RELATING TO MOTOR VEHICLE REGISTRATION.

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

SECTION 1. Section 286-41, Hawaii Revised Statutes, is amended to read as follows:

"§286-41 Application for registration; full faith and credit to current certificates; this part not applicable to certain equipment. (a) Every owner of a motor vehicle which is to be operated upon the public highways shall, for each vehicle owned, except as herein otherwise provided and except as provided in section 286-42(c), apply to the director of finance of the county where the vehicle is to be operated, for the registration thereof. If a vehicle is moved to another county and is to be operated upon the public highways of that county, the existing certificate of registration shall be valid until its expiration date, at which time the owner shall apply to the director of finance of the county in which the vehicle is then located for the registration of the vehicle, whether or not the owner is domiciled in the county or the owner's principal place of business is in that county, except that this provision shall
not apply to vehicles which are temporarily transferred to
another county for a period of not more than three months.

(b) Application for the registration of a vehicle shall be
made upon the appropriate form furnished by the director of
finance and shall contain the name, occupation, and address of
the owner and legal owner; and, if the applicant is a member of
the United States naval or military forces, the applicant shall
give the organization and station. All applications shall also
contain a description of the vehicle, including the name of the
maker, the type of fuel for the use of which it is adapted
(e.g., gasoline, diesel oil, liquefied petroleum gas), the
serial or motor number, and the date first sold by the
manufacturer or dealer, and such further description of the
vehicle as is called for in the form, and such other information
as may be required by the director of finance, to establish
legal ownership. A person applying for initial registration of
a neighborhood electric vehicle shall certify in writing that a
notice of the operational restrictions applying to the vehicle
as provided in section 291C-134 are contained on a permanent
notice attached to or painted on the vehicle in a location that
is in clear view of the driver.
(c) If the vehicle to be registered is specially constructed, reconstructed, or rebuilt; is a special interest vehicle; or is an imported vehicle, this fact shall be stated in the application and upon the registration of the special interest motor vehicle and imported motor vehicle, which has been registered 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 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 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.
(d) The owner of every motor vehicle of the current, previous, and subsequent year model bought out-of-state, subsequently brought into the State, and subject to the use tax under chapter 238 shall provide with the application for registration proof of payment of the use tax pursuant to requirements established by the department of taxation. No registration certificate shall be issued without proof of payment of the use tax.

(e) Notwithstanding any other law to the contrary, the director of finance of the county in which the application for registration is sought shall not require proof of insurance as a condition to satisfy the requirements of this part. This subsection shall apply only to the initial registration of any motor vehicle.

(f) Any motor carrier, as defined in part XI of this chapter, that has not resolved a federal out-of-service order, shall not be able to complete an initial registration of a motor carrier vehicle until the federal out-of-service order has been resolved. This subsection shall apply only to the initial registration of any motor carrier vehicle.

(g) The provisions of this part requiring the registration of motor vehicles shall not apply to:
(1) Special mobile equipment;

(2) Implements of husbandry temporarily drawn, moved, or otherwise propelled upon the public highways;

(3) Aircraft servicing vehicles which are being used exclusively on lands set aside to the department of transportation for airport purposes; and

(4) Tractor trucks, forklifts, and top picks being used as marine terminal equipment temporarily moving in or between terminals at Sand Island and along Sand Island Parkway and Sand Island Access Road."

SECTION 2. Section 286-51 Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The certificate of registration for each motor vehicle in the counties of the State shall be renewed on a staggered basis as established by each county. The director of finance of each county may adopt rules to carry out the purposes stated in this section and shall expend the necessary funds from the director's operating funds as may be necessary for these purposes; provided that the director of finance, if the director has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for
stopping, standing, or parking in violation of traffic ordinances within the county, or the registered owner of a motor carrier vehicle, as defined in section 286-201, has not resolved a federal out-of-service order, may require, as a condition precedent to the renewal, that the registered owner deposit or pay bail with respect to all such summonses or citations [-], or resolve the federal out-of-service order. The certificates of registration issued hereunder shall show, in addition to all information required under section 286-47, the serial number of the tag or emblem and shall be valid during the registration year only for which they are issued. The certificates of ownership need not be renewed annually but shall remain valid as to any interest shown therein until canceled by the director of finance as provided by law or replaced by new certificates of ownership as hereinafter provided."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act, upon its approval, shall take effect on January 1, 2020.

INTRODUCED BY: [Signature]

BY REQUEST

JAN 2, 2019

TRN-02(19)
Report Title:
Motor Vehicle Registration

Description:
Amends the law relating to registration renewals and initial registrations of motor carrier vehicles of any motor carrier who has an outstanding federal out-of-service order.

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

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION.

PURPOSE: To amend the law relating to registration renewals and initial registrations of motor carrier vehicles to any motor carrier who has an outstanding federal out-of-service order.

MEANS: Amend sections 286-41 and 286-51(a), Hawaii Revised Statutes.

JUSTIFICATION: The Hawaii Department of Transportation's (HDOT) Motor Carrier Safety Assistance Program (MCSAP) is funded through a federal grant from the Federal Motor Carrier Safety Administration (FMCSA). MCSAP eligible activities are covered by the FMCSA at 85 percent and the State covers the remaining 15 percent. MCSAP eligible activities include such activities as commercial motor vehicle inspections and compliance reviews.

The Performance Registration Information Systems Management (PRISM) is a federal program that identifies motor carriers that are under a Federal "out-of-service" order because those motor carriers have not corrected safety "deficiencies" noted in FMCSA compliance review investigations.

The Fixing America's Surface Transportation (FAST) Act that was passed in December of 2015 made PRISM mandatory for all States as a condition of receiving MCSAP grant funding. MCSAP recipients are required to "fully participate" or be "PRISM Equivalent" by October 1, 2020.

By restricting the registration renewals and initial registrations of motor carrier vehicles of any motor carrier who has an unresolved out-of-service order, as proposed

TRN-02(19)
in this measure, Hawaii will be "PRISM Equivalent" and continue to be able to receive MCSAP grant funding that will be used to ensure that motor carrier vehicles are safe to operate on Hawaii's roads.

Impact on the public: None.

Impact on the department and other agencies: Should Hawaii not be "PRISM Equivalent" by October 1, 2020, HDOT will not be eligible to receive MCSAP grant funding through the FMCSA.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 597.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: January 1, 2020.