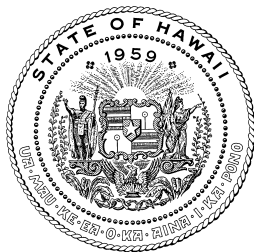


Small Business Regulatory Review Board Meeting

October 15, 2020

10:00 a.m.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813
Mailing Address: P.O. Box 2359, Honolulu, HI 96804
Email: dbedt.sbrb.info@hawaii.gov
Website: sbrb.hawaii.gov

Tel: 808 586-2419

AGENDA

Thursday, October 15, 2020 ★10:00 a.m.

David Y. Ige
Governor

Mike McCartney
DBEDT Director

Members

Robert Cundiff
Chairperson
O'ahu

Mary Albitz
Vice Chairperson
Maui

Garth Yamanaka
2nd Vice Chairperson
Hawai'i

Harris Nakamoto
O'ahu

Dr. Nancy Atmospera-
Walch
O'ahu

William Lydgate
Kaua'i

James (Kimo) Lee
Hawai'i

Jonathan Shick
O'ahu

Taryn Rodighiero
Kaua'i

Mark Ritchie for
Director, DBEDT
Voting Ex Officio

As authorized under the Governor's September 22, 2020, Thirteenth Proclamation related to the COVID-19 Emergency, the meeting will be held remotely with Board Members, Staff, and Agencies participating via online meeting venue. The public can participate in the meeting via video-audio livestream; to join the meeting, go to:

<https://zoom.us/j/99367036471>

Copies of the Board Packet will be available on-line for review at: <https://sbrb.hawaii.gov/meetings/agendas-minutes?yr=2020>.

An electronic draft of the minutes for this meeting will also be made available at the same location when completed.

Members of the public may submit written testimony via e-mail to: DBEDT.sbrb.info@hawaii.gov. Please include the word "Testimony" and the subject matter following the address line. All written testimony should be **received no later than 4:30 p.m., Wednesday, October 14, 2020.**

The Board may go into Executive Session under Section 92-5 (a)(4), HRS to Consult with the Board's Attorney on Questions and Issues Concerning the Board's Powers, Duties, Immunities, Privileges and Liabilities.

I. Call to Order

II. Approval of September 17, 2020 Meeting Minutes

III. New Business – Before Public Hearing

- A. Discussion and Action on the Proposed Amendments to Hawaii Administrative Rules (HAR) Title 19, Chapter 133.2, **Periodic Inspection of Vehicles**, promulgated by Department of Transportation (DOT) – **Discussion Leader – James Kimo Lee**

- B. Discussion and Action on the Proposed Amendments to HAR Title 19 Chapter 133.5 **Fine, Suspension or Revocation of an Official Inspection Station or Inspector's Certification**, promulgated by DOT – **Discussion Leader – James Kimo Lee**

IV. Administrative Matters

- A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes

V. Next Meeting: Thursday, November 19, 2020 at 10:00 a.m.

VI. Adjournment

II. Approval of September 17, 2020 Meeting Minutes

Small Business Regulatory Review Board

MEETING MINUTES - HELD THROUGH VIDEO-CONFERENCING - **DRAFT** September 17, 2020

- I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:03 a.m., with a quorum present, which was open to the public.

MEMBERS PRESENT:

- Robert Cundiff, Chair
- Mary Albitz, Vice Chair
- Garth Yamanaka, 2nd Vice Chair
- Harris Nakamoto
- Dr. Nancy Atmospera-Walsh
- William Lydgate
- James (Kimo) Lee
- Taryn Rodighiero
- Mark Ritchie

ABSENT MEMBERS:

- Jonathan Shick

STAFF: DBEDT

Dori Palcovich
Jet'aime Alcos

Office of the Attorney General

Jennifer Polk-Waihee

II. **APPROVAL OF August 20, 2020 MINUTES**

Mr. Ritchie made a motion to accept the August 20, 2020 meeting minutes, as amended. Mr. Nakamoto seconded the motion, and the Board members unanimously agreed.

III. **NEW BUSINESS** - Before Public Hearing

- A. Re-discussion and Action on the Proposed Amendments to Title 12, Subtitle 8 Hawaii Occupational Safety and Health (HIOSH) Division, Part 11 Elevators and Related Systems, Chapter 229 General, Administrative, and Legal Provisions, promulgated by Department of Labor and Industrial Relations (DLIR)

Discussion leader and Vice Chair Ms. Albitz requested that DLIR's HIOSH Administrator Mr. Norman Ahu provide an update from last month's meeting of the recent stakeholder meeting. Mr. Ahu stated that HIOSH followed-up on the Board's recommendation and met with the major stakeholders where a list of suggestions and improvements were agreed upon.

On September 11th a list of the agreed upon suggestions and improvements was sent to the stakeholders who were anxious to know when the improvements were to take effect. As a result of the mutual agreement all resolutions of violations will now be affirmed by the businesses when they are fixed, and permits will be sent out faster so that an efficiency of time for both HIOSH and the business owners can be accomplished.

Mr. Ahu added that there are still concerns relating to COVID-19 involving HIOSH's limited resources and the current restrictions for neighbor island travel. Due to the resignation of three inspectors, extended timeframes for inspections on neighbor islands were implemented. In the meantime, HIOSH will attempt to continue the work schedule as usual while keeping staff morale up.

Chair Cundiff noted that it was difficult to determine what changes were made to the rules since the last stakeholder meeting. Mr. Ahu responded that most of the agreed upon changes as a result of the stakeholder meeting were operational in nature. These changes are expected to improve upon HIOSH's efficiencies, which were deemed worthy in relation to the amount of the fee increases; the fees will be the same as presented during last month's meeting.

Chair Cundiff commended Mr. Ahu for the great amount of information presented in the packets. He and Vice Chair Albitz also thanked him for understanding the purpose of partaking in stakeholder meetings, which appears to have been used very wisely and productively. Mr. Ahu thanked the Board for its suggestion to meet prior to submitting the rules for public hearing.

Vice Chair Albitz made a motion to move the proposed amendments to public hearing. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

C. Discussion and Action on Proposed New Chapters to HAR Title 17, as follows, promulgated by Department of Human Services (DHS)

1. Repeal of HAR Chapter 798.2 Child Care Services and Approval of New HAR Chapter 798.3 Child Care Payments

Discussion leader, Mr. Nakamoto, stated that he recently met with DHS representatives to go over the key areas of the rules and the purpose of the proposed changes; he introduced Ms. Dana Balansag, Child Care Program Administrator from DHS's Benefit, Employment & Support Service Division.

Ms. Balansag explained that although Chapter 798.3 is new, it is substantially based on Chapter 798.2, which is being repealed. The new rules will comply with the federal law, Child Care Development Block Grant Act of 2014 (CCDBG). CCDBG is expected to improve upon the provisions of protecting the health and safety of childcare. It was noted that the federal government has allocated approximately \$20 to \$29 million to Hawaii for this program.

CCDBG helps support Hawaii's statewide childcare licensing program by regulating 900 licensed and registered childcare facilities and homes. It also provides annual childcare subsidy programs to over 3,000 low-income, working families, and provides over 5,000 children access to quality childcare options. Overall, the federal funds provide support and services to promote and ensure healthy childcare for these families and their children.

The 2014 Act made significant changes to CCDGB in order to strengthen the protection of childcare nationwide for parents to make informative choices. The program further assists in child development, provides equal access and stable childcare for eligible children, and enhances the quality of childcare and early childhood workforce.

Chapter 798.3 will bring Hawaii into compliance with the federal requirements; Hawaii was notified that it is currently not in compliance. The new chapter will also implement the health care subsidy eligibility period to 12 months instead of the current six months and may continue up to 3 more months when parents provide information relating to eligible activities such as job training and school attendance.

Regarding the small business impact, Ms. Balansag stated that the unregulated childcare providers, totaling approximately 400, may be more impacted than the regulated providers. In terms of outreach, since 2015, DHS has had many sessions with the childcare community and offers quarterly advisory meetings to more than 100 childcare providers. In addition, DHS has created a health and safety manual guide along with ongoing training.

Chair Cundiff noted that these rules are a long time coming and commended DHS for its great job and hard work in implementing the proposed rules by allowing the stakeholders to work with DHS to help identify areas that were needed to be improved upon.

Mr. Nakamoto made a motion for the proposed new rules to proceed to public hearing. Ms. Atmospera-Walch seconded the motion, and the Board members unanimously agreed.

2. Approval of Proposed New HAR Chapter 800, Requirements for Listing of Exempt Center-Based Providers

Ms. Balansag explained that exempt centers include sites that offer childcare services such as school campuses and military bases. The proposed rules align with CCDBG, which provide protections to the health and safety of children in childcare centers. Exempt center-based providers who meet the rules' specific requirements are eligible to provide childcare for a child whose family receives a childcare subsidy from DHS.

Exempt providers have the option of choosing any type of training topics DHS has identified that issues a certificate and is appropriate to childcare and to the ages of children served. They may also complete annual health and safety training by signing on for no-cost training classes offered by DHS contract agencies.

Several informational sessions during 2018 and 2019 were held with childcare providers. Also, discussions were held at quarterly childcare advisory committee meetings from 2014 to 2019 to review and discuss the proposed new rules; noted was that no concerns were brought up by the stakeholders at these meetings.

Mr. Nakamoto made a motion to move the proposed new rules to public hearing. Vice Chair Albitz seconded the motion, and the Board members unanimously agreed.

3. Approval of New HAR Chapter 801 Background Checks

Ms. Balansag explained that the proposed new chapter is based on requirements set forth by the CCDBG Act of 2014, which requires all individuals who work with children or who have unsupervised access to children to undergo comprehensive background checks to be cleared to work with children.

The proposed rule ensures the safety of children in DHS licensed and registered family childcare homes, preschools, infant and toddler centers, before and after school facilities, license exempt centers, and homes by verifying that individuals who work with children or who have unsupervised access to children do not have background history records that pose a risk to children in care.

Ms. Balansag added that individuals will be required to have comprehensive background checks and be cleared in order to be left unsupervised with children. Searches of national and local databases for criminal, sex offender, child abuse and neglect, and adult abuse records will be conducted using the individual's fingerprints and personal identifying information.

An assessment of the background checks may take some time to complete to clear an individual when there is a criminal record, sex offender history, child abuse and neglect record, or adult abuse record. Centers and homes must ensure that there are enough staff that are cleared to work with children so that the staff-to-child ratio requirements are met.

Individuals who have completed the national and state fingerprint checks and have been cleared may begin working or volunteering in DHS licensed and registered family childcare homes, preschools, infant and toddler centers, before-and-after school facilities and exempt centers on a provisional basis while under the supervision of an individual who has completed and cleared all of the comprehensive background checks.

Discussion sessions were held with licensed and license exempt childcare centers between 2016 through the current period in order to solicit feedback on the background check processes. Chair Cundiff thanked Ms. Balansag and her team for the concise and informative information and wished them best of luck in the upcoming public hearings.

Mr. Nakamoto made a motion to move the proposed new rules to public hearing. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

IV. ADMINISTRATIVE MATTERS

A. Discussion and Action on Board's Upcoming Advocacy Activities and Programs in Accordance with the Board's Powers under Section 201M-5, HRS

Mr. Ritchie stated that in terms of outreach, during this time of the COVID pandemic, it is not easy for DBEDT to provide enough outreach services. However, materials on this Board are always included when outreach is performed when all the general programs are discussed by DBEDT. He asked that if any members have any "outside-the-box" ideas besides ZOOM meetings, to let him know.

V. **NEXT MEETING** - Thursday, October 15, 2020 at 10:00 a.m.

VI. **ADJOURNMENT** – Mr. Ritchie made a motion to adjourn the meeting and seconded by Second Vice Chair Yamanaka; the meeting adjourned at 10:52 a.m.

DRAFT

III. New Business – Before Public Hearing

A. Discussion and Action on the Proposed Amendments to Hawaii Administrative Rules (HAR) Title 19, Chapter 133.2, Periodic Inspection of Vehicles, promulgated by Department of Transportation (DOT)

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097


JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
HWY-V 9.6481

September 15, 2020

TO: DORI PALCOVICH
SMALL BUSINESS REGULATORY REVIEW BOARD
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT &
TOURISM

FROM: JADE T. BUTAY 
DIRECTOR OF TRANSPORTATION

SUBJECT: PROPOSED AMENDMENTS TO CHAPTER 19-133.2, HAWAII
ADMINISTRATIVE RULES

Enclosed is a "Small Business Impact Statement" for review and approval by the Small Business Regulatory Review Board. The document "Changes to 19-133.2, HAR – 2020" contains explanations for the proposed changes to Chapter 19-133.2, entitled "Periodic Inspection of Vehicles." The Ramseyer format of Chapter 19-133.2, HAR is also enclosed.

The objectives of the changes are to implement Acts 73 and 191, SLH 2018, add clarity, make some inspections more efficient, delete parts of the rules that are not necessary, and correct errors. The proposed changes will have no negative but some positive impact on the small business inspection stations.

Should you have questions or need additional information, please contact John Lovstedt of the Motor Vehicle Safety Office at (808) 692-7655 or email at John.Lovstedt@hawaii.gov.

Enclosures

PRE-PUBLIC HEARING SMALL BUSINESS IMPACT STATEMENT
TO THE
SMALL BUSINESS REGULATORY REVIEW BOARD
(Hawaii Revised Statutes §201M-2)

Date: _____

Department or Agency: _____

Administrative Rule Title and Chapter: _____

Chapter Name: _____

Contact Person/Title: _____

E-mail: _____ Phone: _____

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7?

☐ Yes ☐ No

If "Yes," provide details: _____

I. Rule Description:

☐ New ☐ Repeal ☐ Amendment ☐ Compilation

II. Will the proposed rule(s) affect small business?

☐ Yes ☐ No

(If "No," no need to submit this form.)

* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

* "Small business" is defined as a "for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii." HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

☐ Yes ☐ No

(If "Yes" no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))

☐ Yes ☐ No

(If "Yes" no need to submit this form.)

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If the proposed rule affects small business and are not exempt as noted above, please provide a reasonable determination of the following:

1. Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected.

2. In dollar amounts, the increase in the level of direct costs such as fees or fines, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.

If the proposed rule imposes a new or increased fee or fine:

- a. Amount of the current fee or fine and the last time it was increased.

 - b. Amount of the proposed fee or fine and the percentage increase.

 - c. Reason for the new or increased fee or fine.

 - d. Criteria or methodology used to determine the amount of the fee or fine (i.e., Consumer Price Index, Inflation rate, etc.).
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3. The probable monetary costs and benefits to the agency or other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used.

4. The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, modification of the fines schedule, performance rather than design standards, exemption, or other mitigating techniques.
5. The availability and practicability of less restrictive alternatives that could be implemented in lieu of the proposed rules.
6. Consideration of creative, innovative, or flexible methods of compliance for small businesses. The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules.
7. How the agency involved small business in the development of the proposed rules.
 - a. If there were any recommendations made by small business, were the recommendations incorporated into the proposed rule? If yes, explain. If no, why not.

8. Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard.

If yes, please provide information comparing the costs and benefits of the proposed rules to the costs and benefits of the comparable federal, state, or county law, including the following:

- a. Description of the public purposes to be served by the proposed rule.
- b. The text of the related federal, state, or county law, including information about the purposes and applicability of the law.
- c. A comparison between the proposed rule and the related federal, state, or county law, including a comparison of their purposes, application, and administration.
- d. A comparison of the monetary costs and benefits of the proposed rule with the costs and benefits of imposing or deferring to the related federal, state, or county law, as well as a description of the manner in which any additional fees from the proposed rule will be used.
- e. A comparison of the adverse effects on small business imposed by the proposed rule with the adverse effects of the related federal, state, or county law.

* * *

Small Business Regulatory Review Board / DBEDT
Phone: (808) 586-2594 / Email: DBEDT.sbrrb.info@hawaii.gov

This Statement may be found on the SBRRB Website at: <http://dbedt.hawaii.gov/sbrrb/resources/small-business-impact-statements>

Department of Transportation

Small Business Impact Statement for Amendments to 19-133.2, HAR.

9/9/2020

Chapter 19-133.2, HAR regulates the State's periodic motor vehicle inspection program. The program is required by statutes (286-26, HRS) and 286-16, HRS gives the director of transportation authority to make rules, but in accordance with section 286-17, HRS, the DOT delegates the enforcement of this program to the county executive officers. The enforcement efforts are intended to ensure that the private inspection stations that do the inspections operate in an equitable manner in accordance with Hawaii laws and administrative rules.

These rules are being amended primarily to incorporate requirements of amended laws. For example, the definition of autocycle is added due to Act 191, SLH 2018, and Act 73, SLH 2018, requires inspection stations to be fined for three infractions before a suspension or revocation can be imposed. There are also corrections that need to be made to the rules and changes that improve the efficiency of inspections as well as enforcement. Overall, the amendments will have very little impact on small businesses. The amendments that have potential for a small impact are listed below.

The businesses that will be affected and required to comply with the proposed amendments are the 663 inspection station statewide.

1. The primary problem the amendment is intended to solve is establishing a fine schedule for inspection station infractions. These rules do not contain a fine schedule, but section 19-133.2-17 is amended to give the director expressed authority to fine stations and inspectors for infractions and alert station managers and inspectors that fines are an additional penalty that is used for enforcement. Full details of the fines are in 19-133.5, HAR.
2. The amendments also correct an error in 19-133.2-22(e)(5). The cost of a replacement sticker is \$6.34. \$1.34 of this was intended to go to the electronic forms contractor, but it was inadvertently left out of the last amendment. This correction will result in a loss of \$1.34 per replacement sticker issued to the inspection stations, but the money was never intended to go to them. The number of replacement stickers is relatively small.
3. There is an amendment to 19-133.2-34(b)(5) that looks like it will cause a loss to small businesses of a fee for checking the light transmittance of tinted windows. However, this is a housekeeping change. The fee was deleted in a 2017 amendment, but the wording in 19-133.2-34 was not deleted at that time.
4. §19-133.2-14(c) is being amended by requiring public stations to post a sign indicating that it is a public inspection station. The old rules make posting a sign optional. These signs are needed so the public will know that the station does inspections for the public. All public stations post signs already, because they attract customers. Therefore, this amendment will not have a financial impact on small businesses. The change is proposed, because the existing wording

makes it possible for a public station to function like a private station, even though the station does not qualify to be a private station.

