

JAN 18 2007

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Section 286-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§286-16[+]~~ **Powers and duties.** The director of
4 transportation shall prescribe uniform standards and procedures
5 for motor vehicle ~~[inspection,]~~ equipment, driver licensing~~[,]~~
6 and registration, including the form and content of records to
7 be maintained for the registration of vehicles and for the
8 licensing of drivers."

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

11 "**§286-21 Vehicles without required equipment or in unsafe**
12 **condition.**

13 (a) No person shall drive or cause to move on any highway
14 any motor vehicle, trailer, semi trailer, or pole trailer, or
15 any combination thereof, ~~[unless]~~ if it is in unsafe condition
16 or if the equipment thereon is not in good working order and
17 adjustment, as ~~[required in this part]~~ prescribed by the



1 director of transportation, so as not to endanger the driver or
2 other occupant or any person upon the highway.

3 (b) Any vehicle that has been involved in an accident may
4 be deemed to be in unsafe condition if it is determined by a
5 police officer or an insurer that the vehicle's equipment has
6 been damaged so as to render the vehicle unsafe.

7 (c) This section may be enforced by any county by ordinance
8 or rules adopted in accordance with chapter 91."

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

11 **"§286-22 Inspection by officers of the police department.**

12 (a) The chief of police or any police officer of any county
13 [~~may~~], at any time when the chief of police or police officer
14 has reasonable cause to believe that a vehicle is unsafe or not
15 appropriately equipped as [~~required by law~~] prescribed by the
16 director of transportation, may require the owner or driver of
17 the vehicle to submit the vehicle to an inspection or make the
18 necessary corrections or repairs.

19 (b) If the vehicle is found to be in an unsafe condition or
20 if any required part or equipment is not present or if any
21 required part or equipment is present but not in proper repair,
22 the officer [~~shall~~] may issue a citation to the owner or driver



1 stating the reasons that the vehicle is deemed unsafe and
2 ~~[shall]~~ may require that ~~[a new certificate of inspection as~~
3 ~~provided in section 286 26 be obtained within five days or that]~~
4 the defect be cured.

5 (c) If upon inspection, the chief of police or any police
6 officer determines that any vehicle is in such unsafe condition
7 as to constitute a menace to the public and cannot reasonably be
8 restored to a safe condition ~~[as required in this part]~~, then
9 the chief of police or police officer ~~[shall remove the sticker~~
10 ~~which signifies the certificate of inspection and]~~ may inform
11 the director of finance who ~~[shall]~~ may forthwith suspend the
12 registration of the vehicle and give notice of the suspension to
13 its owner. Whenever the director of finance has suspended the
14 registration of any vehicle under this part, the owner of the
15 vehicle ~~[shall]~~ may be required to immediately surrender and
16 forward to the director of finance the certificate of
17 registration and the license plates last issued upon
18 registration of the vehicle for the current year.

19 (d) Any person aggrieved by this section shall have the
20 right to a hearing before a district judge of the circuit in
21 which the person is cited within five days. The judge shall
22 determine whether the chief of police or any police officer



1 reasonably performed the chief of police's or police officer's
2 duties [~~hereunder~~] under this section and shall make any
3 appropriate order."

4 SECTION 4. Section 286-23, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§286-23 Responsibility for compliance.

7 (a) Every owner or driver, upon receiving a citation as
8 provided in section 286-22(b), shall comply [~~therewith~~] with the
9 citation and shall within five days [~~secure an official~~
10 ~~certificate of inspection or~~] make the necessary corrections or
11 repairs, or the driver may request a hearing as provided in
12 section 286-22(d).

13 (b) No person shall operate any vehicle after receiving a
14 citation [~~with reference thereto~~] as provided in section 286-
15 22(b), except that if the driver is authorized to do so by the
16 police officer, the driver may return the vehicle to the
17 driver's residence or place of business or the residence or
18 place of business of the owner of the vehicle, or to an
19 automotive repair shop, if within a distance of twenty miles,
20 until [~~a certificate of inspection is obtained or~~] the necessary
21 corrections or repairs are made."



1 SECTION 5. Section 286-24, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§286-24 Registered owner's responsibility; registration
4 plates as prima facie evidence as to the fault of the registered
5 owner. In any proceeding for a violation of this part, the
6 registered owner of a vehicle shall be deemed to be responsible
7 for the unsafe condition of the vehicle."

8 SECTION 6. Section 291-21.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§291-21.5 Regulation of motor vehicle sun screening
11 devices; penalty.

