacturer
3 operates a telephone or electronic request line twenty-four
4 hours a day and seven days a week, and upon a request of the
5 registered owner or adult family member of the registered owner
6 of the vehicle, a replacement key or other functionally similar
7 device that will allow the vehicle to be entered, started, and
8 operated, is furnished to the registered owner at a reasonable
9 cost within one day of the request or via the next overnight
10 delivery. If, subsequent to December 31, 2007, a vehicle line
11 of a manufacturer exempted by this subsection provides for the
12 production by anyone other than the vehicle manufacturer itself
13 of a replacement key or other functionally similar device that
14 will allow the vehicle to be entered, started, and operated,
15 this section shall apply to that vehicle line.

16 (k) This section shall not apply to a make of a motor
17 vehicle that sold fewer than one hundred vehicles in the state
18 during the calendar year immediately prior to the time the
19 request for a replacement key or other functionally similar
20 device is made by the motor vehicle's registered owner or the
21 registered owner's adult family member pursuant to this
22 section."



1 SECTION 3. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act, which can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on January 1, 2050;
9 provided that section 437- (j), Hawaii Revised Statutes, in
10 section 2 of this Act shall be repealed on January 1, 2013.



S.B. NO. 1011
S.D. 1
H.D. 1

Report Title:
Motor Vehicles

Description:
Requires motor vehicle manufacturers to allow registered owners through a registered locksmith to access information necessary to produce replacement keys. (SB1011 HD1)

SB1011 HD1 HMS 2007-3255