5. The amendment to §19-133.2-15(a) will improve efficiency and increase volume for some stations by allowing them to use more than one certified inspector to inspect a vehicle. We do not have an estimate of the increase in profit this amendment will bring to the small businesses. The amendment was requested by several stations.

6. §19-133.2-20(a) is amended by removing the requirement to schedule an inspection within 15-days, if a customer asks for an inspection but the task scheduling at the station makes it unprofitable for impractical to do one immediately. Hopefully this amendment will improve the system for making appointments. Some stations try to do all inspections by appointment. If a business involves more than doing inspections, using only appointments allows the station manager to organize the work better. Some vehicle owners like to schedule their next inspection on the day that they complete their current inspection. This change will not have a financial impact on the small businesses.

7. §19-133.2-26 is amended to allow vehicles returning after fixing a defect to be inspected outside of the inspection bay. This is intended to improve station efficiency and service to customers. This amendment will help the stations, but it is unknown if it will have a significant financial impact.

The probable monetary costs and benefits to the State will be close to zero. The cost benefit to the electronic form contractor will be \$1.34 per replacement sticker and certificate. These are low volume items, so the monetary impact will be very minimal. This goes for the stations also. They will be losing \$1.34 per replacement transaction. Since the stations were not the intended recipients of these funds, this really isn't a loss.

County officers make regular enforcement visits to the inspection stations to ensure that inspections are being conducted properly. These visits provide an opportunity for station managers and inspectors to give suggestions on how to make the program more efficient. Whenever a draft rule change is begun, the Counties are asked for suggestions and requests for change. These are reviewed and discussed by the State and Counties prior to being added to the draft. The small business stations are also free to call the County and State offices for advice and make suggestions for change.

When a draft of the amended rules is finished, it is posted on the internet for all to review prior to the public hearings. This allows adequate time to review the draft and prepare testimony prior to the hearings.

The proposed amendment does not contain anything more stringent regarding inspections than federal or local regulations. The National Highway Traffic Safety Administration has many motor vehicle safety standards, but not all of them are included in these rules, although the rules reference the standards as a guide for inspectors. The Attachment to the rules is a copy of a portion of the light and reflector federal standard. An example of an inspection standard that is less stringent than a federal standard is that for window tint. The federal standard is a minimum

of 70% light transmittance, but the required transmittance in the rules (based on State law) is only 35% (plus or minus 6%).

These rules, in section 19-133.2-17, HAR, mention fines for inspectors that are not required by state law. Fines are a part of 19-133.5, HAR due to Act 73, SLH 2018. The stated purpose of this Act was to lessen the impact of a station suspension, which could result in unemployed inspectors. Paying a fine is a less severe penalty than a suspension, so fines were extended to the inspectors. The justification for including the inspectors is 286-16, HRS, which gives the director authority to develop rules related to the program. The objective of enforcement is to maintain a high number of qualified stations and inspectors by motivating all inspectors to do proper inspections. Enforcement officers regularly visit stations to see how the inspections are conducted. They provide an abundance of instruction before resorting to penalties. Hopefully, a less severe penalty will have a positive impact. The fine schedules will be placed in 19-133.5, HAR.

Changes to 19-133.2, HAR – 2020

§19-133.2-1 Added a definition for “autocycle” and changed the reference for the motorcycle definition from 291C-1 to 286-2, HRS. The latter is a more recent and detailed definition. It also includes autocycles. Made a similar reference change for four other definitions.

§19-133.2-1 Also added a definition for “bumper”, “certificate of inspection”, “illegal modification”, “Periodic Motor Vehicle Inspections”, “Responsible operator”, “Safety inspection sticker”.

§19-133.2-4(b) Repositioned and renumbered to paragraph (3) to paragraph (4) for a more logical progression of listed responsibilities. In the renumbered paragraph (4) added “fining” stations and inspectors in addition to suspending and revoking to both stations and inspectors. Fines for infractions are required by Act 73, SLH 2018.

§19-133.2-8(b) Clarified that eight hours is a minimum. Stations may be open more than the minimum.

§19-133.2-8(d)(1)(D) Inserted the word “level”. Also removed (E), because it is not needed with the word “level” added above.

§19-133.2-8 (e)(1) Added the SAE reference used by DOT to approve units.

§19-133.2-8(e)(2) Added “and test wheel bearings” as further need for a jack.

§19-133.2-9(c) removed a comma.

§19-133.2-11(b)(4) Added email address to facilitate communication.

§19-133.2-14(a)(4) Clarified that only vehicles used for doing business and by employees who park at the station need to comply with this paragraph. Vehicles stored at the station do not. Vehicles owned by inspectors but not parked at the station are not a concern either. Our concern is the appearance of the station when a customer enters it. An inspector or station with a noncompliant vehicle sends a subtle message that the inspection rules are of little concern to the people at the station.

§19-133.2-14(a) (5) Added a new paragraph to emphasize that officers must have unrestricted access to stations for the purpose of enforcing activities of the program.

§19-133.2-14(c) For public stations changed permissive signage to mandatory signage. These stations need a sign so the public will know that they are inspection stations.

§19-133.2-14(e) Added this subsection to clarify the required content of certain pictures taken of the inspected vehicles.

§19-133.2-15(a) Added “or supervises” to persons authorized to sign an inspection certificate. This is to accommodate stations that use more than one certified inspector to inspect a single vehicle.

§19-133.2-17 Added fines to penalties for stations and inspectors that do not comply with the rules. Act 73, SLH 2018 introduced fines to the program.

§19-133.2-18(3) Set a 30-day time limit for a trainee to assist an inspector. This will make it more difficult for inspectors to use uncertified people to assist them. Being trained as an inspector is not a way of gaining experience doing inspections. It is to help the trainee pass the practical test to become an inspector. If it is done correctly, it will cost the station time, because the inspector is giving instructions and then checking the work of the trainee. Some stations get around the cost by letting the trainee inspect and the inspector run the iPad, or have the trainee inspect one side of the vehicle and the inspector the other without the inspector checking the trainee’s work. The inspector is supposed to inspect the whole car before signing off on it, unless he or she has a certified inspector assisting.

§19-133.2-18(5) Clarifies which cars are required to comply with the rules. Our only concern is the appearance of the station as motorists drives into it or past it.

§19-133.2-20(a) Removing the 15-day requirement hopefully will hopefully improve the system for making appointments. Some stations try to do all inspections by appointment. If your business involves more than doing inspections, using only appointments allows you to organize your work better. Some vehicle owners like to schedule their inspection months in advance.

§19-133.2-22(e)(3) Removed an inappropriate word “and”.

§19-133.2-22(e)(5) The added words correct an accidental omission the last time the rules were amended.

§19-133.2-25.5 Clarified that a new vehicle does not need to be inspected until after a two-year period from the date that it was first sold.

§19-133.2-26 A statement is added to allow vehicles returning after fixing a defect or vehicles too large for the bay to be inspected outside of the bay. This is intended to improve efficiency and service to customers.

§19-133.2-27(a) Added a requirement for the body type of the vehicle to match the body type indicated on the vehicle registration document and the proof of insurance. This helps to ensure that the description continues to be accurate when vehicle modifications are made. Also added a requirement to photograph all documents relating to registration and insurance.

§19-133.2-27(b)(1) Added a registration/proof of insurance matching exception for fleet vehicles, because fleet insurance proof does not have sufficient detail for this.

§19-133.2-27(b)(4) This paragraph was amended to agree with Hawaii Revised Statutes.

§19-133.2-27(b) (5) Added a new paragraph requiring the vehicle description of the registration to match that of the insurance card.

§19-133.2-28(b)(2) Clarified how far to turn the steering component.

§19-133.2-28(b)(5) Added the word “visibly”, so inspectors are not required to take measurements.

§19-133.2-29(b)(1) Added the minimum tread depth for motorcycle tires.

§19-133.2-29(b)(2) Removed the word “small” to describe degradation cracks. The cracks are often large too.

§19-133.2-30(b)(3) Added the word “or” to indicate the final paragraph.

§19-133.2-30.5(3) Added exclusion for auto stop/start technology in newer vehicles.

§19-133.2-31(b)(5) Added a check for electric parking brakes.

§19-133.2-32(b)(4) Added exclusion for DOT headlamp marking for vehicles 25 years old or older, provided the lamps are equal to or the same as the originals and can be aimed for driving on the right side of the road.

§19-133.2-32(b)(7) Added a new paragraph with restrictions that a red light on a vehicle must not be visible from the front of the vehicle, and that blue lights may be visible only on emergency vehicles.

§19-133.2-33 (3) Added noise maker restrictions except on emergency vehicles.

§19-133.2-34(a)(3) Added a requirement for inspectors to photograph, record and retain all window tint meter readings as comments in the iPad.

§19-133.2-34(a)(5) Reiterated that inspection pictures must be taken with windows closed, unless inoperative and noted to be so.

§19-133.2-34(b)(2)(A) Removed the FMVSS date and inserted “as appropriate for the vehicle date of manufacture.”

9/9/20

An amendment to §19-133.2-34(b)(9)(B) removes the reference to a fee for doing a window tint test. This reference was erroneously left in the rules during an amendment in 2017.

§19-133.2-35(a)(4) Added bumper heights for vehicles with a GVWR of 4,500 and under, 4,501 – 7,500, and 7,501 – 10,000 pounds.

§19-133.2-38(a), removed mph speedometer requirement for vehicles at least 25 years old.

§19-133.2-38.5 Added a note that the HRS prevails should there be a conflict between this chapter and the HRS.

§19-133.2-38.5(2) Deleted paragraph 2 and added subparagraph (I) to paragraph (1). A new paragraph (2) is added to accommodate the inspection of special interest vehicles that are not a street rod or street rod replica.

§19-133.2-38.6 (a) Added statement that autocycles must be inspected using appropriate criteria for both motorcycle and car inspections. Also, added subsection (b) that outlines the inspection process for autocycles.

§19-133.2-39 Changed date of FMVSS from October 1, 2008 to “the date the vehicle was manufactured”. Also added a note that uncertified imported vehicles that are at least 25 years old do not need to comply with Federal Motor Vehicle Safety Standards.

§19-133.2-40.5(1) Changed a period to a semicolon for consistency.

§19-133.2-40.6 Changed title by adding the word “uncertified” between “of” and “imported.” Also deleted in the first sentence “which include imported vehicles that are at least 25 years old,” because wording is not needed.

Exhibit A: Updated table.

EXHIBIT A
TABLE I-a—REQUIRED LAMPS AND REFLECTIVE DEVICES FMVSS 108
AS OF 8-29-19

Lighting device	Number and color	Mounting location	Mounting height	Device activation
All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses				
Lower Beam Headlamps	White, of a headlighting system listed in Table II	On the front, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 22 inches (55.9 cm) nor more than 54 inches (137.2 cm)	The wiring harness or connector assembly of each headlighting system must be designed so that only those light sources intended for meeting lower beam photometrics are energized when the beam selector switch is in the lower beam position, and that only those light sources intended for meeting upper beam photometrics are energized when the beam selector switch is in the upper beam position, except for certain systems listed in Table II. Steady burning, except that may be flashed for signaling purposes.
Upper Beam Headlamps	White, of a headlighting system listed in Table II	On the front, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 22 inches (55.9 cm) nor more than 54 inches (137.2 cm)	
Turn Signal Lamps	2 Amber	At or near the front, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 15 inches, nor more than 83 inches	Flash when the turn signal flasher is actuated by the turn signal operating unit.
	2 Amber or red Truck tractor exception, see S6.1.1.3	On the rear, at the same height, symmetrically about the vertical		

		centerline, as far apart as practicable		
Taillamps	2 Red	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 15 inches, nor more than 72 inches	Steady burning. Must be activated when the headlamps are activated in a steady burning state or the parking lamps on passenger cars and MPVs, trucks, and buses less than 80 inches in overall width are activated. May be activated when the headlamps are activated at less than full intensity as Daytime Running Lamps (DRL).
Stop Lamps	2 Red	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 15 inches, nor more than 72 inches	Steady burning. Must be activated upon application of the service brakes. When optically combined with a turn signal lamp, the circuit must be such that the stop signal cannot be activated if the turn signal lamp is flashing. May also be activated by a device designed to retard the motion of the vehicle.
Side Marker Lamps	2 Amber	On each side as far to the front as practicable	Not less than 15 inches	Steady burning except may be flashed for signaling purposes. Must be activated when the headlamps are activated in a steady burning state or the parking lamps on passenger cars and MPVs, trucks, and buses less than 80 inches in overall width are activated.

	2 Red (not required on truck tractor).	On each side as far to the rear as practicable		
Reflex Reflectors	2 Amber	On each side as far to the front as practicable	Not less than 15 inches, nor more than 60 inches	Not applicable.
	2 Red (not required on truck tractor).	On each side as far to the rear as practicable		
	2 Red	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable On a truck tractor may be mounted on the back of the cab not less than 4 inches above the height of the rear tires.		
Backup Lamp	1 White Additional lamps permitted to meet requirements	On the rear	No requirement	Steady burning. Must be activated when the ignition switch is energized and reverse gear is engaged. Must not be energized when the vehicle is in forward motion.
License Plate Lamp	1 White Additional lamps permitted to meet requirements	On the rear to illuminate license plate from top or sides	No requirement	Steady burning. Must be activated when the headlamps are activated in a steady burning state or when the parking lamps on passenger cars and MPVs, trucks, and buses less than 80 inches in overall width are activated.

Additional Lamps Required on All Passenger Cars, and on Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, Less Than 2032 MM in Overall Width				
Parking lamps	2 Amber or white	On the front, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 15 inches, nor more than 72 inches	Steady burning. Must be activated when the headlamps are activated in a steady burning state.
Additional Lamp(s) Required on All Passenger Cars, and on Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, Less Than 2032 MM in Overall Width and With a GVWR of 10,000 Lbs or Less				
High mounted stop lamp	1 Red, or 2 red where exceptions apply. See Section 6.1.1.2	On the rear including glazing, with the lamp center on the vertical centerline as viewed from the rear	Not less than 34 inches except for passenger cars. See Section 6.1.4.1	Steady burning. Must only be activated upon application of the service brakes or may be activated by a device designed to retard the motion of the vehicle.
Additional Lamps and Reflective Devices Required on All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, 30 Feet or Longer				
Intermediate side marker lamps	2 Amber	On each side located at or near the midpoint between the front and rear side marker lamps	Not less than 15 inches	Steady burning except may be flashed for signaling purposes. Must be activated when the headlamps are activated in a steady burning state or when the parking lamps on passenger cars and MPVs, trucks, and buses less than 80 inches in overall width are activated.
Intermediate side reflex reflectors	2 Amber	On each side located at or near the midpoint between the front and rear side reflex reflectors	Not less than 15 inches, nor more than 60 inches	Not applicable.

Additional Lamps Required on All Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, 2032 MM or More in Overall Width				
Clearance lamps	2 Amber	On the front to indicate the overall width of the vehicle, or width of cab on truck tractor, at the same height, symmetrically about the vertical centerline May be located at a location other than the front if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle.	As near the top as practicable	Steady burning.
	2 Red (not required on truck tractor)	On the rear to indicate the overall width of the vehicle, at the same height, symmetrically about the vertical centerline May be located at a location other than the rear if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle.	As near the top as practicable, except where the rear identification lamps are mounted at the extreme height of the vehicle. Practicability of locating lamps on the vehicle header is presumed when the header extends at least 25 mm (1 inch) above the rear doors.	Steady burning.
Identification lamps	3 Amber	On the front, at the same height, as close as practicable to the vertical centerline, with lamp centers spaced	As near the top of the vehicle or top of the cab as practicable	Steady burning.

		not less than 6 inches or more than 12 inches apart		
	3 Red (not required on truck tractor)	On the rear, at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 inches or more than 12 inches apart	As near the top as practicable Practicability of locating lamps on the vehicle header is presumed when the header extends at least 25 mm (1 inch) above the rear doors.	Steady burning.
Additional Lamps Required on All School Buses Except Multifunction School Activity Buses				
Signal warning lamps	2 Red plus 2 amber optional	On the front of the cab as far apart as practicable, but in no case shall the spacing between lamps be less than 40 inches Amber lamps, when installed, at the same height as and just inboard of the red lamp.	As high as practicable but at least above the windshield	Flashing alternately between 60 to 120 cycles per minute, with an activation period sufficient to allow the lamp to reach full brightness, when actuated by a manual switch. Amber lamps, when installed, may only be activated by manual or foot operation, and must be automatically deactivated and the red lamps must be automatically activated when the bus entrance door is opened.
	2 Red plus 2 amber optional	On the rear cab as far apart as practicable, but in no case shall the spacing between lamps be less than 40 inches Amber lamps, when installed, at the same height as and	As high as practicable but at least above the top of any side window opening	Flashing alternately between 60 to 120 cycles per minute, with an activation period sufficient to allow the lamp to reach full brightness, when actuated by a manual switch. Amber lamps, when

		just inboard of the red lamp.		installed, may only be activated by manual or foot operation, and must be automatically deactivated and the red lamps must be automatically activated when the bus entrance door is opened.
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Daytime Running Lamps Permitted But Not Required on Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses

Daytime running lamp (DRL)	2 identically colored either white, white to yellow, white to selective yellow, selective yellow, or yellow	On the front, symmetrically disposed about the vertical centerline if not a pair of lamps required by this standard or if not optically combined with a pair of lamps required by this standard	Not more than 1.067 meters above the road surface if not a pair of lamps required by this standard or if not optically combined with a pair of lamps required by this standard See S7.10.13(b) for additional height limitation.	Steady burning. Automatically activated as determined by the vehicle manufacturer and automatically deactivated when the headlamp control is in any "on" position. Each DRL optically combined with a turn signal lamp must be automatically deactivated as a DRL when the turn signal lamp or hazard warning lamp is activated, and automatically reactivated as a DRL when the turn signal lamp or hazard warning lamp is deactivated. See S7.10.10.1(c) for additional activation requirements when mounted close to, or combined with, a turn signal lamp.
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TABLE I-b—REQUIRED LAMPS AND REFLECTIVE DEVICES

Lighting device	Number and color	Mounting location	Mounting height	Device activation
ALL TRAILERS				
Turn Signal Lamps	2 Red or amber	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 15 inches, nor more than 83 inches	Flash when the turn signal flasher is actuated by the turn signal operating unit.
Taillamps	2 Red or 1 red on trailers less than 30 inches wide	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable. When a single lamp is installed it must be mounted at or near the vertical centerline	Not less than 15 inches, nor more than 72 inches	Steady burning.
Stop Lamps	2 Red, or 1 red on trailers less than 30 inches wide	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable. When a single lamp is installed it must be mounted at or near the vertical centerline	Not less than 15 inches, nor more than 72 inches	Steady burning. Must be activated upon application of the service brakes. When optically combined with a turn signal lamp, the circuit must be such that the stop signal cannot be activated if the turn signal lamp is flashing. May also be activated by a device designed to retard the motion of the vehicle.

