

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1           SECTION 1. The legislature finds that the State's current  
2 electronic safety inspection program for motor vehicles is  
3 fraught with problems. For example, the printing on the new  
4 safety inspection decals are easily wiped away by common  
5 household cleaners such as rubbing alcohol and nail polish wipe,  
6 increasing the chance for fraud or abuse. In addition, the  
7 electronic safety inspection system, requiring the use of iPads,  
8 has increased the time it takes for Hawaii residents to do their  
9 safety inspection, making the process less efficient.

10           The legislature further finds that thirty-four states do  
11 not require safety inspections, including California, Florida,  
12 Oklahoma, and New Jersey. In addition, the federal government  
13 stopped requiring motor vehicle safety inspections in the 1970s.  
14 Some studies indicate that there is no clear cut correlation  
15 between safety inspections and greater vehicle safety on the  
16 roads, noting that crash rates do not differ greatly in states  
17 with safety inspections compared to those without inspections.



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1 In fact, according to the Automotive Maintenance and Repair  
2 Association, safety inspections give a false sense of security.  
3 Also, safety inspections do not keep illegally modified vehicles  
4 off the road.

5 The purpose of this Act is to repeal the requirement of a  
6 safety inspection for passenger cars.

7 SECTION 2. Section 249-5.5, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) As a condition precedent to the removal of the  
10 vehicle from storage, if a certificate of inspection is required  
11 pursuant to section 286-26, the owner of the vehicle shall  
12 present to the director of finance a certificate of inspection  
13 that was issued after the recording of the storage with the  
14 director of finance if the certificate of inspection expired  
15 during the period of storage."

16 SECTION 3. Section 286-22, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§286-22 Inspection by officers of the police department.**

19 (a) The chief of police or any police officer of any county  
20 may, at any time when the chief of police or police officer has  
21 reasonable cause to believe that a vehicle or moped is unsafe or



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1 not equipped as required by law, require the owner or driver of  
2 the vehicle or moped to submit the vehicle or moped to an  
3 inspection or make the necessary corrections or repairs.

4 (b) If the vehicle or moped is found to be in an unsafe  
5 condition or if any required part or equipment is not present or  
6 if any required part or equipment is present but not in proper  
7 repair, the officer shall issue a citation to the owner or  
8 driver stating the reasons that the vehicle or moped is deemed  
9 unsafe or is not equipped as required and shall require that a  
10 new certificate of inspection as provided in section 286-26 be  
11 obtained within five days or that the defect be cured.

12 (c) If upon inspection, the chief of police or any police  
13 officer determines that any vehicle or moped is in such unsafe  
14 condition as to constitute a menace to the public or is not  
15 equipped as required and cannot reasonably be restored to a safe  
16 condition as required in this part, the chief of police or  
17 police officer shall remove the sticker which signifies the  
18 certificate of inspection and inform the director of finance who  
19 shall immediately suspend the registration of the vehicle or  
20 moped and give notice of the suspension to its owner. Whenever  
21 the director of finance has suspended the registration of any



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1 vehicle or moped under this part, the owner of the vehicle or  
 2 moped shall immediately surrender and forward to the director of  
 3 finance the certificate of registration and the license plates  
 4 last issued upon registration of the vehicle for the current  
 5 year.

6 (d) Any person aggrieved by this section shall have the  
 7 right to a hearing before a district judge of the circuit in  
 8 which the person is cited within five days. The judge shall  
 9 determine whether the chief of police or any police officer  
 10 reasonably performed the chief of police's or police officer's  
 11 duties hereunder and shall make any appropriate order.

12 (e) This section shall not apply to passenger cars."

13 SECTION 4. Section 286-26, Hawaii Revised Statutes, is  
 14 amended by amending subsection (h) to read as follows:

15 "(h) This section shall not apply to:

- 16 (1) Any motor vehicle which is covered by part XI,
- 17 governing safety of motor carrier vehicle operation
- 18 and equipment; provided that the rules adopted
- 19 pursuant to part IA impose standards of inspection at
- 20 least as strict as those imposed under subsection (g)
- 21 and that certification is required at least as often



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1 as provided in subsections (a), (b), (c), and (d);

2 [and]

3 (2) Passenger cars; and

4 [~~(2)~~] (3) Aircraft servicing vehicles that are being used  
5 exclusively on lands set aside to the department of  
6 transportation for airport purposes."

7 SECTION 5. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Motor Vehicles; Passenger Cars; Certificate of Inspection

**Description:**

Repeals the requirement that passenger cars obtain a certificate of inspection.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

