
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION.

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

1 SECTION 1. Section 286-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Out-of-service order" means a declaration by an
5 authorized enforcement officer of a federal, state, Canadian,
6 Mexican, or local jurisdiction that a driver, a commercial motor
7 vehicle, or a motor carrier operation is out-of-service pursuant
8 to section 386.72, 382.5, 395.13, or 396.9 of title 49, Code of
9 Federal Regulations, compatible laws, or the North American
10 Uniform Out-of-Service Criteria."

11 SECTION 2. Section 286-41, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§286-41 Application for registration; full faith and**
14 **credit to current certificates; this part not applicable to**
15 **certain equipment. (a) Every owner of a motor vehicle which is**
16 **to be operated upon the public highways shall, for each vehicle**
17 **owned, except as herein otherwise provided and except as**



1 provided in section 286-42(c), apply to the director of finance
2 of the county where the vehicle is to be operated, for the
3 registration thereof. If a vehicle is moved to another county
4 and is to be operated upon the public highways of that county,
5 the existing certificate of registration shall be valid until
6 its expiration date, at which time the owner shall apply to the
7 director of finance of the county in which the vehicle is then
8 located for the registration of the vehicle, whether or not the
9 owner is domiciled in the county or the owner's principal place
10 of business is in that county, except that this provision shall
11 not apply to vehicles which are temporarily transferred to
12 another county for a period of not more than three months.

13 (b) Application for the registration of a vehicle shall be
14 made upon the appropriate form furnished by the director of
15 finance and shall contain the name, occupation, and address of
16 the owner and legal owner; and, if the applicant is a member of
17 the United States naval or military forces, the applicant shall
18 give the organization and station. All applications shall also
19 contain a description of the vehicle, including the name of the
20 maker, the type of fuel for the use of which it is adapted
21 (e.g., gasoline, diesel oil, liquefied petroleum gas), the



1 serial or motor number, and the date first sold by the
2 manufacturer or dealer, and such further description of the
3 vehicle as is called for in the form, and such other information
4 as may be required by the director of finance, to establish
5 legal ownership. A person applying for initial registration of
6 a neighborhood electric vehicle shall certify in writing that a
7 notice of the operational restrictions applying to the vehicle
8 as provided in section 291C-134 are contained on a permanent
9 notice attached to or painted on the vehicle in a location that
10 is in clear view of the driver.

11 (c) If the vehicle to be registered is specially
12 constructed, reconstructed, or rebuilt; is a special interest
13 vehicle; or is an imported vehicle, this fact shall be stated in
14 the application and upon the registration of the special
15 interest motor vehicle and imported motor vehicle, which has
16 been registered until that time in any other state or county,
17 and the owner shall surrender to the director of finance the
18 certificates of registration or other evidence of such form of
19 registration as may be in the applicant's possession or control.
20 The director of finance shall grant full faith and credit to the
21 currently valid certificates of title and registration



1 describing the vehicle, the ownership thereof, and any liens
2 noted thereon, issued by any title state or county in which the
3 vehicle was last registered. The acceptance by the director of
4 finance of a certificate of title or of registration issued by
5 another state or county, as provided in this subsection, in the
6 absence of knowledge that the certificate is forged, fraudulent,
7 or void, shall be a sufficient determination of the genuineness
8 and regularity of the certificate and of the truth of the
9 recitals therein, and no liability shall be incurred by any
10 officer or employee of the director of finance by reason of so
11 accepting the certificate.

12 (d) The owner of every motor vehicle of the current,
13 previous, and subsequent year model bought out-of-state,
14 subsequently brought into the State, and subject to the use tax
15 under chapter 238 shall provide with the application for
16 registration proof of payment of the use tax pursuant to
17 requirements established by the department of taxation. No
18 registration certificate shall be issued without proof of
19 payment of the use tax.

20 (e) Notwithstanding any other law to the contrary, the
21 director of finance of the county in which the application for



1 registration is sought shall not require proof of insurance as a
2 condition to satisfy the requirements of this part. This
3 subsection shall apply only to the initial registration of any
4 motor vehicle.

5 (f) Any motor carrier, as defined in section 286-201, that
6 has not resolved a federal out-of-service order, shall not be
7 able to complete an initial registration of a motor carrier
8 vehicle until the federal out-of-service order has been
9 resolved. This subsection shall apply only to the initial
10 registration of any motor carrier vehicle.

11 [~~f~~] (g) The provisions of this part requiring the
12 registration of motor vehicles shall not apply to:

- 13 (1) Special mobile equipment;
- 14 (2) Implements of husbandry temporarily drawn, moved, or
15 otherwise propelled upon the public highways;
- 16 (3) Aircraft servicing vehicles which are being used
17 exclusively on lands set aside to the department of
18 transportation for airport purposes; and
- 19 (4) Tractor trucks, forklifts, and top picks being used as
20 marine terminal equipment temporarily moving in or



1 between terminals at Sand Island and along Sand Island
2 Parkway and Sand Island Access Road."

3 SECTION 3. Section 286-51 Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The certificate of registration for each motor
6 vehicle in the counties of the State shall be renewed on a
7 staggered basis as established by each county. The director of
8 finance of each county may adopt rules to carry out the purposes
9 stated in this section and shall expend the necessary funds from
10 the director's operating funds as may be necessary for these
11 purposes; provided that the director of finance, if the director
12 has ascertained as of the date of the application that the
13 registered owner has not deposited or paid bail with respect to
14 any summons or citation issued to the registered owner for
15 stopping, standing, or parking in violation of traffic
16 ordinances within the county, or the registered owner of a motor
17 carrier vehicle, as defined in section 286-201, has not resolved
18 a federal out-of-service order, may require, as a condition
19 precedent to the renewal, that the registered owner deposit or
20 pay bail with respect to all such summonses or citations[-], or
21 resolve the federal out-of-service order. The certificates of



1 registration issued hereunder shall show, in addition to all
2 information required under section 286-47, the serial number of
3 the tag or emblem and shall be valid during the registration
4 year only for which they are issued. The certificates of
5 ownership need not be renewed annually but shall remain valid as
6 to any interest shown therein until canceled by the director of
7 finance as provided by law or replaced by new certificates of
8 ownership as hereinafter provided."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on January 1, 2020.



Report Title:

Motor Vehicle Registration; Federal Out-of-service Order

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. Adds a definition for "out-of-service order". Takes effect 1/1/2020.
(SD1)

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