Side Marker Lamps	2 Amber None required on trailers less than 1829 mm [6 ft] in overall length including the trailer tongue	On each side as far to the front as practicable exclusive of the trailer tongue	Not less than 15 inches	Steady burning except may be flashed for signaling purposes.
	2 Red	On each side as far to the rear as practicable	Not less than 15 inches. Not more than 60 inches on trailers 2032 mm or more in overall width	
Reflex Reflectors. A trailer equipped with a conspicuity treatment in conformance with S8.2 of this standard need not be equipped with reflex reflectors if the conspicuity material is placed at the locations of the required reflex reflectors	2 Amber None required on trailers less than 1829 mm [6 ft] in overall length including the trailer tongue	On each side as far to the front as practicable exclusive of the trailer tongue	Not less than 15 inches, nor more than 60 inches	Not applicable.
	2 Red	On each side as far to the rear as practicable		
	2 Red or 1 red on trailers less than 30 inches wide	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable When a single reflector is installed it must be mounted at or near the vertical centerline.		

License Plate Lamp	1 White Additional lamps permitted to meet requirements	On the rear to illuminate license plate from top or sides	No requirement	Steady burning.
Additional Lamps and Reflective Devices Required on all Trailers 30 Feet or Longer				
Intermediate side marker lamps	2 Amber	On each side located at or near the midpoint between the front and rear side marker lamps	Not less than 15 inches	Steady burning except may be flashed for signaling purposes.
Intermediate side reflex reflectors A trailer equipped with a conspicuity treatment in conformance with S8.2 of this standard need not be equipped with reflex reflectors if the conspicuity material is placed at the locations of the required reflex reflectors	2 Amber	On each side located at or near the midpoint between the front and rear side reflex reflectors	Not less than 15 inches, nor more than 60 inches	Not applicable.
Additional Lamps Required on all Trailers 2032 MM or More in Overall Width				
Clearance lamps	2 Amber	On the front to indicate the overall width of the vehicle, at the same height, symmetrically about the vertical centerline May be located at a location other than the front if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle	As near the top as practicable	Steady burning.

	2 Red	On the rear to indicate the overall width of the vehicle, at the same height, symmetrically about the vertical centerline May be located at a location other than the rear if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle	As near the top as practicable, except where the rear identification lamps are mounted at the extreme height of the vehicle. Practicability of locating lamps on the vehicle header is presumed when the header extends at least 25 mm (1 inch) above the rear doors	Steady burning.
	2 Amber to front and red to rear	On a boat trailer the requirement for front and rear clearance lamps may be met by installation at or near the midpoint on each side of a dual facing lamp so as to indicate the extreme width. May be located at a location other than the front and the rear if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle	As near the top as practicable	Steady burning.
Identification lamps	3 Red	On the rear, at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 inches or more than 12 inches apart	As near the top as practicable Practicability of locating lamps on the vehicle header is presumed when the header extends at least 25 mm (1 inch) above the rear doors	Steady burning.

TABLE I-C—REQUIRED LAMPS AND REFLECTIVE DEVICES

Lighting device	Number and color	Mounting location	Mounting height	Device activation
All Motorcycles				
Lower Beam Headlamps	White, of a headlighting system listed in S10.17	On the front, at the same height, symmetrically about the vertical centerline, as far apart as practicable. See additional requirements in S10.17.1.1, S10.17.1.2, and S10.17.1.3	Not less than 22 inches (55.9 cm) nor more than 54 inches (137.2 cm)	The wiring harness or connector assembly of each headlighting system must be designed so that only those light sources intended for meeting lower beam photometrics are energized when the beam selector switch is in the lower beam position, and that only those light sources intended for meeting upper beam photometrics are energized when the beam selector switch is in the upper beam position, except for certain systems listed in Table II.
Upper Beam Headlamps	White, of a headlighting system listed in S10.17	On the front, at the same height, symmetrically about the vertical centerline, as far apart as practicable. See additional requirements in S10.17.1.1, S10.17.1.2, and S10.17.1.3	Not less than 22 inches (55.9 cm) nor more than 54 inches (137.2 cm)	Steady burning, except that may be flashed for signaling purposes.
				The upper beam or the lower beam, but not both, may be wired to modulate from a higher intensity to a lower intensity in accordance with S10.17.5
Turn Signal Lamps	2 Amber. None required on a motor driven cycle whose	At or near the front, at the same height, symmetrically about the vertical centerline, and	Not less than 15 inches, nor more than 83 inches	Flash when the turn signal flasher is actuated by the turn signal operating unit.

	speed attainable in 1 mile is 30 mph or less	having a minimum horizontal separation distance (centerline of lamps) of 16 inches. Minimum edge to edge separation distance between a turn signal lamp and headlamp is 4 inches		
	2 Amber or red. None required on a motor driven cycle whose speed attainable in 1 mile is 30 mph or less	At or near the rear, at the same height, symmetrically about the vertical centerline, and having a minimum horizontal separation distance (centerline to centerline of lamps) of 9 inches		
		Minimum edge to edge separation distance between the turn signal lamp and the taillamp or stop lamp is 4 inches, when a single stop and taillamp is installed on the vertical centerline and the turn signal lamps are red		
Taillamps	1 Red	On the rear, on the vertical centerline except that if two are used, they must be symmetrically disposed about the vertical centerline	Not less than 15 inches, nor more than 72 inches	Steady burning.
				Must be activated when the headlamps are activated in a steady burning state.
Stop Lamps	1 Red	On the rear, on the vertical centerline except that if two are used, they must be symmetrically	Not less than 15 inches, nor more than 72 inches	Steady burning.

		disposed about the vertical centerline		
				Must be activated upon application of the service brakes.
				When optically combined with a turn signal lamp, the circuit must be such that the stop signal cannot be activated if the turn signal lamp is flashing. May also be activated by a device designed to retard the motion of the vehicle.
Reflex Reflectors	2 Amber	On each side as far to the front as practicable	Not less than 15 inches, nor more than 60 inches	Not applicable.
	2 Red	On each side as far to the rear as practicable		
	1 Red	On the rear, on the vertical centerline except that, if two are used on the rear, they must be symmetrically disposed about the vertical centerline		
License Plate Lamp	1 White	On the rear to illuminate license plate	No requirement	Steady burning.
	Additional lamps permitted to meet requirements			Must be activated when the headlamps are activated in a steady burning state.

Table II and additional light standard information is available at web site: https://www.ecfr.gov/cgi-bin/text-idx?node=se49.6.571_1108.

Rules Amending Title 19
Hawaii Administrative Rule

8/27/2020

1. Chapter 133.2 of Title 19, Hawaii Administrative Rules, entitled "Periodic Inspection of Vehicles" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 133.2

PERIODIC INSPECTION OF VEHICLES

Subchapter 1 General Provisions

- §19-133.2-1 Definitions
- §19-133.2-2 Scope of chapter
- §19-133.2-3 Inspection and certification of vehicles
- §19-133.2-4 Administration and enforcement

Subchapter 2 Inspection Stations

- §19-133.2-5 Inspection stations; permits
- §19-133.2-6 Types of inspection station permits
- §19-133.2-7 Application for inspection station permits
- §19-133.2-8 Issuance of inspection station permits
- §19-133.2-9 Inspection station permit form
- §19-133.2-10 Inspector certification

§19-133.2-11 Application for inspector certification
 §19-133.2-12 Issuance of inspector certificates
 §19-133.2-13 Inspector certificate form
 §19-133.2-14 Inspection stations; operating
 procedures
 §19-133.2-15 Inspection records
 §19-133.2-16 Supervision of inspection stations
 §19-133.2-17 Enforcement
 §19-133.2-18 Operating procedures for inspectors
 §19-133.2-19 Supervision of inspectors

Subchapter 3 General Procedure for Inspection

§19-133.2-20 Application for inspection
 certification
 §19-133.2-21 Causes for refusal to inspect
 §19-133.2-22 Inspection fees
 §19-133.2-23 Failure to qualify for certification
 and correction of defects
 §19-133.2-24 Issuance of certificates of inspection
 and affixing of inspection stickers
 §19-133.2-25 Replacement of lost, stolen, or
 destroyed stickers or certificates
 §19-133.2-25.5 Validity period of stickers for new
 vehicles
 §19-133.2-26 Items to be inspected
 §19-133.2-27 Inspection of vehicle registration,
 license plate, vehicle identification
 number, and proof of insurance
 §19-133.2-28 Inspection of steering and suspension
 systems
 §19-133.2-29 Inspection of tires
 §19-133.2-30 Inspection of wheels
 §19-133.2-30.5 Inspection of drive train
 §19-133.2-31 Inspection of brakes
 §19-133.2-32 Inspection of lamps and reflectors
 §19-133.2-33 Inspection of horns
 §19-133.2-34 Inspection of glazing materials
 §19-133.2-35 Inspection of body and interior
 components
 §19-133.2-36 Inspection of exhaust system

- §19-133.2-37 Inspection of intake and fuel system
- §19-133.2-38 Inspection of speedometer-odometer
- §19-133.2-38.5 Special interest vehicles
- §19-133.2-38.6 Motorcycle inspections
- §19-133.2-39 Standards and criteria
- §19-133.2-40 Inspection of trailers
- §19-133.2-40.5 Specific inspection procedures and standards for neighborhood electric vehicles
- §19-133.2-40.6 Inspection of uncertified imported vehicles that are at least 25 years old
- §19-133.2-41 Department of Transportation may contract with counties

Subchapter 4 Severability

- §19-133.2-42 Severability

Historical note. This chapter is based substantially on chapter 19-133.1, Hawaii Administrative Rules. [Eff 3/19/87; R 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; comp 9/30/2018; Comp]

SUBCHAPTER 1

GENERAL PROVISIONS

§19-133.2-1 Definitions. As used in this chapter:

"Ambulance" means a motor vehicle designed and equipped to provide normal and emergency transportation for persons requiring medical care.

"Autocycle" means the same as defined under paragraph (2) of motorcycle in section 286-2, HRS.

"Bus" means the same as defined in section 291C-1, HRS.

"Bumper" means the same as defined in 291.35.1, HRS.

"Certificate of inspection" or "safety inspection certificate" means a certificate printed by a certified inspector indicating that the vehicle passed the minimum requirements of the periodic motor vehicle inspection program and signed by the certified vehicle inspector who performed the inspection.

"Certified vehicle inspector" or "inspector" means a person who possesses a current, valid vehicle inspector certificate issued by the director.

"County agency" means the county department contracted by the director to have the responsibility for supervising, enforcing, and administering the periodic vehicle program in that county.

"Department" means the state department of transportation (DOT).

"Director" means the director of the state department of transportation.

"Electronic inspection form" means a computerized inspection form that lists the components to be inspected and can be filled out by electronic means and then transfer the data to a server immediately upon completion of the inspection; a certificate indicating that the vehicle passed inspection and sticker are then automatically printed.

"Electronic form contractor" means the entity that contracts with the director to implement the electronic form program.

"Glazing materials" means any glass, plastic, or like material, manufactured for use in or on a vehicle, including but not limited to windshields, window openings or interior partitions.

"Gross vehicle weight rating" (GVWR) means the weight of the vehicle plus the weight of the maximum load it is designed to carry.

"Illegal modification" means one that is contrary to what is allowed by law, ordinance or rules, or causes a safety hazard. For example, a blower that restricts the driver's view.

"Inspection station" means a place or person authorized by the director to conduct official vehicle inspections, the responsible operator of which is a

certified inspector and oversees the inspection activities that take place.

"Moped" means the same as defined in section ~~[291C-1]~~286-2, HRS.

"Motorcycle" means the same as defined in section ~~[291C-1]~~286-2, HRS.

"Motor Scooter" means the same as defined in ~~[291C-1]~~286-2, HRS.

"Motor vehicle" means the same as defined in section 286-2, HRS.

"Neighborhood Electric Vehicle" means the same as defined in section ~~[291C-1]~~286-2, HRS.

~~["Official inspection station" or "inspection station" means a person, partnership, or corporation that is authorized and issued a permit by the director to conduct official vehicle inspections.]~~

"Official vehicle inspection" or "inspection" means that inspection of vehicle equipment and components as required by this chapter.

"Passenger car" means the same as defined in section 286-2, HRS.

"Periodic Motor Vehicle Inspections" (PMVI) means the intermittent observation of vehicle equipment at an official inspection station by a certified vehicle inspector for the purpose of evaluating compliance with chapter 19-133.2, HAR.

"Pole trailer" means the same as defined in section 286-2, HRS.

"Rental or U-Drive motor vehicle" means the same as defined in section 286-2, HRS.

"Responsible operator" means a certified vehicle inspector who is the inspection station owner, designated person in charge of the operations of an inspection station, or individual that applied the permit for the inspection station.

"Safety inspection sticker" or "inspection sticker" means an official DOT sticker, which is generally affixed upon the right most nearly vertical portion of the rear bumper indicating the month and year of expiration of the current certificate of inspection.

"Semitrailer" means the same as defined in section

286-2, HRS.

"Special interest vehicle" means the same as defined in section 286-2, HRS.

"State" means the State of Hawaii.

"Sun screening devices" means as defined in section 291-21.3, HRS.

"Taxicab" means any motor vehicle for hire designed to carry seven passengers or less, operating on call or on demand, accepting any passenger with or without baggage for transportation on the public highways as directed to a destination by the passenger or on behalf of the passenger and the charges for service are being recorded by a taximeter, based upon the distance traveled, plus waiting time, if any, or the combination of distance traveled and time elapsed.

"Trailer" means the same as defined in section 286-2, HRS.

"Truck" means the same as defined in section 286-2, HRS.

"Truck-tractor" means the same as defined in section 286-2, HRS.

"Vehicle" means the same as defined in section 286-2, HRS. [Eff 7/31/89; am and comp Dec 02, 2005; comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26, 291-21.5) (Imp: HRS §§286-2, -16, -26, 291-21.5)

§19-133.2-2 Scope of chapter. (a) This chapter shall apply to all motor vehicles and trailers except those which are subject to the motor carrier safety law, part XI, chapter 286, HRS.

(b) This chapter shall also apply to:

- (1) The registered owner of any motor vehicle or trailer operated on the public highways in the State;
- (2) Every person who operates or parks any motor vehicle or trailer on a public highway in the State;
- (3) Every official inspection station; and
- (4) Every person who conducts official vehicle

- inspections.
- (c) This chapter shall not apply to:
 - (1) Any vehicle owned and operated by an agency of the federal government, provided that such vehicle, when operated on the public highways carries a certificate within the vehicle showing that the vehicle has been inspected and certified under an equivalent periodic inspection program operated by the federal government;
 - (2) Military vehicles owned and operated by the armed forces of the United States which are manufactured for, and sold directly to the armed forces in conformity with military contractual specifications; and
 - (3) Farm tractors, implements of husbandry, and special mobile equipment temporarily drawn, moved, or otherwise propelled on the public highways and which are not required to be registered and licensed. [Eff 7/31/89; am and comp Dec 02, 2005; comp 8/13/2011; comp Nov 1, 2013; am and comp 9/30/2018; comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-3 Inspection and certification of vehicles. (a) All ambulances shall be inspected and certified once every six months.

(b) All taxicabs shall be inspected every 12 months.

(c) All other vehicles, including motorcycles, trailers, semi-trailers, and pole trailers shall be inspected and certified every twelve months, except that vehicles over 10,000 pounds GVWR without a DOT exemption from the motor carrier program must be inspected under that program, and new non-motor carrier vehicles shall be inspected on or before the date they are first sold and then every twelve months two years after the date they are first sold. [Eff 7/31/89; am 3/31/94; am and comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; comp 9/30/2018;

comp] (Auth: HRS §§286-18, -26, -202)
(Imp: HRS §286-26, -202)

§19-133.2-4 Administration and enforcement.

(a) The director shall administer and enforce this chapter with respect to the certification of inspection stations, inspectors, and vehicles.

(b) The director shall be responsible for:

(1) Issuing permits for and the furnishing of instructions and necessary forms to official inspection stations, provided electronic inspection form equipment shall be provided by the electronic form contractor;

(2) Supervising and inspecting official inspection stations;

(3) Certifying persons as being authorized to conduct inspections;

~~(3)~~ (4) ~~[Suspending]~~ Fining, suspending or revoking permits issued to a station and certification of persons authorized to conduct inspections whenever the director determines through inspection or investigation that the station or inspector is not properly conducting inspections in accordance with this chapter; and

~~(4)~~ ~~Certifying persons as being authorized to conduct inspections; and~~

(5) Electronic flagging of vehicles that passed inspection when they should have failed or not been inspected at all. These vehicles include off-road vehicles and military vehicles that were not manufactured to comply with FMVSS. This flag shall be placed in the State registration database and the State electronic inspection database. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §286-26) (Imp: HRS §§286-26, -27, -28)

SUBCHAPTER 2

INSPECTION STATIONS

§19-133.2-5 Inspection stations; permits. The director shall be responsible for the following duties with respect to the application for an official inspection station permit:

- (1) Issuing permits designating each inspection station that meets the minimum standards required by this chapter to conduct inspections;
 - (2) Inspecting the station facilities and equipment of each applicant to ensure that the minimum standards required by this chapter are met;
 - (3) Ascertaining that each applicant meets the minimum requirements of this chapter with respect to having an appropriately certified inspector in its employ;
 - (4) Recording the results of all inspections of station facilities and equipment of each applicant;
 - (5) Maintaining a file of all records for each applicant from the date of application till the date of termination;
 - (6) Providing official application forms for an inspection station permit; and
 - (7) Developing and issuing additional forms as may be necessary to administer the issuance of official inspection station permits.
- [Eff 7/31/89; comp Dec 02, 2005; comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; comp] (Auth: HRS §286-26) (Imp: HRS §286-27)

§19-133.2-6 Types of inspection station permits. There shall be two types of inspection station permits to be designated as:

- (1) Public permits - to conduct inspections on all types of vehicles listed on the face of the permit that are presented for inspection; or
- (2) Private permits - to conduct inspections only on those types of vehicles listed on the face of the permit which are owned by and registered to the owner and operator of the official inspection station, or leased for the purpose of conducting the business of the inspection station, provided the business has at least 25 vehicles under the purview of the PMVI program. Any government agency may be a private station. A private station qualification shall be determined by the director. [Eff 7/31/89; comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; comp] (Auth: HRS §286-26) (Imp: HRS §286-27)

§19-133.2-7 Application for inspection station permits. Each applicant or application for certification as an inspection station shall comply with the following:

- (1) Application for the permit shall be made on an official form furnished by the director.
- (2) The applicant shall provide the following information:
 - (A) The registered business name and trade "dba" name, when applicable, of the station;
 - (B) The exact address and location of the applicant's place of business where the inspections will be conducted. (A separate application shall be made for each additional location owned or operated by the applicant which is to be certified as an inspection station);
 - (C) The name of the station owner, manager, or supervisor who is a certified

- vehicle inspector and will be responsible and accountable for the inspections and the performance of the inspections;
 - (D) The applicant's type of business; e.g., service station, car rental, repair shop, automobile dealer;
 - (E) Type of permit requested (public or private);
 - (F) A list of the names and inspector certificate numbers of certified inspectors presently employed by the applicant; and
 - (G) Document that the station location is properly zoned, and station has any required state and county permits or licenses to conduct business as an official inspection station.
- (3) The application for certification as an inspection station shall be signed by a person or persons authorized to execute documents that will bind the applicant.
 [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; comp 9/30/2018; comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -27)

§19-133.2-8 Issuance of inspection station permits. (a) The director shall issue inspection station permits only to those applicant stations which have been certified by the director as meeting the standards set forth in this section.

