
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Section 286-26, Hawaii Revised Statutes, is
2 amended as follows:
3 1. By amending subsection (e) to read:
4 "(e) Upon application for a certificate of inspection to
5 be issued for a vehicle or moped, an inspection as prescribed by
6 the director under subsection (g) shall be conducted on the
7 vehicle or moped, and if the vehicle or moped is found to be in
8 a safe operating condition~~[7]~~ and is not equipped with a muffler
9 or exhaust system that fails to comply with section 291-24 or
10 291-24.5, as applicable, a certificate of inspection shall be
11 issued upon payment of a fee to be determined by the director.
12 The certificate shall state the effective date, [~~the~~]
13 termination date, [~~the~~] name of the issuing insurance carrier,
14 and [~~the~~] policy number of the motor vehicle insurance
15 identification card for the inspected motor vehicle as specified
16 by section 431:10C-107 or state the information contained in the
17 proof of insurance card as specified by section 431:10G-106. A



1 sticker[7] authorized by the director[7] shall be affixed to the
2 vehicle or moped at the time a certificate of inspection is
3 issued. An inspection sticker [~~which~~] that has been lost,
4 stolen, or destroyed shall be replaced without reinspection by
5 the inspection station that issued the original inspection
6 sticker upon presentation of the current certificate of
7 inspection; provided that the current certificate of inspection
8 and inspection sticker shall not have expired at the time the
9 replacement is requested. The director shall adopt rules to
10 determine the fee for replacement of lost, stolen, or destroyed
11 inspection stickers."

12 2. By amending subsection (g) to read:

13 "(g) The director of transportation shall adopt necessary
14 rules for the administration of inspections and the issuance of
15 certificates of inspection[7]; provided that the rules shall, at
16 a minimum, require inspections to ensure that a motorcycle,
17 moped, or motor vehicle is not equipped with a muffler or
18 exhaust system that fails to comply with section 291-24 or
19 291-24.5, as applicable."

20 SECTION 2. Section 286-211, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "[+]§286-211[+] **Permits to operate official inspection**
2 **stations.** (a) The director shall issue permits for and furnish
3 instructions and all forms to official inspection stations. The
4 stations shall operate pursuant to standards established by the
5 director.

6 (b) Application for an official inspection station permit
7 shall be made upon an official form and shall be granted only
8 when the director is satisfied that the station is properly
9 equipped and has competent personnel to make the required
10 inspections. Before issuing a permit, the director shall
11 require the applicant to file proof that the applicant has, in
12 effect, a liability insurance policy, issued to the applicant by
13 an insurance company, authorized to do business in the State,
14 insuring against the liability of the applicant and any of the
15 applicant's employees, in minimum amounts as follows:
16 comprehensive public liability insurance in the amount of
17 \$10,000 for one person and \$20,000 for one accident and
18 comprehensive property damage insurance of \$5,000[~~7~~]; provided
19 that the director may, by rules [~~and regulations~~], set higher
20 limits; provided further that the proof of insurance need not be
21 filed by an applicant who inspects only vehicles owned by the



1 applicant; ~~and~~ provided further that the proof of insurance
2 need not be filed by instrumentalities of the United States.

3 (c) A permit for an official inspection station shall not
4 be assigned or transferred or used at any location other than
5 that designated by the director and every permit shall be posted
6 in a conspicuous place at the location so designated.

7 (d) A permit for an official inspection station shall be
8 suspended or revoked, or renewal thereof shall be refused by the
9 director, upon a third or subsequent wilful violation within a
10 period of eighteen months of any rule requiring an official
11 inspection station to ensure a motorcycle, moped, or motor
12 vehicle is not equipped with a muffler or exhaust system that
13 fails to comply with section 291-24 or 291-24.5, as applicable."

14 SECTION 3. Section 291-24, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) Whoever violates this section shall be fined ~~not~~ no
17 more than ~~[\$100.]~~ \$500."

18 SECTION 4. Section 291-24.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§291-24.5[+] **Motor vehicle muffler.** (a) No person
21 shall use on a public highway, sell, offer for sale, alter, or



1 install a muffler [~~which~~], including but not limited to a
2 cut-out, bypass, or similar device, that will noticeably
3 increase the noise emitted by a motor vehicle above that emitted
4 by the vehicle as equipped from the factory.

