

JAN 22 2007

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Chapter 342G, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . NEW MOTOR VEHICLE RECOVERY**

5 **§342G-A Definitions.** As used in this part, unless the
6 context requires otherwise:

7 "Import" means to buy, bring, or accept delivery of new
8 motor vehicles from an address, supplier, or any entity outside
9 of the State of Hawaii.

10 "Motor vehicle disposal program" means a program for motor
11 vehicle disposal or reuse for purposes including but not limited
12 to motor vehicle or motor vehicle parts, refurbishing, or
13 recycling for shipment out of the State, or crushed into
14 aggregate substitute.

15 "New motor vehicle" means motor vehicles of the current
16 model year, immediate past model year, or the next model year
17 that have not been sold or registered by the manufacturer or
18 dealer.



1 "New motor vehicle dealer" means a dealer licensed under
2 chapter 437 to engage in the business of selling, at wholesale
3 or retail or both, new motor vehicles.

4 **§342G-B Mandatory motor vehicle disposal fee.** (a) Every
5 new motor vehicle dealer shall pay to the department a mandatory
6 motor vehicle disposal fee. The fee shall be imposed upon every
7 registered new motor vehicle. Thereafter, whenever the title or
8 interest of the motor vehicle is transferred, the transferee
9 shall pay the mandatory motor vehicle disposal fee, and the
10 transferor shall be refunded the fee from the environmental
11 management special fund. Beginning September 1, 2007, the fee
12 shall \$250 per new motor vehicle.

13 (b) No county shall impose or collect any assessment or
14 fee on new motor vehicles for the same or similar purpose that
15 is the subject of this part.

16 **§342G-C New motor vehicle dealers; recordkeeping**
17 **requirements.** All new motor vehicle dealers shall maintain
18 records reflecting the importation of new motor vehicles. The
19 records shall identify the model, weight, and quantity of each
20 type of new motor vehicle. The records shall be made available,
21 upon request, for inspection by the department; provided that
22 any proprietary information obtained by the department shall be



1 kept confidential and shall not be disclosed to any other person
2 except:

- 3 (1) As may be reasonably required in an administrative or
4 judicial proceeding to enforce any provision of this
5 part or any rule adopted pursuant to this part; or
6 (2) Under an order issued by a court or administrative
7 agency hearing officer.

8 **§342G-D Deposit into environmental management special**

9 **fund; refund; distribution to counties.** (a) Revenues generated
10 from the mandatory motor vehicle disposal fee shall be deposited
11 into a special account in the environmental management special
12 fund. Moneys from the special account shall be used to:

- 13 (1) Refund payments of mandatory motor vehicle disposal
14 fees made by transferors; and
15 (2) Fund motor vehicle disposal programs established under
16 section 342G-E. In the event of any surplus in the
17 special account, the department shall recommend to the
18 legislature a reduction in the fee as deemed
19 necessary.

20 (b) The department shall distribute the moneys contained
21 in the special account to the counties in proportion to the
22 number of new motor vehicles imported into each county, based



1 upon the county's de facto population. The distribution shall
2 be in the form of direct contracts with the department as
3 permitted under chapters 103 and 103D, or transfer of funds from
4 the department.

5 (c) All moneys distributed to the counties under
6 subsection (b), and not expended or encumbered by the counties
7 as specified in section 342G-E, shall be returned to the State
8 for deposit into the special account of the environmental
9 management special fund at the end of each fiscal year.

10 **§342G-E County motor vehicle disposal programs;**
11 **requirements.** All county motor vehicle disposal programs shall
12 include but not be limited to:

- 13 (1) Funding for the collection and processing of motor
14 vehicles or motor vehicle parts either through
15 existing county agencies or through external contracts
16 for services;
- 17 (2) Subsidizing the transportation of processed material
18 to out-of-state markets;
- 19 (3) Development of collection facilities or the provision
20 of motor vehicle disposal;
- 21 (4) Additional research and development programs,
22 including grants to private sector entrepreneurs,



1 especially those activities that develop higher value
2 uses for the motor vehicle parts and materials; and
3 (5) Public education and awareness programs that focus on
4 motor vehicle disposal."

5 SECTION 2. Section 342G-63, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§342G-63 Establishment of the environmental management**
8 **special fund.** (a) There is created in the state treasury an
9 environmental management special fund. The fund may receive
10 legislative appropriations, grants, and gifts.

11 (b) All moneys collected pursuant to section 342G-62 shall
12 be deposited into the environmental management special fund.
13 All interest earned or accrued on moneys deposited into the fund
14 shall become a part of the fund.

15 (c) There shall be a special account in the environmental
16 management special fund. Fees assessed pursuant to part shall
17 be deposited into the special account.

18 [~~e~~] (d) The department shall expend moneys contained in
19 the environmental management special fund to:

20 (1) Partially fund the operating costs of the program
21 including its regulatory functions and the development



1 of waste reduction and diversion activities as
2 mandated by [~~chapter 342G~~] this chapter;

3 (2) Fund statewide education, demonstration, and market
4 development programs, through direct contract or
5 direct transfer of funds to the counties and the
6 department of business, economic development, and
7 tourism, or under a grant program that may be
8 developed under rules pursuant to chapter 91; [~~and~~]

9 (3) Fund the motor vehicle disposal program pursuant to
10 part _____ ; and

11 [~~+3~~] (4) Provide for annual training for municipal solid
12 waste operators in compliance with 40 Code of Federal
13 Regulations Part 258 and [~~chapter 11-58, Hawaii~~
14 ~~Administrative Rules.~~] administrative rules."

15 SECTION 3. In codifying the new sections added by section
16 1 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 1592

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

~~_____~~ *HJR*



Report Title:

Advance Disposal Fee; New Motor Vehicles

Description:

Requires an advance disposal fee for new motor vehicles.