(b) Each inspection station serving the public shall have a certified vehicle inspector scheduled to be immediately available at the station to conduct vehicle inspections for a minimum total of eight hours each day, five days a week between 6:00 AM and 6:00 PM, except designated holidays.

(c) A supervisor, manager, or owner of each inspection station shall be a certified vehicle inspector.

(d) Each inspection station shall conform to the following requirements:

- (1) The inspection areas shall:
 - (A) Have permanently constructed substantial protection from the weather;
 - (B) Be designated and marked as the inspection area;
 - (C) Be clean and orderly;
 - (D) Have a hard level surface, such as concrete, and be in sound condition. Wood or dirt floors shall not be acceptable; and
 - (E) Have a surface limited to a 2.5 per cent slope (three inches in ten feet); and
 - (F) Have no hazardous conditions that may injure persons or damage the vehicle;
- (2) The total interior floor area and the exterior ground space, including parking areas which are used by the public, shall be free of debris, gravel or other noxious, hazardous substances;
- (3) Every inspection station shall have a vehicle headlamp test area that is flat and level within the calibration limits of the headlamp aim testing equipment; and
- (4) Every inspection station shall have a contract with the electronic form contractor to implement the electronic inspection form program.

(e) Every inspection station shall have the following tools and equipment available and in good working condition at the station location:

- (1) One headlamp testing device, such as a mechanical aimer, optical or photoelectric aiming device, or aiming screen of a type approved by the director (SAE J599);
- (2) One vehicle end lift, vehicle hoist, drive over pit, drive-on ramp or a floor jack having a minimum lift capacity of four thousand pounds along with the required jack

stands to facilitate a complete view of the underside of the vehicle to be inspected and test wheel bearings; if the station has a drive over pit or drive-on ramp, it must also have a floor jack;

- (3) One flashlight or work light capable of illuminating under vehicle or engine compartment inspections;
- (4) A tire tread depth gauge scored in 1/32-inch increments or fifteen centimeters scored in increments of one millimeter;
- (5) A tire pressure gauge marked in pounds per square inch or its metric equivalent; and
- (6) A window light transmittance meter (WTM) with a margin of error no greater than plus or minus six per cent for testing sun screening devices affixed to the glazing materials of the vehicle to be inspected; provided that the items described in paragraphs (2) and (6) shall not be required for stations which limit their vehicle inspections to motorcycles and motor scooters. Private stations that are exempt by the director from testing sun screening devices shall not be required to comply with paragraph (6).

(f) Each inspection station shall obtain and maintain a current paper copy of this chapter in good legible condition for use exclusively at the inspection station.

(g) In accordance with section 286-27(b), HRS, each public inspection station shall provide proof that there is in effect a station liability insurance policy issued to the station owner or operator by an insurance company authorized to do business in the State. If a trade "dba" name is used, the registered business name must be used with it. The policy shall insure the owner or operator and any other employees authorized to inspect vehicles in the minimum amounts of \$10,000 for comprehensive public liability for one person, \$20,000 for one accident, and \$5,000 for

comprehensive property damage. This requirement shall not apply to private stations.

(h) A DSL or higher speed internet connection to accommodate the equipment that is used in the electronic inspection form program. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26, 291-21.5) (Imp: HRS §§286-16, -27, 291-21.5)

§19-133.2-9 Inspection station permit form. (a) The inspection station permit shall be in a form approved by the director.

(b) The following information shall appear on the face of the permit:

- (1) The registered name of the person, partnership, or corporation owning and operating the inspection station;
- (2) The trade "dba" name of the inspection station;
- (3) The address and location of the inspection station;
- (4) A permit control number;
- (5) The date the permit is issued;
- (6) The type of inspection station, public or private (fleet);
- (7) The type or class of vehicles the station is authorized to inspect; and
- (8) The signature of the agent authorized to issue inspection station permits, with the agent's title, typed under the signature.

(c) The permit shall be posted in a conspicuous place at the location where the inspections are conducted[7] and shall be visible to all vehicle owners who present their vehicles for inspection.

(d) The permit shall not be assigned, transferred, or used at any location other than the location listed on the face of the permit as the place where the inspection is to be conducted. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; comp 9/30/2018; am and

comp] (Auth: HRS §§286-18, -26, 291-21.5)
(Imp: HRS §§286-16, -27, 291-21.5)

§19-133.2-10 Inspector certification. The director shall be responsible for:

- (1) Issuing certificates authorizing persons to conduct inspections;
- (2) Administering written and performance examinations for all applicants;
- (3) Recording the results of all examinations;
- (4) Maintaining a record of examination results for a period of one year from the date the applicant took the examination;
- (5) Maintaining a record of examination results for the entire period for which an inspector's certificate is valid;
- (6) Maintaining a file for all inspectors for a period of one year after decertification; and
- (7) Developing and issuing additional forms as may be necessary for administering the inspector certification process. [Eff 7/31/89; comp Dec 02, 2005; comp 8/13/2011; am and comp Nov 1, 2013; comp 9/30/2018; comp] (Auth: HRS §§286-18, -26)
(Imp: HRS §§286-16, -27)

§19-133.2-11 Application for inspector certification. (a) Application or inspector certification shall be made on a form furnished by the director.

(b) The applicant shall provide the following information on the form:

- (1) Type of application (original or renewal);
- (2) Applicant's last name, first name, and middle initial(s);
- (3) Applicant's home address;
- (4) Applicant's telephone numbers and email address;
- (5) Applicant's date of birth;

- (6) Type of valid Hawaii driver license and driver license number of the applicant;
- (7) Applicant's technical licenses or certificates (attach copies);
- (8) Proof of applicant's experience in vehicle inspection, automotive mechanics, automotive maintenance, and related automotive mechanics experience (include names and phone numbers of supervisors);
- (9) Applicant's signature to the declaration that all furnished information is true, and that applicant gives the State and County permission to contact any and all persons necessary to confirm the accuracy of information provided; and that upon certification as an inspector, the applicant shall conduct inspections in accordance with this chapter; and
- (10) The date the application is filed. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -27)

§19-133.2-12 Issuance of inspector certificates.

The director shall issue official vehicle inspector certificates only to those applicants who meet the following minimum standards:

- (1) Be able to read and legibly print the English language and Arabic numerals;
- (2) Be at least eighteen years of age at the time the application is submitted to the director;
- (3) Have a valid Hawaii driver license for the type of vehicle to be inspected;
- (4) Have:
 - (A) One year of training in automotive mechanics, or a related technical field at a school conducting regularly

- scheduled classes; or
- (B) Two years of practical employment experience in automotive maintenance, repair, or inspection; and
- (5) Have completed a written and performance examination administered by the director. Motorcycle and moped inspectors must pass a written and performance examination specific to motorcycles or mopeds. The minimum qualifying score on these examinations shall be eighty per cent. Persons who fail a test must wait at least seven days before taking it again. A written test shall be scheduled after the application is approved. All test scores shall be recorded in the applicant's file and dated. If an applicant fails either the knowledge or practical test, the applicant must then start the testing process all over again, beginning with the knowledge test. Applicants are allowed a maximum of three knowledge or three practical tests in a one-year period. One year after the date of the oldest of the three failed tests, a new test may be given. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; comp] (Auth: HRS §§286-18, -26, 291-21.5) (Imp: HRS §§286-16, -27, 291-21.5)

§19-133.2-13 Inspector certificate form. (a)
The inspector's certificate shall contain the following information:

- (1) The name of the person to whom the certificate is issued;
- (2) The date the certificate is issued; (3) The expiration date of the certification as an

inspector;

- (4) The signature and printed name of the agent authorized to issue the certificate;
- (5) The number of the certificate; and
- (6) The signature of the person to whom the certificate is issued.

(b) Every inspector certificate shall be displayed with the inspection station permit, in a conspicuous place, at the location where inspections are conducted. If the inspector conducts inspections at more than one location, a duplicate inspector's certificate shall be displayed at each additional location.

(c) The inspector's certificate authorizes the inspector to conduct vehicle inspections only for the vehicle types listed (motorcycles must be listed separately) and at the station locations listed on the reverse side of the certificate.

(d) Duplicate inspector certificates may be issued upon satisfactory explanation by the inspector as to what happened to the original certificate. The duplicate certificate shall contain the following information:

- (1) The original certificate control number with the word "duplicate" written after the number; and
- (2) The expiration date specified on the original certificate.

(e) The inspector certificate shall expire four years from the date of issuance, unless revoked or suspended by the director. Inspectors are responsible for keeping certificates current. No reminder notices will be sent to inspectors.

(f) Recertification of inspectors shall conform to the following requirements:

- (1) Application for renewal of certification shall be made by the inspector not more than sixty days prior to the expiration of the certificate; and
 - (2) Recertification shall follow the certification procedure.
- (g) Inspector's certificates issued before the

effective date of this chapter shall be valid for four years from the date of issuance, unless revoked or suspended by the director.

(h) The inspector certificate shall be valid only in the county where it was issued. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -27)

§19-133.2-14 Inspection stations; operating procedures. (a) Official inspection stations shall be operated in accordance with this chapter and the following:

- (1) Inspection stations shall be operated with reasonable regard for the convenience of the public;
- (2) Inspections shall be conducted only at inspection stations which have been issued a permit by the director;
- (3) Inspections shall be conducted only by inspectors who have a valid inspector's certificate; and
- (4) Official inspection stations shall not allow any of their vehicles that are used to conduct business, or any vehicle their employees park at the station to be out of compliance with this chapter. Vehicles that are stored for purposes such as sale, lease or repair at stations are not subject to this paragraph.
- (5) Official inspection stations shall allow agents authorized by the DOT unrestricted access during the times in section 19-133.2-8(d) to inspect equipment, inspect supplies, vehicles being inspected, certified inspectors, inspection areas, or any areas used by the inspection station as part of the inspection operation during any hours of operation for the purpose of supervising, certifying, inspecting, suspending or

revoking permits or certificates, or
monitoring an inspection station.

(b) The director shall provide a way for stations to obtain these rules. The director may require persons receiving rules to pay the cost of those items.

(c) Public inspection stations ~~[may be]~~ shall be required to post a sign clearly visible from a public area, containing the words "Official Vehicle Inspection Station", together with the identifying numbers and letters assigned to that station. The displaying of, size of the sign, and lettering thereon shall conform to all applicable requirements of the county sign ordinance.

(d) Stations shall contract with the electronic form contractor. The electronic inspection form contractor shall collect and compile information inputted by inspectors when they conduct vehicle inspections, print out a completed certificate or vehicle failure notice and a sticker, and transfer the data to a server. The DOT and county officers shall have access to the information contained in the computerized system and be able to use it for PMVI program enforcement purposes.

(e) When photographing the front or rear angle view of a vehicle, all existing windows must be closed. The respective pictures must include the following:

- (1) Front angle photograph of the vehicle must show the windshield, license plate, front bumper, wheels contacting the ground and entire side of the vehicle;
- (2) Rear angle photograph of the vehicle must show the rear and side windows, license plate, rear bumper, and entire opposite side of the vehicle. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §286-18, -26, 291-21.5) (Imp: HRS §§286-16, -27, 291-21.5)

§19-133.2-15 Inspection records. (a) A vehicle certificate of inspection shall be completed and signed by the certified inspector who performs or supervises the inspection for each vehicle inspected.

(b) The inspection station operator shall ensure that the owner of each inspected vehicle receives a completed certificate of inspection and has a sticker affixed to the rear of the vehicle or receives a notice of vehicle failure. [Eff 7/31/89; am 3/31/94; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; comp 9/30/2018; comp]
(Auth: HRS §§286-17, -26, 291-21.5) (Imp: HRS §§286-16, -27, 291-21.5)

§19-133.2-16 Supervision of inspection stations. The director shall exercise supervisory control over all inspection stations. This supervisory function shall include, but not necessarily be limited to the following activities:

- (1) Issuing instructions and any forms as may be required for:
 - (A) Proper use of the electronic inspection form equipment;
 - (B) The proper entry of data by inspection station operators;
 - (C) The use and condition of inspection station facilities and equipment used in the inspection of vehicles;
- (2) Monitoring and inspecting inspection stations to:
 - (A) Evaluate the procedures used in the inspection of vehicles;
 - (B) Evaluate the condition of vehicle inspection facilities and equipment used in vehicle inspections;
 - (C) Evaluate the condition and accuracy of test equipment used in vehicle inspections;
- (3) Analyzing official vehicle inspection data to evaluate the performance of inspection stations and take appropriate action as may

- be indicated;
- (4) Preparing and maintaining appropriate records for each inspection station; and
 - (5) Preparing a report at the end of each quarter covering periodic vehicle inspection activities. This report shall contain, but is not necessarily limited to, the following:
 - (A) The number of vehicle inspection station investigations conducted;
 - (B) The number of official inspection station permits suspended;
 - (C) The number of official inspection station permits revoked;
 - (D) The number of active official inspection stations;
 - (E) The number of inspector certificates suspended;
 - (F) The number of inspector certificates revoked;
 - (G) The number of active certified inspectors;
 - (H) The number of inspectors investigated;
 - (I) The number of inspection stations monitored; and
 - (J) The number of inspectors monitored.
- [Eff 8/31/89; comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; comp 9/30/2018; comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -27)

§19-133.2-17 Enforcement. The director shall fine, suspend or revoke inspection [~~station permits~~] stations or [~~inspector certificates~~] inspectors in accordance with this chapter and chapter 19-133.5, when it finds that an inspection station or inspector is not in compliance with the appropriate rules. The director shall adopt rules pursuant to chapter 91 HRS, to govern finest, suspensions and revocations. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp

8/13/2011; am and comp Nov 1, 2013; comp
9/30/2018; am and comp] (Auth: HRS
§§286-18, -26, -28) (Imp: HRS §§286-16, -27, -28)

§19-133.2-18 Operating procedures for inspectors. Inspectors shall conduct all inspections in accordance with this chapter and the following:

- (1) No person shall claim to be an inspector or issue any official inspection certificate and sticker unless that person possesses a current, valid, inspector certificate to conduct inspections of the vehicle type and at the inspection station location indicated on the certificate;
- (2) Certified inspectors shall be the only persons authorized to fill out and sign the inspection certificate and issue and affix an inspection sticker to a vehicle after successful completion of the inspection;
- (3) A certified inspector may be assisted by a noncertified person when conducting an inspection, provided that the noncertified person and inspector must work together and at the same time on the same vehicle when doing ~~[the]~~ an inspection as a means of training a potential inspector. Persons being trained to be a certified inspector must take the inspector test no later than thirty days after the start of training. If the person fails the test, the person is no longer considered to be in training and shall not assist with inspections;
- (4) Any inspector, working at a public inspection station, shall not require unnecessary repairs, make excessive charges, or act abusively to customers seeking inspection certification for their vehicles; ~~[and]~~
- (5) Certified inspectors shall not allow their personal vehicles that they park at the inspection station of their employment to be

out of compliance with motor vehicle equipment and inspection rules and laws[~~÷~~];
and

- (6) Certified inspectors shall not make modifications to any vehicle that would make the vehicle noncompliant with motor vehicle inspection rules and laws. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -27)

§19-133.2-19 Supervision of inspectors. The director shall exercise control over all inspectors. This supervisory function shall include, but is not necessarily limited to, the following activities:

- (1) Examining and qualifying all inspector applicants;
(2) Issuing forms as may be required;
(3) Monitoring inspection activities of inspectors; and
(4) Conducting investigations of reported or suspected improper inspection activities.
[Eff 7/31/89; comp Dec 02, 2005; comp 8/13/2011; am and comp Nov 1, 2013; comp 9/30/2018; comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -27)

SUBCHAPTER 3

GENERAL PROCEDURE FOR INSPECTION

§19-133.2-20 Application for inspection certification. (a) Any vehicle owner or operator shall be allowed to make an appointment with any public inspection station for inspection of a vehicle. ~~[The appointment shall be scheduled within fifteen days after the date of application for inspection.]~~

(b) Any vehicle owner or operator shall not be obligated to have any repair work performed at the station where the inspection is made.

(c) Modified or reconstructed vehicles shall be required to meet all county agency reconstructed vehicle inspection requirements other than the registration requirements for the county in which it is operated prior to the inspection done pursuant to this chapter. [Eff 7/31/89; am and comp Dec 2, 2005; am and comp 8/13/2011; comp 11/1/2013; comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-21 Causes for refusal to inspect. An inspection station may refuse to inspect any vehicle which contains foul or obnoxious material or whenever the performance of any visually inspectable component cannot readily be determined because of an accumulation of dirt, grease, or other foreign material. [Eff 7/31/89; comp Dec 02, 2005; comp 8/13/2011; comp Nov 1, 2013; comp 9/30/2018; comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-22 Inspection fees. (a) The director shall determine the maximum fee to be paid to the inspection station by the vehicle owner for the inspection of a vehicle. This fee shall include the administrative and enforcement fees paid to the DOT by the inspection station operator, and a fee for the electronic inspection form program.