5 (b) Any violation of this section [~~shall constitute a~~
6 ~~violation and~~] shall be enforceable by police officers. The
7 fine for this violation shall be [~~not~~] no less than \$25 nor more
8 than [~~\$250~~] \$500 for each separate offense. Any person who
9 violates the provisions of this section may be issued a summons
10 or citation for [~~such~~] the violation."

11 SECTION 5. Section 437B-11, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§437B-11 Prohibited practices.** In addition to any other
14 grounds for disciplinary action authorized by law, the following
15 acts or omissions related to the repair of motor vehicles shall
16 be grounds for invoking the enforcement procedures of section
17 437B-12:

18 (1) Making or authorizing in any manner or by any means
19 whatever any statement written or oral [~~which~~] that is
20 untrue or misleading, and [~~which~~] that is known, or



- 1 [~~which~~] that by the exercise of reasonable care should
2 be known, to be untrue or misleading;
- 3 (2) Causing or allowing a customer to sign any work order
4 that does not state the repairs requested by the
5 customer or the automobile's odometer reading at the
6 time of repair;
- 7 (3) Failing or refusing to give to a customer a copy of
8 any document requiring the customer's signature, as
9 soon as the customer signs the document;
- 10 (4) Any other conduct that constitutes fraud;
- 11 (5) Conduct constituting gross negligence;
- 12 (6) Failure to comply with this chapter or rules adopted
13 pursuant to it;
- 14 (7) Any wilful departure from or disregard of accepted
15 practices or professional standards;
- 16 (8) Making false promises of a character likely to
17 influence, persuade, or induce a customer to authorize
18 the repair, service, or maintenance of a motor
19 vehicle;
- 20 (9) Having repair work subcontracted without the knowledge
21 or consent of the customer unless the motor vehicle



1 repair dealer, mechanic, or apprentice demonstrates
2 that the customer could not reasonably have been
3 notified;

4 (10) Conducting the business of motor vehicle repair in a
5 place other than stated on the license except that
6 mobile repair facilities may be permitted if the
7 license so indicates;

8 (11) Rebuilding or restoring of rebuilt vehicles as defined
9 in section 286-2 in [~~such~~] a manner that [~~it~~] does not
10 conform to the original vehicle manufacturer's
11 established repair procedures or specifications and
12 allowable tolerances for the particular model and
13 year;

14 (12) Subcontracting, recommending, or referring motor
15 vehicle repair work to, or in any way assisting, a
16 motor vehicle repair dealer or mechanic whose license
17 or certification is not in full compliance with this
18 chapter;

19 (13) Failure to directly supervise a motor vehicle mechanic
20 apprentice/trainee or motor vehicle mechanic helper;



1 (14) Servicing mobile air conditioners without using
2 refrigerant recovery and recycling equipment that is
3 certified by Underwriters Laboratories, Incorporated
4 or was in use by the motor vehicle repair industry
5 [~~prior to~~] before December 31, 1989;

6 (15) Performing service on any motor vehicle or mobile air
7 conditioner after January 1, 1994, without successful
8 completion of an appropriate training course in the
9 recovery and recycling of CFC and HCFC refrigerants,
10 which included instruction in the proper use of
11 refrigerant recovery and recycling equipment that is
12 certified by Underwriters Laboratories, Incorporated;
13 [~~and~~]

14 (16) Violating chapter 342C[-]; and

15 (17) Repairing or installing a muffler or exhaust system
16 that fails to comply with section 291-24 or 291-24.5,
17 as applicable."

18 SECTION 6. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 8. This Act shall take effect on June 30, 3000.



Report Title:

Mufflers; Exhaust System; Motorcycle; Moped; Motor Vehicle;
Certificate of Inspection; Motor Vehicle Repair; Penalties

Description:

Conditions the issuance of a certificate of inspection upon a vehicle not being equipped with a noisy muffler or exhaust system. Requires rules regarding safety check inspections to ensure that a motorcycle, moped, or motor vehicle is not equipped with a noisy muffler or exhaust system. Suspends, revokes, or refuses renewal of a permit for an official inspection station upon a third or subsequent wilful violation of any rule regarding inspecting a noisy muffler or exhaust system. Increases the maximum fine for violating noisy muffler and exhaust system laws. Includes repairing or installing a noisy muffler or exhaust system as a prohibited practice for motor vehicle repair laws. Effective 6/30/3000. (HD1)

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