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# 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 49 Code of Federal Regulations sections 386.72, 392.5,  
9 395.13, or 396.9, compatible laws, or the North American Uniform  
10 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  
7 complete an initial registration of a motor carrier vehicle  
8 until the federal out-of-service order is resolved.

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

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



1 SECTION 3. Section 286-51 Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3 "(a) The certificate of registration for each motor  
4 vehicle in the counties of the State shall be renewed on a  
5 staggered basis as established by each county. The director of  
6 finance of each county may adopt rules to carry out the purposes  
7 stated in this section and shall expend the necessary funds from  
8 the director's operating funds as may be necessary for these  
9 purposes; provided that the director of finance, if the director  
10 has ascertained as of the date of the application that the  
11 registered owner has not deposited or paid bail with respect to  
12 any summons or citation issued to the registered owner for  
13 stopping, standing, or parking in violation of traffic  
14 ordinances within the county, or the registered owner of a motor  
15 carrier vehicle, as defined in section 286-201, has not resolved  
16 a federal out-of-service order, may require, as a condition  
17 precedent to the renewal, that the registered owner deposit or  
18 pay bail with respect to all such summonses or citations[-], or  
19 resolve the federal out-of-service order. The certificates of  
20 registration issued hereunder shall show, in addition to all  
21 information required under section 286-47, the serial number of



1 the tag or emblem and shall be valid during the registration  
2 year only for which they are issued. The certificates of  
3 ownership need not be renewed annually but shall remain valid as  
4 to any interest shown therein until canceled by the director of  
5 finance as provided by law or replaced by new certificates of  
6 ownership as hereinafter provided."

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2050.



**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". Effective 7/1/2050.  
(SD2)

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