(b) When an application for certification of inspection is made at an inspection station, an inspector may first collect the inspection fee, then conduct the inspection pursuant to this chapter using the electronic form checklist to perform the inspection.

(c) If more than thirty days have elapsed since the applicant vehicle failed to qualify for certification, a complete inspection shall be made of

the entire vehicle, and the full fee for another inspection may be charged by the inspector.

(d) An inspection station may charge a maximum fee determined by the director for the replacement of destroyed, stolen or lost inspection certificate and sticker.

(e) An inspector may charge the following inspection fees:

- (1) Automobiles and trucks - not more than \$25.00 plus tax;
- (2) Motorcycles and trailers - not more than \$17.00 plus tax;
- (3) The director shall collect from the operator of an official inspection station no later than seven calendar days after the end of the month the sum of \$1.70 per vehicle inspection from the above charged fees which shall be expended for administrative and enforcement purposes. The director may arrange for this fee to be collected by the electronic form contractor along with the contractor's fee and forwarded to DOT; ~~and~~
- (4) The electronic form contractor shall collect monthly from the operator of an official inspection station no later than seven calendar days after the end of the month a fee of no more than \$1.34 per vehicle inspected and replacement sticker and certificate issued and;
- (5) A fee of not more than \$6.34 (\$1.34 of which is due to the electronic forms contractor) may be charged by the operator of an inspection station for replacement of destroyed or lost inspection sticker or certificate, both of which will be replaced with the same transaction. [Eff 7/31/89; am 3/31/94; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-23 Failure to qualify for certification and correction of defects. (a) When a vehicle fails to pass an inspection for certification in accordance with this chapter, a notice of inspection failure shall be signed and the authorized sticker shall not be affixed to the vehicle.

(b) A signed notice of failed inspection with the inspector's number shall be given to the applicant after the inspection, so that corrective repairs may be done on the vehicle.

(c) If the applicant refuses to have the corrective repairs done immediately, the applicant shall have thirty days to have the deficiencies corrected and returned to the station for reinspection of the defective items without additional cost.

(d) If, after corrective repair within the thirty-day period, the vehicle is found to qualify for certification, the certificate of inspection shall be completed by the inspector and issued to the applicant and a sticker affixed to the vehicle in accordance with this chapter. If a different inspector passes the vehicle after inspecting the defects, that inspector's number shall be placed in the other "Inspector Number" boxes on the form. No additional fee shall be charged.

(e) This section does not authorize anyone to operate a vehicle on the public highways without a valid certificate of inspection or with an expired certificate. [Eff 7/31/89; am 3/31/94; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-24 Issuance of certificates of inspection and affixing of inspection stickers. (a) When the vehicle's equipment is inspected pursuant to this chapter and found to qualify for certification, the certificate of inspection shall be signed by the inspector who performed the inspection.

(b) After the certificate of inspection is signed, an inspection sticker shall be affixed by the inspector upon the right, most nearly vertical portion of the rear bumper of the vehicle or on another appropriate place, such as, a special bracket installed under the right portion or center of the rear bumper or a bracket attached to the rear license plate oriented so the sticker can be clearly viewed by a person who is fifty feet behind the vehicle. The rear window or the face of the license plate is not an appropriate place. If the bracket is attached vertically, month number must be above the year number.

(c) All expired or replaced inspection stickers appearing on the vehicle shall be removed and destroyed, unless the driver requests that the new sticker be placed over the old one in such a way that only the new one is visible.

(d) Inspection computers, scanners, printers and supplies shall not be transferred to another inspection station nor shall the inspection sticker or certificate be issued by an unauthorized person or issued at any location other than where the inspection is authorized to be conducted. If a business discontinues being a PMVI station, the electronic form contractor shall remove all free equipment and unused supplies it provided to the station.

(e) Inspection computer, scanner, printer and supplies in the station inventory shall be securely stored. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; comp] (Auth: HRS §§286-18, -26, 291-21.5) (Imp: HRS §§286-16, -26, 291-21.5)

§19-133.2-25 Replacement of lost, stolen, or destroyed stickers or certificates. (a) Inspection stickers or certificates which have been lost, stolen, or destroyed shall be replaced without reinspection by the inspection station that issued the original

inspection certificate and sticker provided that the current certificate of inspection shall not have expired and no readily obvious defects exist at the time replacement is requested.

(b) Reinspection shall be required if there is no evidence of a current inspection and issuance of a certificate of inspection.

(c) The inspector shall access the electronic inspection file to print a new sticker and certificate; the computer will make an electronic note of the date when a replacement sticker and certificate were issued. [Eff 7/31/89; am 3/31/94; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-25.5 Validity period of stickers for new Vehicles. New vehicles shall be inspected on or before the date of their first sale but shall not be required to have annual inspections as provided in section 286-26(b), HRS until two years after the initial inspection. [Eff and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-26 Items to be inspected. Evidence of the vehicle's registration and the following original equipment items meeting requirements on the date of manufacture of the vehicle, plus all additional items subsequently required or permitted to be installed that require inspection, shall be inspected on all passenger vehicles, trucks, trailers, buses, and motorcycles presented for inspection:

- (1) Steering and suspension systems;
- (2) Tires;
- (3) Wheels;
- (4) Brakes;
- (5) Lamps and reflectors;
- (6) Horns;

- (7) Glazing materials (windshield and windows);
- (8) Body and interior components;
- (9) Exhaust system;
- (10) Intake and fuel system;
- (11) Speedometer-odometer; and
- (12) Drive train.

Vehicles must be inspected in the station inspection bay, except vehicles returning for reinspection after a failure need not be inspected in the bay, unless a failed item cannot be tested outside of the bay.

Trailers and vehicles too large to fit in the bay may also be inspected while out of the bay. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; comp 9/30/2018; am and comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-27 Inspection of vehicle registration, license plate, vehicle identification number, and proof of insurance. (a) The vehicle license number, body type and vehicle identification number (VIN) shall be inspected for agreement with the body type and corresponding numbers shown on the current year's valid registration certificate. An original of the Hawaii motor vehicle insurance identification card (an electronic card as described in section 431:10C-107, HRS is considered an original, provided the card may be accessed directly through the licensed insurer's website, application, or database) or a certificate of self-insurance issued by the State of Hawaii Insurance Commissioner is also required. Out-of-state vehicles must have an original Hawaii insurance identification card and a current temporary or permanent Hawaii registration. License plates shall be inspected for condition, legibility, proper location and security of mounting. Documents for registration, insurance, motor carrier exemption, when applicable, and reconstructed vehicle permit, when applicable shall be photographed by the inspector and stored in the repository of the electronic form contractor;

(b) No certificate of inspection shall be issued if any of the following occurs:

- (1) There is no proof of a current Hawaii registration certificate or a current original vehicle insurance identification card, a fleet insurance card or certification of self-insurance is not available; Fleet vehicles owned by a leasing company do not need the name on the fleet insurance document to match the name on the registration document.
- (2) The VIN on the vehicle is not in agreement with the VIN on the registration certificate and VIN on the vehicle insurance identification card;
- (3) License plate numbers or validation sticker numbers are not in agreement with the registration certificate;
- (4) Any license plate cannot be illuminated per 291-31, HRS, is missing [~~249-7(b), HRS~~], loosely or improperly mounted (so that it swings or can be removed without tools), not legible, or obscured from visibility~~[-]~~, not located in the place provided by the manufacturer, or in the absence of such a location upon the bumper (Section 249-7(b), HRS).
- (5) The description of the vehicle on the insurance card does not match the registration, for example, if the insurance describes the vehicle as a 2 door Volkswagen and it is registered as a street rod replica dune buggy, the insurance shall be defective. [Eff 8/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-28 Inspection of steering and suspension systems. (a) The steering and suspension systems shall be inspected for excessive play,

binding, damages, worn parts, wheel bearing looseness, missing components and illegal modifications.

(b) No certificate of inspection shall be issued if any of the following occurs:

- (1) There is excessive steering wheel or handlebar free play;
- (2) The steering wheel or handlebar binds or locks-up when turning from right stop to left stop;
- (3) The steering linkages or tie rod ends are excessively worn indicated by looseness when the front wheels are not supporting any weight;
- (4) The steering linkages are damaged;
- (5) Suspension system components, are visibly excessively worn, missing, broken, or out of proper adjustment;
- (6) Suspension system attachments or mounting bolts are damaged, excessively worn, improperly installed, or of the wrong type or size;
- (7) Shock absorbers must be installed and must not have severe fluid leaks (slight dampness is ok) or loose or broken mountings;
- (8) Steering wheel is replaced with one with a diameter less than 13 inches or with a wheel that is not OEM or OREP. On Oahu, vehicles with a modified steering wheel that is not OEM or OREP must have a reconstructed vehicle certification before passing the inspection of this chapter; and
- (9) The power steering pump mounting is loose, or the belt is badly worn or has improper tension (greater than 1/2-inch movement with about 10 pounds of thumb pressure between two pulleys). [Eff 7/31/89; am 3/31/94; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-29 Inspection of tires. (a) Tires shall be inspected for wear, damage, proper size, type, and tread configuration.

(b) No certificate of inspection shall be issued if any of the following occurs:

- (1) A tire is worn so that less than 2/32-inch tread remains when measured in any two adjacent major grooves or the tread wear indicators in any two adjacent major grooves are level with the tread surface (minimum tread depth for motorcycle tires is 1/32-inch);
- (2) A tire has bumps, bulges, cuts, snags, knots indicating partial failure or structure separation, cracks in excess of one inch in any direction and deep enough to expose the cords, tire aging and degradation are evidenced by many ~~small~~ cracks on the side wall and the tire is more than ten years old, or is regrooved or recut below original depth. A tire which is specifically designed and marked for regrooving shall not be grounds for a refusal to issue a certificate if it is regrooved or recut below original depth; provided that the tire does not suffer from any of the other foregoing defects;
- (3) Tires of different sizes or types (bias ply and radial) are mix mounted on the same axle, disregarding brand name or tread design;
- (4) A tire has a load capacity rating less than that recommended by the vehicle manufacturer or less than one half of the Gross Axle Weight Rating (GAWR) of the axle on which it is mounted, or can rub or touch other parts of the vehicle when operated;
- (5) A tire does not display the "DOT" symbol on the sidewall, is marked or manufactured "For Farm Use Only", "Off-Highway Use only", "For Racing Use only", or other nonpublic road use;

- (6) A tire is not marked with the standard automotive size designation, does not have highway-type design treads, or the tire tread is equipped with metal studs;
- (7) A tire is mounted on a rim of a size other than what is recommended by the tire manufacturer. The burden of proof is on the vehicle owner; and
- (8) A tire has severe sidewall cracking that exposes chord fabric; a tire with severe sidewall cracking should be failed even without chord exposure, if it is over 10 years of age. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-30 Inspection of wheels. (a) Wheels shall be inspected for damage, missing parts, and security of mounting.

(b) No certificate of inspection shall be issued if any of the following occurs:

- (1) Wheel bolts, nuts, studs, or lugs are loose, missing, or damaged;
- (2) A wheel is bent, cracked, repaired by welding or brazing, damaged, or has elongated or oversize mounting holes; or
- (3) Wheel rims or locking rings are mismatched, damaged, bent, sprung, cracked, repaired by welding or brazing, or improperly installed. [Eff 7/31/89; comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-30.5 Inspection of drive train. The drive train shall be inspected for damage that could

lead to a part failure or compromise performance. No certificate of inspection shall be issued if:

- (1) Any constant velocity (CV) joint boot is worn or damaged to the extent that it is leaking or missing. A slight leaking caused by the clamps not achieving a perfect seal is not cause for failure;
- (2) Any component is severely damaged, worn or insecurely mounted;
- (3) Starter operates with gear selector in a forward or reverse gear (automatic transmission only). This paragraph applies only to initial start-up for vehicles with automatic start/stop technology; or
- (4) Adjustable wheel bearings are not properly adjusted and secured as indicated by excess movement when alternating pressure is applied to the top and bottom of an unloaded wheel. Fail the bearings if there is 1/8-inch or more movement and the bearings make a grinding sound when wheel is moved. Properly adjusted bearings that are in good condition allow virtually no movement. Bearings designed to allow movement allow no more than .005 inch of end play. Non-adjustable bearings should have no play.
[Eff and comp 8/13/2011; comp Nov 1, 2013; am and comp 9/30/2018; am and comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-31 Inspection of brakes. (a) Service and parking brake systems shall be inspected for parts and performance.

(b) No certificate of inspection shall be issued if any of the following occurs:

- (1) The brake pedal height decreases when the pedal is depressed, and light pulsating pressure is applied to the brake pedal;
- (2) Excessive brake pedal travel (more than one inch) is required to apply brakes, or the

- reserve distance between the pedal and the floor is less than 1.5 inches;
- (3) The steering wheel moves abruptly to left or right of center or the brake response suggests that the pads are worn too low (such as screeching of pad wear indicator) or the rotors are warped (such as pulsating brake pedal) when the brake is applied at four to eight miles per hour on a clean, smooth, level, dry, hard surface or the brake pad wear warning light is lit;
 - (4) There is visible indication of hydraulic fluid leakage around reservoir, cylinders, calipers, backing plates, tubing, hoses, or connections;
 - (5) The parking brake, when applied on a level dry surface, cannot hold the vehicle in place with transmission in low range and engine RPM increased to double idle RPM, or the brake failure warning light does not go out when the parking brake is released~~[7]~~. Some vehicles with electric parking brakes (EPB) can be checked in a similar manner, but if a vehicle has a system that deactivates the EPB when the accelerator is pressed, the brakes can be checked by activating them when the vehicle is moving about 2 or 3 mph.
 - (6) Required brake hardware is incomplete or not properly installed;
 - (7) Brake hose or line is mounted in a manner that will cause premature wear or failure;
 - (8) There is no downward movement of the brake pedal when engine starts (use this criterion only if the vehicle has a vacuum assist brake booster installed);
 - (9) The brake pad wear warning light remains illuminated after the computer completes its checks when the ignition is turned on;
 - (10) A brake rotor has substantial cracks extending to the edge; disc is deeply scored or grooved, the friction surface is

- contaminated with oil, grease or brake fluid; or
- (11) Brake tubing or hose is damaged so as to significantly hinder the flow of fluid or it is leaking. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-32 Inspection of lamps and reflectors.

- (a) Lamps and reflectors shall be inspected for function, location, color, brightness, and damage. Headlamps shall, in addition, be tested for aim and operation, and operation of the high beam indicator.
- (b) No certificate of inspection shall be issued if any of the following occurs:
- (1) Any required lamp or reflector (See Exhibit A) is missing, damaged so that light shines directly through the damaged portion of the lens (placing tape over the damaged portion of the lens is not adequate to pass the inspection) or moisture is present inside the lens, not properly installed, not of an approved type or color, obscured in any manner, inoperable, or any lens is covered with material that will diminish the function of the lens so as to put it out of conformance with Federal Motor Vehicle Safety Standards and County ordinance (the burden of proof of conformance is on the vehicle owner);
 - (2) The reverse light stays on in any gear position other than reverse;
 - (3) Headlamps are not of equal candle power and cannot produce a light sufficient to reveal any person or object straight ahead for a distance of two hundred feet;
 - (4) Headlamps are not properly aimed or the headlamps or ballast is not certified to comply with FMVSS 108, Table III. Imported

- (5) vehicles that are at least 25 years old are not required to have the DOT marking, provided the headlamp is the same as or equal to the original. If the vehicle has the steering wheel on the right side of the car, the headlamps must be properly aimed for driving on the right side of the road;
- (5) The high beam lamp or indicator lamp is inoperative; ~~or~~
- (6) Headlamp height is lower than 22 inches or higher than 54 inches~~[-]~~; or
- (7) The vehicle has a lamp that casts red light toward oncoming traffic, or casts blue light that is visible to traffic, except on authorized vehicles. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-33 Inspection of horns. (a) Horns shall be inspected for operation and audibility.

(b) No certificate of inspection shall be issued if any of the following occurs:

- (1) A horn is inoperative or not appropriately audible;
- (2) The location of the horn switch is not readily accessible to the operator; or
- (3) Sirens, bells and other excessively loud warning devices, such as air horns (on small vehicles) are installed, except on emergency vehicles. [Eff 7/31/89; am and comp Dec 02, 2005; comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-34 Inspection of glazing materials.

(a) Vehicle glazing materials (windshield and window

glass or other materials) shall be inspected as follows:

- (1) Glass, plastic, or other material used in windshields and windows shall be inspected for type, damage, obstruction, and tinting;
- (2) The window adjacent to the driver shall be inspected for operability (so that in the event of a turn signal malfunction, hand signals can be made);
- (3) Any aftermarket sun screening device installed on the glazing material shall be inspected with a window light transmittance meter certified by its manufacturer for conformance with the minimum light transmittance requirements under section 291-21.5, HRS. The meter readings shall be photographed and recorded as a comment and retained in the inspection database; and
- (4) Any sun screening device installed on a windshield that does not have an AS-1 mark, may be no more than 4 inches below the top of the windshield, when measured from the middle point of the bottom edge of the top windshield molding.
- (5) Inspection photographs shall be taken with all windows in the closed position, unless the windows are inoperative and noted as such.