12 (a) No person shall operate, permit the operation of, cause
13 to be operated, or park any motor vehicle on a public highway if
14 the glazing material of the motor vehicle:

15 (1) Does not meet the requirements of the Federal Motor
16 Vehicle Safety Standards 205 in effect at the time
17 of its manufacture; or

18 (2) Is used in conjunction with sun screening devices
19 not exempted [~~from this section~~] by subsection (d)
20 [~~hereof~~].

21 (b) No person shall install, mount, adhere, affix, or use
22 any sun screening device or combination of devices in



1 conjunction with the glazing material of a motor vehicle [~~which~~]
2 that does not meet the requirements of the Federal Motor Vehicle
3 Safety Standards 205 in effect at the time of the glazing
4 material's manufacture except as provided in this section. Any
5 person who violates this section shall be liable for the removal
6 of any sun screening device applied contrary to this section.

7 [~~(c) A safety inspection required under section 286-25 shall~~
8 ~~include a test to ensure that the glazing material and any sun~~
9 ~~screening devices meet the requirements specified in this~~
10 ~~section.~~

11 ~~(d)]~~ (c) This section shall not apply to:

12 (1) Rearview mirrors;

13 (2) Adjustable nontransparent sun visors [~~which~~] that
14 are mounted forward of the side windows and are not
15 attached to the glazing material;

16 (3) Signs, stickers, or other materials [~~which~~] that are
17 displayed in a seven-inch square in the lower
18 corner of the windshield farthest removed from the
19 driver or signs, stickers, or other materials
20 [~~which~~] that are displayed in a five-inch square in
21 the lower corner of the windshield nearest the
22 driver;



- 1 (4) Rear trunk lid handle or hinges;
- 2 (5) Window wipers and window wiper motors;
- 3 (6) Transparent sun screening film materials [which]
- 4 that are installed, affixed, or applied along the
- 5 top edge of the windshield so long as such
- 6 materials do not encroach upon the AS-1 portion of
- 7 the windshield as provided by the Federal Motor
- 8 Vehicle Safety Standards 205 or no lower than four
- 9 inches below the top of the windshield, when
- 10 measured from the middle point of the bottom edge
- 11 of the top windshield moulding if no AS-1 markings
- 12 can be found in the left or right upper margin of
- 13 the windshield;
- 14 (7) Sun screening devices for front side wing vents
- 15 and windows [~~which~~,] that, when used in conjunction
- 16 with the glazing material, have a light
- 17 transmittance of no less than thirty-five per cent
- 18 plus or minus six per cent;
- 19 (8) Sun screening devices for side windows necessary
- 20 for driving visibility [~~which~~] that are to the rear
- 21 of the driver and for rear windows necessary for
- 22 driving visibility [~~which~~,] that, when used in



1 conjunction with the glazing material, have a light
2 transmittance of no less than thirty-five per cent
3 plus or minus six per cent;

4 (9) Side windows [~~which~~] that are to the rear of the
5 driver and rear windows on vans, minivans, trucks,
6 or buses [~~;~~ ~~provided that~~], if the vehicles are
7 equipped with rearview mirrors on both sides; and

8 (10) Privacy drapes, curtains, or blinds, or any
9 combination, installed on the interior of motor
10 homes.

11 [~~(e)~~] (d) Any person who violates this section shall be fined
12 not less than \$50 nor more than \$250 for each separate offense."

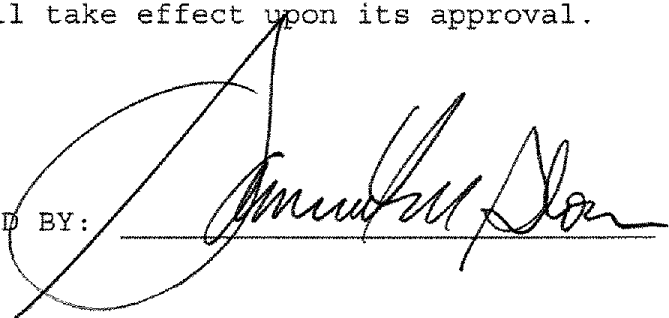
13 SECTION 7. Chapter 286 Part II, Hawaii Revised Statutes, is
14 repealed.

15 SECTION 8. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

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19

INTRODUCED BY: _____



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S.B. NO.

136

Report Title:

Motor Vehicles; Safety Check

Description:

Abolishes periodic motor vehicle inspections (safety checks).

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