(b) No certificate of inspection shall be issued if any of the following occurs:

- (1) Glazing materials required by law or rules are not present in specified locations;
- (2) Glazing materials installed on a vehicle do not comply with the standards set forth in:
 - (A) Title 49, Chapter V, Part 571, subpart 205, section 571.205 of the Code of Federal Regulations [~~as it existed on August 12, 1998~~] that existed on the date the vehicle was manufactured;
 - (B) American National Standard, 226.1-1977, approved January 26, 1977 and supplemented by 226.1a-1980, approved

- July 3, 1980; or
- (C) Society of Automotive Engineers Handbook, section J1203, as this publication existed on February 11, 1993;
- (3) Non-transparent materials are used in place of the required type of glazing materials;
 - (4) The window adjacent to the driver cannot be lowered to the down position (other windows are not required to be operable and a vehicle may be passed with open spaces where glazing was originally installed, except that vehicles built on a car, truck or bus chassis must have a windshield);
 - (5) Decals or stickers are displayed on the glazing material in areas not permitted by law, ordinances, or rules;
 - (6) There is damage to the windshield that adversely affects driving visibility;
 - (7) There is damage to the windows to the immediate left or right of the driver, or to the rear that adversely affects driving visibility;
 - (8) Any window is broken and has sharp, exposed edges;
 - (9) Sun screening
 - (A) The sun screening device applied to the glazing material does not comply with the minimum light transmittance requirements under section 291-21.5, HRS, provided any sun screening applied to the windshield in the AS-1 area must have 70% light transmittance as indicated by the meter; inspectors are not to add six percentage points to the reading as is done on the side and rear windows;
 - (B) All official inspection stations shall possess and use a window light transmittance meter to inspect the aftermarket sun screening device affixed to the vehicle's glazing

material for compliance with the minimum light transmittance requirement under section 291-21.5, HRS[~~—[The fee for this test shall be as set forth in section 19-133.2-22(f)(4)]~~];

- (C) No inspector shall use a window light transmittance meter to certify light transmittance unless the meter has been certified for performance and accuracy by the manufacturer to accurately measure light transmittance with a margin of error that conforms to section 291-21.5, HRS. Each official inspection station is responsible for ensuring that all window light transmittance meters used by its inspectors accurately measure light transmittance with a margin of error that is no greater than plus or minus six percent; or
- (10) A rear window with aftermarket tinting on 2013 model year vehicles and newer has tint over the portion through which the high mounted stop light shines. [Eff 7/31/89; am 3/31/94; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp]
(Auth: HRS §286-18, -26, 291-21.5) (Imp: HRS §§286-16, -26, 291-21.5)

§19-133.2-35 Inspection of body and interior components. (a) Body and interior components shall be inspected as follows:

- (1) Exterior and interior rear view mirrors shall be inspected for location, field of view, condition, mounting, ease of adjustment, holding the adjustment, and exposed sharp edges;
- (2) Windshield wipers and washers shall be inspected for proper operation, blade size

- and condition, and missing or damaged components;
- (3) Body parts shall be inspected for damage, looseness, improperly assembled parts, illegal modifications or replacement parts, protrusions that have potential for causing damage, or the vehicle frame or unibody structure has visible collision damage, serious rust damage, cracks, dents or modifications that could, in the inspector's opinion, compromise the structural integrity of the vehicle;
 - (4) Bumpers shall be inspected for installation, condition, hazardous protrusions, sharp edges, and conformance with the requirements pursuant to section 291-35.1, HRS (22 inches maximum height for cars, 29 inches for vehicles with a GVWR of 4,500 pounds or less, 33 inches for GVWR of 4,501 pounds through 7,500 pounds, and 35 inches for GVWR of 7,501 pounds through 10,000 pounds) and County ordinances that require both front and back bumpers. The vehicle frame rail, measured from a level ground surface to the bottom of the vehicle frame rail, shall not exceed the bumper height of section 291-35.1, HRS, and the maximum distance between the vehicle body and the frame rail shall not exceed three inches;
 - (5) Fenders shall be inspected for proper installation, condition, looseness, size (tire treads must be covered), hazardous protrusions, sharp edges, and illegal modifications;
 - (6) Doors shall be inspected for operations and primary and secondary latching. Forward opening hood or trunk lids shall be inspected for proper operation and condition of the latch, secondary or safety catch, and latch release mechanism;
 - (7) Seats shall be inspected for proper installation, operation of the adjustment

mechanism, and condition of anchor bolts. Seat belts and shoulder harness, when required, shall be inspected for condition of belt webbing, missing belts, inoperative buckles, loose, missing, or unfastened belt anchorages, altered or modified seat belt anchorages, and belts that do not comply with FMVSS 209. Seat belt retractors shall be inspected for proper functioning;

- (8) A vehicle equipped with air bags may pass inspection if the bags are not fully functional, provided the seat belts pass inspection and a warning that there is a problem with the supplemental restraint system is printed on the inspection certificate;
 - (9) Battery must be properly secured, free of leaks and wires free of potential short circuits;
 - (10) Floor pan shall be capable of supporting passengers and cargo and preventing exhaust gas from leaking into occupant compartment; and
 - (11) Vehicle frame or unibody structure shall be visually inspected for any collision damage, serious rust damage, cracks, dents or any modifications that could, in the inspector's opinion, compromise the structural integrity or safe operation of the vehicle.
- (b) No certificate of inspection shall be issued if any of the following occurs:
- (1) Any rear-view mirror required by the vehicle's FMVSS certification, law or ordinance is insecurely mounted, missing, offers unsafe interference with the driver's vision or does not provide a clear view of the highway for a distance of at least two hundred feet to the rear of the vehicle; a mirror does not hold adjustment. If a vehicle's FMVSS certification was made with two or three mirrors, the vehicle must have two or three mirrors to pass inspection;

- (2) Windshield wipers and washers:
 - (A) Are inoperative;
 - (B) Wipe too slow;
 - (C) Have blades that smear or severely streak the windshield after five cycles;
 - (D) Have blades that do not completely clear water from wiped area;
 - (E) Have blades that are of improper size; or
 - (F) Have parts of wiper arms missing or damaged to the extent that performance is impaired;
- (3) Any body parts are improperly installed, dislocated, or protruding from the exterior surface of the vehicle presenting a safety hazard; on Oahu only, the body was modified significantly but there is no reconstructed vehicle inspection sticker and permit;
- (4) Bumpers:
 - (A) Do not conform with the requirements of the law (section 291-35.1, HRS);
 - (B) Are not securely installed or mounted; or
 - (C) Are damaged to the extent that sharp edges or protrusions are hazardous to persons accidentally coming in contact with the bumper;
 - (D) A lift is installed that makes the distance between the vehicle body and the frame rail exceed three inches;
- (5) Fenders:
 - (A) Do not cover the entire width of the tire tread when viewed from above the fender and cover that portion of the tire circumference from vertical to 75 degrees to the rear of a vertical line through the center of the wheel hub;
 - (B) Are missing, not permanently attached or not made of material that will withstand the intended use; or

- (C) Are damaged to the extent that sharp edges or protruding portions could inflict additional injury to someone hit by the vehicle;
- (6) Door:
 - (A) Does not latch in the fully closed position; the primary or secondary latch does not function properly;
 - (B) Is missing;
 - (C) Is not properly installed; or
 - (D) Will not operate properly;
- (7) The floor pan is rusted through to the extent that:
 - (A) The occupants or cargo would not be adequately supported; or
 - (B) Exhaust fumes can enter the interior of the vehicle;
- (8) Seats that:
 - (A) Are not securely fastened to the floor;
 - (B) Have seat adjusting mechanisms that slip out of the set position;
 - (C) Have seat belt assemblies which are not securely anchored or the original anchorage position has been relocated, altered or modified;
 - (D) Have seat belt webbings that are deteriorated or frayed to the extent that belt effectiveness appears to be significantly compromised;
 - (E) Have seat belt buckles which do not function properly;
 - (F) Have a seat belt assembly missing on vehicles required by law to have that assembly; or
 - (G) Have seat belts that are not an approved type do not comply with FMVSS
 - (H) 209 or parts are missing from the seat belt assembly;
- (9) The vehicle frame or unibody structure has visible collision damage, serious rust damage, cracks, dents or modifications that could, in the inspector's opinion,

- compromise the structural integrity of the vehicle; or
- (10) Battery and wiring:
- (A) Battery is not properly mounted to the vehicle or terminals are severely corroded;
 - (B) A wire connection is loose or wire insulation is damaged so it has potential for causing a short circuit; or
 - (C) Battery is leaking, not securely mounted to the vehicle with battery securing hardware, or a cell vent cap is missing. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp]
(Auth: HRS §§286-18, -26, 291-11.6)
(Imp: HRS §§286-16, -26, 291-11.6)

§19-133.2-36 Inspection of exhaust system. (a) Exhaust system components shall be inspected for condition, damage, installation, leakage of gases, missing or exposed parts.

(b) No certificate of inspection shall be issued if the exhaust system components are leaking, not securely fastened, required component parts are missing, equipped with exhaust cut-outs or by-pass or similar devices, the muffler emits excessive noise, or exhaust gas is not exiting beyond the passenger compartment, unless such exit was designed by the original motor vehicle manufacturer. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; am and comp 9/30/2018; comp]
(Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-37 Inspection of intake and fuel system. (a) Intake and fuel system units, including filler tubes, filler caps, and hoses shall be

inspected for proper location, connection, security of installation, leakage, and damage.

(b) No certificate of inspection shall be issued if any of the following occurs:

- (1) Any part of the system is not securely and permanently fastened;
- (2) There is liquid fuel leakage at any point in the system;
- (3) Fuel tank filler cap is missing or does not fit properly; or
- (4) Tubes or lines are damaged so as to restrict free flow of fuel. [Eff 7/31/91; comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; am and comp 9/30/2018; comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-38 Inspection of speedometer-odometer.

(a) The speedometer-odometer shall be inspected for proper operation. Indicated vehicle mileage (miles or kilometers) shall be recorded on the inspection certificate. If a speedometer is installed in a vehicle that is less than 25 years old, it must display speed in miles per hour.

(b) No certificate of inspection shall be issued if the odometer is not functioning or the speedometer does not have gradation marks for miles per hour. [Eff 7/31/89; comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-38.5 Special interest vehicles.

Special interest vehicles shall be inspected the same as other vehicles except for the following[+]. If there is a conflict between this chapter and section 286-26.5, HRS, section 286-26.5, HRS shall prevail.

- (1) Street rod vehicles and street rod replica vehicles are required to have the following equipment:
 - (A) Hydraulic service brakes on all wheels;

- (B) Sealed beam or halogen headlights;
- (C) Turn signals and a turn signaling switch;
- (D) Safety glass or Lexan windshield;
- (E) Electric or vacuum windshield wiper located in front of the driver;
- (F) Standard or DOT/SAE approved taillights;
- (G) A parking brake that operates on at least two wheels on the same axle;
[and]
- (H) Seat belt assembly as provided in section 291-11.6 HRS; and

~~[(2) This chapter requires special interest vehicles to be inspected for the following:~~

- ~~(A) Horn (as required by county codes);~~
- ~~(B) Mirror (as required by county codes);~~
- ~~(C) Odometer;~~
- ~~(D) High beam indicator if equipped with both high and low beam; and~~
- ~~(E) The description of the vehicle on the insurance card must match the registration; for example, if the insurance describes the vehicle as a 2 door VW and it is a street rod replica dune buggy, the insurance shall be failed; and~~

~~(3) Equipment requirement clarifications:
Windshield]~~

(I) Other equipment must comply with this chapter where applicable. Windshield washers, bumpers, hoods, door handles, and fenders are optional equipment. If a bumper or hood is installed, it must be inspected.

(2) Special interest vehicles that are neither a street rod nor a street rod replica shall comply with the applicable requirements of this chapter, except for FMVSS requirements.

[Eff and comp 9/30/2018; am and comp]
(Auth: HRS §§286-18, -26, -26.5) (Imp: HRS
§§286-16, -26, -26.5)

§19-133.2-38.6 Motorcycle inspections. (a) In general, motorcycles are inspected the same way as other vehicles. Autocycles shall be inspected using applicable criteria for both motorcycle and car inspections. The following failure criteria need special attention when inspecting a motorcycle:

- (1) Wheel alignment can be checked by making three parallel lines one inch apart on the floor. The lines should be twice the length of a motorcycle. Center the wheels on the centerline and observe tracking of the rear wheel as the motorcycle is moved forward on the centerline. If the rear wheel alignment of a two-wheel motorcycle, in relation to tracking the front wheel, is misaligned by one inch or more, or not within the manufacturer's specifications, it is a failure;
- (2) In addition to the normal criteria, the vent tube of a motorcycle battery must not drip on the drive chain, or belt;
- (3) A three-wheeled motorcycle must have a parking brake;
- (4) Brake levers must have a little free play and not contact the handle grip when fully depressed. They must move smoothly and snap to the resting position when released;
- (5) A clutch lever must have a little free play and not touch the handlebar prior to full clutch disengagement; it must spring back to the rest position when released;
- (6) A motorcycle must have a properly working engine kill switch if it was manufactured after September 1, 1974;
- (7) All tire treads must be covered with fenders;

- (8) Final drive belts and chains must be adjusted to manufacturer's specifications. Drive shafts must not leak. Sprockets must be free of damaged, hooked, or missing teeth;
- (9) Footrests must be securely mounted for all riders[7] and must fold upward or rearward and upward when not in use. Seats or saddle must be securely mounted; side-by-side seating requires seat belts;
- (10) The fuel petcock, if present, must be able to move to all three positions;
- (11) The motorcycle stand must hold up the motorcycle and continue to hold it when turning the handlebar from stop to stop. The handlebar must not be more than 15 inches above the portion of the saddle occupied by the operator; and
- (12) The swing arm must not have play or have damage that adversely affects tracking.

(b) In addition to the applicable criteria in paragraph (a) above, the following vehicle inspection criteria shall be used where applicable for inspecting an autocycle:

- (1) §19-133.2-27, Inspection of vehicle registration, license plate, vehicle identification number, and proof of insurance;
- (2) §19-133.2-28, Inspection of steering and suspension systems;
- (3) §19-133.2-29, Inspection of tires;
- (4) §19-133.2-30, Inspection of wheels;
- (5) §19-133.2-31, Inspection of brakes;
- (6) §19-133.2-32, Inspection of lamps and reflectors;
- (7) §19-133.2-33, Inspection of horns;
- (8) §19-133.2-35(a) (1) and (b) (1), Mirrors: exterior and interior rear view mirrors;
- (9) §19-133.2-35(a) (2) and (b) (2), Wipers (if present);
- (10) §19-133.2-35(a) (5) & (b) (5), Fenders;

- (11) §19-133.2-35(a) (6) and (b) (6), Doors (as applicable);
- (12) §19-133.2-35(a) (7) and (b) (7), Seats and seat belts (as applicable);
- (13) §19-133.2-35(a) (9) and (b) (10), Battery;
- (14) §19-133.2-35(a) (10) and (b) (7), Floor pan;
- (15) §19-133.2-36 Inspection of exhaust system;
- (16) §19-133.2-37 Inspection of intake and fuel system; and
- (17) §19-133.2-38 Inspection of speedometer-odometer. [Eff and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26, -26.5) (Imp: HRS §§286-16, -26, -26.5)

§19-133.2-39 Standards and criteria. In addition to the criteria listed in this chapter, the following standards may be used for vehicle inspections: 49 CFR Parts 570 and 571 as they existed on ~~[October 1, 2008]~~ the date the vehicle was manufactured, except for imported uncertified vehicles that are at least 25 years old. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; am and comp 9/30/2018; am and comp] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -26)

§19-133.2-40 Inspection of trailers. (a) Trailers with a gross weight of 3,000 pounds or less must be failed if they do not have the following:

- (1) Two rear reflectors, one on right and one on left;
- (2) A stop light if the towing vehicle stop light is blocked from view;
- (3) Light illuminating license plate;
- (4) Fenders, covers or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle; and

- (5) Safety chains or cables and accompanying coupling and mounting devices with an ultimate strength equal at least to the gross weight of the trailer.
- (b) Trailers with a gross weight greater than 3,000 pounds must fail inspection if they do not have the following:
 - (1) Two front clearance lamps, one on each side (24 to 60 inches high, unless the trailer is less than 24 inches high);
 - (2) Two side marker lamps on each side (front and rear); in darkness, they must be visible 200 feet from vehicle;
 - (3) Two rear clearance lamps, one on each side;
 - (4) Two side reflectors on each side (front and rear): in darkness, they must be visible 200 feet at night with upper beam headlamps shining on them;
 - (5) Two rear reflectors on each side;
 - (6) At least one stoplight visible night or day for 100 feet;
 - (7) Light illuminating license plate;
 - (8) Brakes that are actuated from the tow vehicle, and in the event of a breakaway, the brakes must self-actuate;
 - (9) Fenders, covers or devices, including flaps or splash aprons, unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle; or
 - (10) Safety chains or cables and accompanying coupling and mounting devices with an ultimate strength equal at least to the gross weight of the trailer. [Eff and comp 9/30/2018; comp] (Auth: HRS §§286-18, -26, -26.5) (Imp: HRS §§286-16, -26, -26.5, 291-31)

§19-133.2-40.5 Specific inspection procedures and standards for neighborhood electric vehicles. In general, neighborhood electric vehicles and other electric vehicles are inspected the same way as other vehicles; when an item is not applicable, the item on the inspection sheet is left blank. The following specific items need special attention when inspecting a neighborhood electric vehicle (NEV).

- (1) Intake & Fuel System: Although an electric vehicle has no intake system, it does have a fuel system of batteries, which must not leak or have excessive corrosion on the terminals. The batteries must be secure, the terminal connections tight and cell caps in place. Batteries must also be separated from occupants and be vented[-];
- (2) Headlamps: High beams are not required for neighborhood electric vehicles. If the regular headlamps operate correctly, a check is placed in the inspection sheet "appd" box;
- (3) Warning lamps: It is not a federal or state requirement for neighborhood electric vehicles to have 4-way flashers. The boxes are left blank to indicate that the item is not applicable;
- (4) Window Tint: Tint inspection will usually not be made on these vehicles, because they typically have only a windshield. Light transmittance of a strip of tint above the AS-1 mark near the top of the windshield is not measured; however, tint cannot encroach the AS-1 portion. Should a later model vehicle have windows in addition to the windshield, they must comply with section 291-21.5, HRS;
- (5) Windshield: A NEV may have either an AS-1 or AS-5 windshield;
- (6) Windshield wipers: These are not required on NEVs;
- (7) Rear View Mirrors: NEVs are required to have an exterior mirror on the driver's side

- and either an interior rear-view mirror in the middle or an exterior mirror on the passenger side;
- (8) Door Latches: NEVs have no doors;
 - (9) Hood Latches: NEVs usually do not have forward opening hood or trunk lids. Some models have latches on the front "hood", which covers the motor and two batteries. Some earlier models have screws that hold this cover in place. Neither of these is forward opening. The boxes of the inspection sheet will be blank if the item is not applicable, or marked apvd or defect as appropriate;
 - (10) Seat belts: NEVs may use either Type 1 or Type 2 seat belts. A Type 1 seat belt assembly is a lap belt for pelvic restraint. A Type 2 seat belt is a combination of pelvic and upper torso restraints;
 - (11) Bumpers: NEVs are not required to have a bumper. If a NEV has a bumper, it must be inspected in accordance with section 19-133.2-35(b) (4);
 - (12) Speedometer and Odometer: NEVs are not required to have either, but nearly all NEVs have both a speedometer and an odometer. The ignition must be turned on to read the speedometer. The meter alternates between showing the vehicle speed and the percent of battery charge. When the ignition is turned off, the odometer will be displayed briefly. Record the odometer reading when it is available;
 - (13) NEVs are required by section 291C-130, HRS to have a triangular slow moving vehicle emblem displayed at the rear. The triangular emblem must be 14 inches high and 16 inches wide, mounted with the base down and at a height of not less than three nor more than five feet from the ground to base; and

- (14) NEVs must have a permanently attached or painted sign that is visible to the driver stating that the vehicle must not be driven on roads with a speed limit greater than 35 mph and that the NEV may not travel faster than 25 mph. [Eff and comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; am and comp 9/30/2018; comp] (Auth: HRS §§286-16, -26, 291C-134) (Imp: HRS §§286-16, -26, 291C-134)

§19-133.2-40.6 Inspection of uncertified imported vehicles that are at least 25 years old. These vehicles must comply with this chapter, except for components and markings required by FMVSS. Headlamps are required to be properly aimed for use in the U.S.A. Stock vehicles that lack domestically required equipment, such as side marker lamps, may pass inspection. [Eff and comp] (Auth: HRS §§286-16, -26, 291C-134) (Imp: HRS §§286-16, -26, 291C-134)

§19-133.2-41 Department of transportation may contract with counties. The department may contract with the counties for administrative, enforcement services, and implementation of this chapter. [Eff 7/31/89; comp Dec 02, 2005; comp 8/13/2011; comp Nov 1, 2013; comp 9/30/2018; comp] (Auth: HRS §§286-16, -17, -18, -27) (Imp: HRS §§286-16, -17, -18, -27)

SUBCHAPTER 4

SEVERABILITY

§19-133.2-42 Severability. If any portion of this chapter is held invalid or any reason, the invalidity shall not affect the validity of the remainder of the chapter." [Eff and comp Dec 02,

2005; comp 8/13/2011; comp Nov 1, 2013; comp
9/30/2018; comp] (Auth: HRS §286-18) (Imp:
HRS §286-18)

2. Material, except source notes, to be repealed
is bracketed and has strikethrough font. New material
is underscored.

3. The adoption of chapter 19-133.2, Hawaii
Administrative Rules, shall take effect ten days after
filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the
rules, drafted in the Ramseyer format, pursuant to the
requirements of section 91-4.1, HRS, which were
adopted on, _____ and filed with the
Office of the Lieutenant Governor.

JADE T. BUTAY
Director of Transportation

APPROVED AS TO FORM:

DEPUTY ATTORNEY GENERAL

III. New Business – Before Public Hearing

B. Discussion and Action on the Proposed Amendments to HAR Title 19 Chapter 133.5 Fine, Suspension or Revocation of an Official Inspection Station or Inspector's Certification, promulgated by DOT

**PRE-PUBLIC HEARING SMALL BUSINESS IMPACT STATEMENT
TO THE**

SMALL BUSINESS REGULATORY REVIEW BOARD

(Hawaii Revised Statutes §201M-2)

RECEIVED

By SBRRB at 8:35 am, Sep 21, 2020

Date: 9/18/2020

Department or Agency: Department of Transportation/ MVSO

Administrative Rule Title and Chapter: 19-133.5, HAR

Chapter Name: Fine, Suspension or Revocation of an Official Inspection Station or Inspector's Certification

Contact Person/Title: John Lovstedt, Highway Safety Manager

E-mail: john.lovstedt@hawaii.gov Phone: 808-692-7655

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7?

☐

Yes

☒

No

If "Yes," provide details: _____

I. Rule Description:

☐

New

☐

Repeal

☒

Amendment

☐

Compilation

II. Will the proposed rule(s) affect small business?

☒

Yes

☐

No

(If "No," no need to submit this form.)

* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

* "Small business" is defined as a "for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii." HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

☐

Yes

☒

No

(If "Yes" no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))

☐

Yes

☒

No

(If "Yes" no need to submit this form.)

*

*

*

If the proposed rule affects small business and are not exempt as noted above, please provide a reasonable determination of the following:

1. Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected.

Small business gas stations (663 statewide) that conduct periodic motor vehicle inspections for state certification must comply with these rules. Act 73, SLH 2018 required inspection stations to be fined three times before imposing a suspension. See attached - Page 2, 5th & 6TH paragraphs.

2. In dollar amounts, the increase in the level of direct costs such as fees or fines, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.

19-133.5, HAR contains the fine schedules in section 6. Based on suspensions issued in 2019 & 20, the statewide total fine income is estimated at \$17K per year. Stations and inspectors who comply with the rules and laws will not be affected by these rules.

If the proposed rule imposes a new or increased fee or fine:

- a. Amount of the current fee or fine and the last time it was increased.

No current fines.

- b. Amount of the proposed fee or fine and the percentage increase.

See 19-133.5-6, HAR for fine schedules

- c. Reason for the new or increased fee or fine.

Act 73, SLH 2018 requires stations to be fined three times before being suspended.

- d. Criteria or methodology used to determine the amount of the fee or fine (i.e.,

Consumer Price Index, Inflation rate, etc.).

See attached, last 2 paragraphs of Page 1 of document, "Proposed changes to 19-133.5, HAR 9-11-2020."

3. The probable monetary costs and benefits to the agency or other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used.

There will be no cost to the DOT to collect the fines. The stations and inspectors will suffer a cost, but if they obey the rules, the cost can be avoided.

The revenue from fines is estimated to be \$17,000 per year. It will be deposited in a motor vehicle services account in the DOT Highways Division and spent on operations.

4. The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, modification of the fines schedule, performance rather than design standards, exemption, or other mitigating techniques.
All the inspection stations are small businesses, but there is a wide range of inspection volumes between stations. When developing the fine schedules, an effort was made to prevent the fine from being onerous for a low volume station while making it uncomfortable for the high volume stations.
5. The availability and practicability of less restrictive alternatives that could be implemented in lieu of the proposed rules.
None
6. Consideration of creative, innovative, or flexible methods of compliance for small businesses. The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules.
Same as question 4 above. Efforts were made to make the rules more clear and easy to understand.
7. How the agency involved small business in the development of the proposed rules.
The stations and inspectors were not involved in developing the fine schedules. An attorney from the AG's office and a representative from DOT worked together on this.
 - a. If there were any recommendations made by small business, were the recommendations incorporated into the proposed rule? If yes, explain. If no, why not.
No recommendations for these rules were made by inspectors or station managers. However, the owner of a station was responsible for the introduction of the bill that became Act 73. Working with the AG attorney was expedient for this initial task. Others can comment at the public hearings.

8. Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard.

The proposed amendment does not contain anything more stringent regarding penalties than federal or local regulations.

If yes, please provide information comparing the costs and benefits of the proposed rules to the costs and benefits of the comparable federal, state, or county law, including the following:

- a. Description of the public purposes to be served by the proposed rule.
NA
- b. The text of the related federal, state, or county law, including information about the purposes and applicability of the law.
NA
- c. A comparison between the proposed rule and the related federal, state, or county law, including a comparison of their purposes, application, and administration.
NA
- d. A comparison of the monetary costs and benefits of the proposed rule with the costs and benefits of imposing or deferring to the related federal, state, or county law, as well as a description of the manner in which any additional fees from the proposed rule will be used.
NA
- e. A comparison of the adverse effects on small business imposed by the proposed rule with the adverse effects of the related federal, state, or county law.
NA

* * *

Small Business Regulatory Review Board / DBEDT

Phone: (808) 586-2594 / Email: DBEDT.sbrrb.info@hawaii.gov

This Statement may be found on the SBRRB Website at: <http://dbedt.hawaii.gov/sbrrb/resources/small-business-impact-statements>

Proposed changes to 19-133.5, HAR – 9-11-2020

§19-133.5-2(1):

The title of the rules is changed to include the word “Fine.”

§19-133.5-2(2):

Adds minimum fines to the penalties for both station and inspector infractions. This is in response to Act 73, SLH 2018.

§19-133.5-3:

Corrects the erroneous reference number 19-134 to 19-133.5. Also deleted eight definitions (certificate of inspection, certified vehicle inspector, County agency, department, director, official inspection station, official vehicle safety inspection, and safety inspection stickers), which are not needed here, because they are in 19-133.2, HAR. The definitions of three classes of penalties were combined into two classes: major and minor. This was done for simplicity. The term serious infraction is deleted.

§19-133.5-4:

This section is deleted and rewritten with the title of Notice of infraction and service of notice. The most significant change is that the notice of infraction can be for a station or an inspector. The sample notice is also amended.

§19-133.5-5:

This section is also deleted and rewritten. The new section provides procedures to be followed when a notice of infraction is issued. These procedures are updated to accommodate the electronic forms and new penalties brought about by Act 73, SLH 2018.

§19-133.5-6:

This section is also deleted and rewritten. The new section provides a schedule for fines, suspensions and revocations for both inspectors and stations. The changes were brought about by Act 73, SLH 2018. Although Act 73 only lists fines for stations, section 286-16 and -18, HRS give the director authority to develop rules necessary to implement the program. Since the Legislature established fines for stations, which are managed by certified inspectors, fines for inspectors are also included in these rules. Fines are generally a less severe penalty than suspensions.

Act 73 requires fines but does not provide amounts. When the program was originally established, the consensus of the stakeholders was that suspensions and revocations would be the most equitable way of imposing penalties for infractions. This is because the number of inspections conducted by the 663 stations statewide varies greatly. When the penalties are based on suspensions, their impact is relatively the same for each station regardless of the volume of inspections conducted. For instance, if one station generates an income of \$1,000 per month and another station generates \$3000 per month, a penalty of a one-month suspension will result in a loss of income for one month. When a fine is imposed, this relative equality disappears. For example, a \$500 fine for the first station represents 50% of a month's income, but it is only 17% of the second station's income. The fine amounts were established in an effort to provide at least a modicum of equitability between stations.

§19-133.5-7:

This section is deleted and rewritten. The title is unchanged. The most significant change is making it mandatory for the director to reject a petition that fails to provide the basis for the petition or facts supporting the basis of the petition. However, it is not mandatory to reject the petition if it is incomplete or illegible.

§19-133.5-8:

This section is amended to extend the period in which to notify the petitioner of an intent to hold a hearing from 14 calendar days to 21 calendar days. The additional time is needed, because the DOT must coordinate with at least three agencies to decide on a hearing. Prior commitments of personnel involved can slow the process significantly.

§19-133.5-9:

This section is amended by changing the word “hearings” to singular to clarify that a different hearing officer can be used for different hearings. It also limits the petitions to be heard to only those accepted by the director of transportation. The section also gives explicit authority to conduct remote hearings.

§19-133.5-10:

This section is amended by clarifying that the hearing officer is not required to reside in the community of the petitioner. This simplifies the process of selecting a hearing officer. There is also clarification that the hearing officer must review relevant evidence and testimony presented regarding the notice of infraction.

§19-133.5-11:

This section is amended to include the possibility of a fine in the hearing officer’s report to the director.

Rules Amending Title 19
Hawaii Administrative Rules

1. Chapter 133.5 of Title 19, Hawaii Administrative Rules, entitled "Fine, Suspension or Revocation of an Official Inspection Station or Inspector's Certification" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 133.5

FINE, SUSPENSION OR REVOCATION OF AN OFFICIAL
INSPECTION STATION OR INSPECTOR'S CERTIFICATION

Subchapter 1 General Provisions

§19-133.5-1	Scope
§19-133.5-2	Purpose
§19-133.5-3	Definitions

Subchapter 2 Suspension and Revocation Procedures

§19-133.5-4	Notice of Infraction and service of notice
§19-133.5-5	Procedures upon receipt of notice of an infraction
§19-133.5-6	Amount of fine and length of suspension or revocation of inspectors and stations

§19-133.5-2

Subchapter 3 Hearing Procedures

- §19-133.5-7 Petition for hearing
- §19-133.5-8 Notice of intent to hold hearing and
notice of hearing
- §19-133.5-9 Hearing officer
- §19-133.5-10 Duties of the hearing officer
- §19-133.5-11 Disposition of petition
- §19-133.5-12 Appeal to circuit court

Subchapter 4 Severability and Effective Date

- §19-133.5-13 Severability
- §19-133.5-14 Effective date

SUBCHAPTER 1

GENERAL PROVISIONS

§19-133.5-1 Scope. This chapter shall apply to every official inspection station and every person who conducts official vehicle safety inspections. [Eff 7/31/89; comp] (Auth: HRS §§286-17, 28)
(Imp: HRS §286-28)

§19-133.5-2 Purpose. The purpose of this chapter is to establish:

- (1) Minimum criteria relating to suspension or revocation of an official inspection station permit or a certified vehicle inspector's certification;
- (2) Minimum ~~[period]~~ finest and periods of suspension or revocation for various infractions; and
- (3) Hearing practices and procedures for aggrieved persons. [Eff 7/31/89; am and comp] (Auth: HRS §§286-17, 28)
(Imp: HRS §286-28)

~~[\$19-134-3]~~ §19-133.5-3 Definitions. The definitions in chapter 19-133.2, HAR apply to this chapter. As used in this chapter:

~~["Certificate of inspection" or "safety inspection certificate" means a completed inspection checklist of vehicle components or testing of sun screening devices which was used to conduct inspection required by chapter 10-133.2, and signed by the certified vehicle inspector who performed the inspection.~~

~~"Certified vehicle inspector" or "inspector" means a person who possesses a current, valid inspector certificate and a certificate to test sun screening devices issued by the DOT.~~

~~"County agency" means the county department contracted by the department as having responsibility for administering, enforcing, and supervising the official safety inspection program in that county.~~

~~"Department" means the state department of transportation (DOT).~~

~~"Director" means the state director of transportation.]~~

"Inspection equipment" means the equipment required by every inspection station to conduct official vehicle safety inspections in accordance with chapter 19-133.2, Hawaii Administrative Rules (HAR).

- ~~["Major infraction" means but is not necessarily limited to the following discrepancies:~~
- ~~(1) Defective inspection equipment;~~
 - ~~(2) Failure to notify DOT of change in inspection station address;~~
 - ~~(3) Failure to notify DOT of change in ownership or management of the inspection station;~~
 - ~~(4) Failure to properly equip or maintain required inspection equipment to conduct vehicle inspections.~~
 - ~~(5) Permitting unauthorized person(s) to inspect, issue or affix inspection stickers to a vehicle;~~
 - ~~(6) No certified vehicle inspector employed;~~
 - ~~(7) Failure to retain inspection station's copy of the safety inspection certificate for a~~

- ~~period of one year after date of inspection;~~
~~or~~
(8) ~~Presigning inspector's signature on unused~~
~~certificate of inspection.]~~

"Major infraction" means but is not necessarily limited to the following:

- (1) Allowing an uncertified person who is not officially in training to assist the certified inspector with inspections. A trainee must officially register at the County PMVI office before assisting an inspector during inspections;
- (2) Charging customers excessive inspection fees;
- (3) Expired comprehensive public liability insurance coverage;
- (4) Failure to cooperate with a County officer or State DOT PMVI representative attempting to monitor the inspection activities at the station;
- (5) Failure to inspect the vehicle as required by sections 19-133.2-21, -22, -24, -27 through -38, -38.5(2), -38.6, -40, -40.5, and -40.6;
- (6) Failure to monitor inspectors to ensure they are taking proper photographs and inspecting in accordance with this chapter and chapter 19-133.2, HAR. Any inspector suspended for more than sixty days is considered a failure to monitor by the station;
- (7) Failure to maintain in working order required inspection equipment to conduct vehicle inspections;
- (8) Failure to properly mark the floor location where headlamp aiming is performed;
- (9) Failure to remove and properly dispose of expired inspection stickers after removal unless driver requests to have new sticker placed over the old one;
- (10) Failure to maintain employment of a certified vehicle inspector;

- (11) Failure to maintain valid inspection station comprehensive public liability insurance coverage;
- (12) Permitting an unauthorized person to inspect, issue or affix an inspection sticker to a vehicle. Only a certified inspector may affix a sticker to a vehicle, provided a vehicle inspector certifies that the vehicle was inspected and it passed the appropriate requirements of chapter 19-133.2, HAR;
- (13) Unauthorized or improper use of electronic inspection form equipment or software;
- (14) Unauthorized certification of a vehicle that is required to be inspected in the motor carrier program.
- (15) Failure to notify DOT of circumstances that preclude conducting an inspection in accordance with these rules.
- (16) Failure to pay the electronic form contractor by the deadline specified in the contract between the station and the contractor.

~~["Minor infraction" means but is not necessarily limited to the following discrepancies:~~

- ~~(1) Failure to notify DOT of inspector's change in employment status;~~
- ~~(2) Failure to properly complete the certificate of inspection;~~
- ~~(3) Failure to display inspection station permit or inspector certificate in a conspicuous place at the location where the inspections are conducted;~~
- ~~(4) Failure to maintain a safe and clean environment in the inspection area;~~
- ~~(5) Failure to submit monthly inspection report by the deadline date;~~
- ~~(6) Failure to store inspection stickers in a locked and secure location; and~~
- ~~(7) Failure to properly mark the floor location where headlamp aiming is to be performed.]~~

"Minor infraction" means but is not necessarily

limited to the following:

- (1) Failure to display inspection station permit or inspector certificate in a conspicuous place at the location where the inspections are conducted;
- (2) Failure to maintain a safe and clean environment in the inspection area;
- (3) Failure to maintain the minimum required hours of operation of eight hours per day, five days per week between 6:00 A.M. and 6:00 P.M.;
- (4) Failure to notify DOT of change in inspection station address within ten calendar days;
- (5) Failure to notify DOT of change in ownership or management of the inspection station within ten calendar days;
- (6) Failure to notify DOT of inspector's change in employment status within ten days;
- (7) Failure to properly mark all the appropriate inspection items in the electronic inspection form and take required photographs;

~~["Official inspection station" or "inspection station" means a person, partnership, or corporation that is authorized and issued a permit by the DOT to conduct official vehicle inspections.~~

~~"Official vehicle safety inspection" or "inspection" means that safety inspection or vehicle equipment and components including testing of minimum light transmittance of sun screening devices as required by chapter 19-133.2.~~

~~"Safety inspection stickers" or "inspection stickers" means a two-part sticker which is generally affixed upon the right most nearly vertical portion of the rear bumper indicating the month and year of expiration of the current certificate of inspection or the sun screening device inspection sticker affixed to the glazing material in accordance with chapter 19-133.2-34(b) (8).~~

~~"Serious infraction" means but is not necessarily limited to the following discrepancies:~~

- ~~(1) Unauthorized transfer of inspection stickers from one inspection station to another inspection station;~~
- ~~(2) No valid inspection station comprehensive public liability insurance coverage;~~
- ~~(3) Expired comprehensive public liability insurance coverage;~~
- ~~(4) Failure to remove and properly dispose of expired inspection stickers after removal;~~
- ~~(5) Failure to inspect the vehicle as required by chapter 19-133.2; and~~
- ~~(6) Unauthorized issuance of inspection stickers.] [Eff 7/31/89; am and comp] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)]~~

SUBCHAPTER 2

SUSPENSION AND REVOCATION PROCEDURES

~~[§19-133.5-4 Notice of violation. (a) The department may issue discretionary warning notices by certified mail or hand delivered to the responsible operator of an inspection station or to their certified vehicle inspector for committing any minor infractions pursuant to this chapter. Repeated minor infractions shall be cause for suspension or revocation of a permit or certification. All letters and notices provided for in these rules shall be deemed to have been received three days after they are mailed. The forms for a Notice of Violation letter are located at the end of this chapter and are designated as Notice of Violation — Safety Inspector Certificate Station dated April 7, 1992 and Notice of Violation — Inspection Station Permit dated April 7, 1992.]~~

§19-133.5-4 Notice of infraction and service of notice. (a) The director may issue a notice of infraction for a major or minor infraction defined in this chapter committed by a certified vehicle inspector or observed at an official inspection

station. The director may alternatively issue a discretionary warning notice in place of the notice of infraction for the first infraction only.

(b) The director shall suspend or revoke a station permit or inspector certification for repeated infractions committed by a certified vehicle inspector or observed at an official inspection station.

(c) The notice of infraction or discretionary warning notice shall be delivered by certified mail or in person to the station owner, manager, supervisor, or responsible operator of an inspection station or to any of its certified vehicle inspectors.

(d) Letters and notices provided for in these rules shall be deemed to have been received three business days after they are mailed by certified mail.

(e) The form for a Notice of Infraction is located at the end of this chapter. [Eff 7/31/89; am 3/314/94; am and comp] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)

~~[§19-133.5-5 Notice of suspension or revocation; surrender of safety inspection stickers and authorization to continue performing inspections. (a) Suspension and revocation notices shall be sent by certified mail or hand delivered to the responsible operator of an inspection station or the certified vehicle inspector for committing a major pursuant to chapter 19-133.2, HAR or following a second warning notice of a minor infraction.~~

~~(b) Revocation notices shall be sent by certified mail or hand delivered to the responsible operator of an inspection station or the certified vehicle inspector for committing a serious infraction or following a second suspension notice.~~

~~(c) A form of the notice of suspension or revocation is located at the end of this chapter and designated as Notice of Suspension/Revocation dated April 7, 1992.~~

~~(d) Upon receipt of a suspension or revocation order by certified mail or hand delivery, the responsible operator of an inspection station or the~~

~~certified vehicle inspector shall promptly surrender all unused inspection stickers and certificates of inspection in inventory, and the inspection station permit and/or the inspector's certificate to the agency that issued the notice of suspension or revocation. The agency shall record all surrendered items in writing and provide the station operator or inspector with a copy of the record.~~

~~(e) In cases where only the certified vehicle inspector is suspended, the inspector's certificate shall be the only item to be surrendered.~~

~~(f) After the suspension is lifted, items surrendered shall be returned to the inspection station operator or certified vehicle inspector, whichever the case may be and authorization to perform inspection shall be restored.~~

~~(g) Unused certificates of inspection with an inspector's signature shall be confiscated upon discovery by the DOT representative conducting the station inspection. Confiscated materials shall be used as evidence and destroyed upon final disposition of the alleged violation.]~~

§19-133.5-5 Procedures upon receipt of notice of an infraction. (a) Within ten calendar days following the receipt of a notice of an infraction, the station owner, manager, supervisor, responsible operator of an inspection station, certified vehicle inspector, or applicant who was granted the permit for the station must:

- (1) Pay the fine, correct the infraction of chapter 19-133.2, HAR that resulted in the notice of infraction, and provide verification to the department; or
- (2) Petition the department for a hearing to challenge the notice of infraction.

(b) If payment and verification or a petition under paragraph (a) is not received by the department within ten calendar days following a receipt of a notice of an infraction, the department may immediately reinspect the station and issue a new notice of infraction if the infraction remains, or if a certified vehicle inspector is fined, prohibit the

inspector from inspecting vehicles until payment or an arrangement for installment payments is made.

(c) If a petition for a hearing is made within ten days, the station or inspector shall be permitted to operate pending the outcome of the hearing. Information contained in the electronic inspection form repository may be used as evidence of an alleged infraction. [Eff 7/31/92; am 3/31/94; am and comp] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)

~~[§19-133.5-6 Length of suspension or revocation of inspectors. The length of suspension or revocation shall be based on, but not limited to, the following schedule:~~

- ~~(1) Two minor infractions during a six month period will be cause for a minimum of a thirty-day suspension;~~
- ~~(2) One major infraction will be cause for a thirty day suspension;~~
- ~~(3) Three minor infractions during a six month period will be cause for a sixty day suspension;~~
- ~~(4) Two major infractions during a twelve month period will be cause for a ninety day suspension;~~
- ~~(5) Four minor infractions during a six month period will be cause for a ninety day suspension;~~
- ~~(6) Three major infractions during a two year period will be cause for a one hundred eighty day suspension;~~
- ~~(7) One serious infraction one [year] month suspension;~~
- ~~(8) Two or more serious infractions will be cause for revocation.~~

~~An indefinite suspension may be imposed for failure to comply with a specific requirement. The suspension shall be lifted if the Department determines that the specific requirement has been satisfied and complied with. [Eff 7/31/89; am~~

~~3/31/94] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)]~~

§19-133.5-6 Amount of fine and length of suspension or revocation of inspectors and stations.
(a) The fine, length of an inspector suspension, or revocation shall be based on, but not limited to, the following schedule:

Inspector Minor Infraction Penalties

<u>Number of Infractions</u>	<u>Period</u>	<u>Fine Amt</u>	<u>Suspension</u>	<u>Revocation</u>
<u>1</u>	<u>6-Months</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>2</u>	<u>6-Months</u>	<u>\$50</u>	<u>0</u>	<u>0</u>
<u>3</u>	<u>9-Months</u>	<u>\$75</u>	<u>0</u>	<u>0</u>
<u>4 or more</u>	<u>12-Months</u>	<u>\$100</u>	<u>0</u>	<u>0</u>

Inspector Major Infraction Penalties

<u>Number of Infractions</u>	<u>Period</u>	<u>Fine Amt</u>	<u>Suspension</u>	<u>Revocation</u>
<u>1</u>	<u>1-Year</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>2</u>	<u>1-Year</u>	<u>\$50</u>	<u>0</u>	<u>0</u>
<u>3</u>	<u>2-Years</u>	<u>%75</u>	<u>0</u>	<u>0</u>
<u>4</u>	<u>3-Years</u>	<u>\$100</u>	<u>0</u>	<u>0</u>
<u>5</u>	<u>4-Years</u>	<u>0</u>	<u>1-Year</u>	<u>0</u>
<u>6</u>	<u>5-Years</u>	<u>0</u>	<u>0</u>	<u>Revocation</u>

(b) The station fine, length of suspension, or revocation shall be based on, but not limited to, the following schedule:

Station Minor Infraction Penalties

<u>Number of Infractions</u>	<u>Period</u>	<u>Fine Amt</u>	<u>Suspension</u>	<u>Revocation</u>
<u>1</u>	<u>6-Months</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>2</u>	<u>1-Year</u>	<u>\$100</u>	<u>0</u>	<u>0</u>
<u>3</u>	<u>1-Year</u>	<u>\$250</u>	<u>0</u>	<u>0</u>
<u>4</u>	<u>2-Year</u>	<u>\$500</u>	<u>0</u>	<u>0</u>
<u>5</u>	<u>3-Year</u>	<u>\$750</u>	<u>0</u>	<u>0</u>
<u>6</u>	<u>4-Year</u>	<u>\$1000</u>	<u>0</u>	<u>0</u>
<u>7</u>	<u>5-Year</u>	<u>0</u>	<u>1-Year</u>	<u>0</u>
<u>8</u>	<u>7-Year</u>	<u>0</u>	<u>0</u>	<u>Revocation</u>

Station Major Infraction Penalties

<u>Number of Infractions</u>	<u>Period</u>	<u>Fine Amt</u>	<u>Suspension</u>	<u>Revocation</u>
<u>1</u>	<u>3-Year</u>	<u>\$500</u>	<u>0</u>	<u>0</u>
<u>2</u>	<u>4-Year</u>	<u>\$750</u>	<u>0</u>	<u>0</u>
<u>3</u>	<u>5-Years</u>	<u>\$1000</u>	<u>0</u>	<u>0</u>
<u>4</u>	<u>6-Years</u>	<u>0</u>	<u>1-Year</u>	<u>0</u>
<u>5</u>	<u>8-Years</u>	<u>0</u>	<u>0</u>	<u>Revocation</u>

(c) The period in which infractions are issued shall begin on the date of the first infraction and continue for the number of years indicated in the second column. [Eff 7/31/89; am 3/31/94; am and comp] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)

~~§19-133.5-7 Petition for hearing. (a) Any operator of an inspection station or certified vehicle inspector can request a hearing by filing a petition for hearing to the director within ten days after the receipt of the notice of suspension or revocation. The form for the petition for hearing is located at the end of this chapter and designated as Petition for Hearing dated April 7, 1992.~~

~~(b) The director may reject any petition which is not properly completed. [Eff 7/31/89; am 3/31/94] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)]~~

§19-133.5-7 Petition for hearing. (a) A station owner, manager, supervisor, or responsible operator of an inspection station, or any of its certified vehicle inspectors who seeks to challenge the allegations in a notice of infraction received may petition the department for a hearing. The petition must be received by the department within 10 calendar days of the receipt of the notice of infraction. A form for the petition for hearing is located at the end of this chapter.

(b) The director shall reject a petition that is untimely or fails to provide a basis to challenge the notice of infraction, including a description of the facts supporting the basis of the challenge.

(c) The director may reject a petition that is incomplete or illegible. [Eff 7/31/89; am 3/31/94; am and comp] (Auth: HRS §§286-27, 28) (Imp: HRS §286-28)

§19-133.5-8 Notice of intent to hold hearing and notice of hearing. (a) The director shall notify the petitioner of the intent to hold a hearing within ~~[fourteen]~~ twenty-one calendar days after receiving the petition for hearing from the petitioner. The form ~~[of the]~~ for a notice ~~[for hearing]~~ of intent to hold a hearing ~~[to notify]~~ for the petitioner is located at the end of this chapter and designated as Notice of Intent to Hold Hearing ~~[dated April 7, 1992]~~.

(b) When the hearing is scheduled, the director shall send the petitioner a notice of hearing. The form for a notice to hold a hearing for the petitioner is located at the end of this chapter and designated as Notice to Hold Hearing. [Eff 7/31/89; am 3/31/94; am and comp] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)

§19-133.5-9 ~~[Hearings]~~ Hearing officer. (a) The director shall appoint a ~~[hearings]~~ hearing officer for the ~~[each county]~~ hearing.

(b) The ~~[hearings officers]~~ hearing officer shall serve without compensation except for incidental expenses as deemed necessary.

(c) The ~~[hearings]~~ hearing officer shall hear ~~all the~~ the petitions submitted by the station operators or inspectors ~~[from their respective counties]~~ and accepted by the director. The hearing may be conducted by video conference call or other similar means. [Eff 7/31/89; am 3/31/94; am and comp] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)

§19-133.5-10 Duties of the [hearings] hearing officer. (a) The appointed [hearings] hearing officer shall conduct the [hearings within their respective counties] hearing as required by the director.

(b) The [hearings] hearing officer shall review all relevant evidence presented, including verbal and written arguments, investigative reports, and other pertinent information and testimony regarding ~~gathered relevant to the notice of infraction.~~ fine, ~~suspension or revocation.~~

(c) ~~[The hearings]~~ After the hearing, the hearing officer shall make a written report of the [hearings] officer's findings and conclusions upon which an order affirming, denying, modifying, or reversing the action proposed to be taken against the petitioner shall be issued and provide the written report to the director. [Eff 7/31/89; am 3/31/94; am and comp] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)

§19-133.5-11 Disposition of petition. The director shall issue a decision and order based on the written report of the [hearings] hearing officer ~~[shall either]~~ and shall affirm, deny, modify or reverse the proposed fine, suspension, or revocation. ~~[of the certification of the inspector or permit of the inspection station by preparing findings of fact and conclusions of law, upon which a decision and order may be issued by the director.]~~ [Eff 7/31/89; am 3/31/94; am and comp] (Auth: HRS §§286-17, 28) (Imp: HRS §286-28)

§19-133.5-12 Appeal to circuit court. Any order issued pursuant to the authority granted by chapter 91, HRS, and these rules of procedures shall be subject to appeal to the circuit court. [Eff 7/31/89; comp] (Auth: HRS §91-14) (Imp: HRS §91-14)

SUBCHAPTER 4

SEVERABILITY AND EFFECTIVE DATE

§19-133.5-13 Severability. If any portion of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remainder of the chapter. [Eff 7/31/89; comp] (Auth: HRS §91-14) (Imp: HRS §91-14)

§19-133.5-14 Effective date. This chapter shall take effect ten days after it is filed with the lieutenant governor." [Eff 7/31/89; comp] (Auth: HRS §§286-17, 18) (Imp: HRS §286-28)

2. Material, except source notes, to be repealed is struck thru and bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 19-133.5, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

Jade T. Butay
Director of Transportation

APPROVED AS TO FORM:

Deputy Attorney General

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE SAFETY OFFICE

DISCRETIONARY WARNING NOTICE

Dear

Uniform standards and procedures governing periodic motor vehicle inspections are provided in §19-133.2, and 19-135, Hawaii Administrative Rules.

Based upon an investigation on _____ of the inspection station (station number _____) located at _____ and inspector (number _____), the following station infractions were committed:

[List specific infractions, references to rules, ordinances or laws and dates. Provide written explanations to ensure that each specific infraction is clearly understood by the reader. Use pictures and additional pages as needed.]

This letter serves as a Discretionary Warning Notice of the above infraction(s) and that repeated infractions are cause for suspension or revocation of the inspector's certificate or the inspection station permit.

D.O.T. Representative or Agent

Date: _____

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE SAFETY OFFICE

NOTICE OF INFRACTION

Dear _____;

Station Infraction	Inspector Infraction
The Official Inspection Station having Station Number _____: <input type="checkbox"/> is fined \$ _____.00, <input type="checkbox"/> it's permit is suspended for _____ (months/years), or <input type="checkbox"/> it's permit is revoked.	The Certified Vehicle Inspector, employed at Inspector Number _____: <input type="checkbox"/> is fined \$ _____.00, <input type="checkbox"/> his/her certification is suspended for _____ (months/years), or <input type="checkbox"/> his/her certification is revoked.

The above action is based on the following infraction(s):

Date	Infraction Description	Rule reference

NOTE: List specific date, infraction description, and provision of the HAR violated. Provide written explanations to ensure that each specific infraction is clearly understood by the reader. Pictures and additional pages may be included as needed.

Within ten calendar days following the receipt of this notice, the recipient must: (1) pay the fine, correct the infraction, and provide verification to the department; or (2) petition the department for a hearing to challenge the notice of infraction.

D.O.T. Representative or Agent
(Print name and sign)

Date

APPROVED: _____
(Print name and sign)

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE SAFETY OFFICE

PETITION FOR HEARING

TO: DIRECTOR OF TRANSPORTATION
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HI 96813-5035

1. I, _____
(Print Full Name and certificate #)
of

(Print Mailing Address and station #)

whose telephone number is _____,
and whose place of employment is

(Name, Address, County, Station Number)

do hereby petition (within ten calendar days of being notified of infraction) for a hearing on the following infractions (designate each infraction you deny and explain why you deny it. Use additional pages as needed.):

2. The following are reasons why I am requesting a hearing. (Be specific and provide facts that support your position. Use additional pages, as needed).

(Petitioner's Signature) (Date)

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE SAFETY OFFICE

NOTICE OF INTENT TO HOLD HEARING

Docket No. MVSO - _____

Date: _____

Dear

Re: In the Matter of Inspection Station or
Safety Inspector _____
[provide inspector or station name and number]

Petition for Hearing on the Notice of infraction dated
_____.

Pursuant to your Petition for Hearing dated
_____, postmarked _____, and
filed at the Department of Transportation on
_____, please be informed that
the HDOT intends to hold a hearing on this matter.
You will be notified of the date, location and time of
the hearing, after all arrangements for the hearing
are made.

The topic of this hearing will be the attached
notice of infraction.

Yours truly,

Director of Transportation

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE SAFETY OFFICE

Notice of Hearing

Docket No. MVSO - _____

Date: _____

Dear

Re: [provide inspector name and number]

Pursuant to your Petition for Hearing dated _____, postmarked _____, and filed at the Department of Transportation on _____, please be informed that a contested hearing will be held on the following date, time and place:

Date: _____
Time: _____
Place: _____

This hearing shall be conducted in accordance to Chapters 19-1 and 19-133.5, Hawaii Administrative Rules, and Chapter 91, Hawaii Revised Statutes. You will be afforded the opportunity to present evidence and arguments on all issues involved to a hearings officer who will make a written report of findings and conclusions upon which the Director of Transportation may affirm, modify, or reverse the action taken against you.

For the Director of Transportation

By: _____

Date: _____

IV. Administrative Matters

- A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes – *Any handouts will be submitted during the meeting***