

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-132
Hawaii Administrative Rules
July 20, 2005

SUMMARY

1. §19-132-3 is amended.
2. §19-132-4 is amended.
3. §19-132-5 is amended.
4. §19-132-6 is amended.
5. §19-132-7 is amended.
6. §19-132-8 is repealed.
7. §19-132-9, §19-132-10, §19-132-11 and §19-132-12 are renumbered.
8. Chapter 19-132 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 132

APPROVAL AND REVOCATION OF APPROVAL FOR THE
DISPLAY, SALE, AND USE OF VEHICLE EQUIPMENT

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Historical note. This chapter is based substantially upon The Rules and Regulations Governing the Approval and Revocation of Approval for the Display, Sale, and Use of Vehicle Equipment. [Eff 7/19/75; R 8/26/82; am, R, ren and comp **OCT 13 2005**]

§19-132-1 Scope. This chapter applies to each of the following equipment items or devices, whether it is a separate component or is combined with another item or device into an aggregate assembly:

- (1) Head lamps
- (2) Auxiliary lamps
- (3) Fog lamps
- (4) Rear lamps
- (5) Signal lamps
- (6) Reflectors required by law
- (7) Glazing material

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- (7) Glazing material
- (8) Hydraulic brake fluid
- (9) Seat belts
- (10) Seat belt assemblies
- (11) Shoulder harnesses
- (12) Shoulder harness assemblies
- (13) Combination seat belts and shoulder harnesses
- (14) Combination seat belts and shoulder harness assemblies. [Eff 8/26/82; am and comp **OCT 13 2005**] (Auth: HRS §286-83)
(Imp: HRS §286-83)

§19-132-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Auxiliary lamp" means a lighting device designed to be mounted upon a vehicle and which provides illumination supplementary to the head lamps. It includes auxiliary passing lamps, auxiliary driving lamps, and spot lamps.

"Director" means the director of transportation or his authorized representative.

"Fog lamp" means an auxiliary lamp with a lens of a color from white to yellow (amber) which is designed to provide better illumination in fog or precipitation.

"Glazing material" means any glass, plastic, or other material designed to be used in or upon the windshield, any window, or other panel located in or upon a vehicle. It excludes materials used as lamp or reflector lenses, or as a protective covering for instruments, gauges, indicators, etc.

"Head lamp" means a lighting device designed to be mounted in a fixed position on or near the front of a vehicle which is the primary source of illumination to the front of the vehicle.

"Hydraulic brake fluid" means any fluid used, or intended to be used, to transmit energy in a hydraulic brake system.

"Reflector" means a device designed and constructed to cause incident light to be re-directed in a specific manner.

"Seat belt" means a vehicle occupant restraining device usually consisting of straps, designed to limit the movement of an occupant's body, primarily the lower torso.

"Seat belt assembly" means all of the components related to a seat belt installation in a vehicle, including the straps and their anchoring, fastening, storage, and locking components.

"Shoulder harness" means a vehicle occupant restraining device, usually consisting of straps, designed to limit the movement of an occupant's body, primarily the upper torso.

"Shoulder harness assembly" means all of the components related to a shoulder harness installation in a vehicle, including the straps and their anchoring, fastening, storage, and locking components.

"Signal lamp" means a lighting device which, by its location, configuration, color, or mode of operation, conveys a special meaning or warning to an observer.

"State" means the State of Hawaii.

"Vehicle equipment items or devices" or "item or device" includes each of the items set forth in §19-132-1.

Other terms used in this chapter shall have the same meaning as defined in §286-2, Hawaii Revised Statutes. [Eff 8/26/82; comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-3 Standards. The standards for vehicle equipment items or devices shall be as follows:

- (1) If a standard is established by a Federal Motor Vehicle Safety Standard (FMVSS) for an item or device, the item or device shall meet or exceed the standard set forth therein.
- (2) If no standard is established by the FMVSS for an item or device, but is established by the Automotive Manufacturers Equipment Compliance Agency, Inc. (AMECA), the item or device shall meet or exceed the standard established by the AMECA.
- (3) If no standard is established by the FMVSS or the AMECA for an item or device, but is established by the Society of Automotive Engineers (SAE), the item or device shall meet or exceed the standard established by the SAE.
- (4) If no standard is established by the FMVSS, the AMECA, or the SAE for an item or device, but is established by the Vehicle Equipment Safety Commission (VESC), the item or device

shall meet or exceed the standard established by the VESC.

- (5) If no standard is established by the FMVSS, the AMECA, the SAE, or the VESC for an item or device, but is established by the American National Standards Institute (ANSI), the item or device shall meet or exceed the standard established by the ANSI. [Eff 8/26/82; am and comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-4 Labels required. Vehicle equipment items or devices, other than hydraulic brake fluid, and the containers in which hydraulic brake fluid is sold, shall be permanently labeled with the manufacturer's name or trademark and the identifying nomenclature under which the item or device has been approved, unless approval is otherwise indicated in accordance with FMVSS-compliant methodology. The labelling or identification shall be legible when the item or device, except hydraulic brake fluid, is installed, or otherwise in use, in or upon the vehicle, unless legibility is not required by FMVSS or other standard in this rule. [Eff 8/26/82; am and comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-5 Manufacturer's certification of FMVSS compliance. Any item or device which is labelled by the manufacturer, as required by federal regulations, indicating compliance with the applicable FMVSS shall be deemed approved by the director for display and sale in the State without the necessity of a submission for approval. The approval shall extend only to displays and sales for the use as stated and intended by the name or by the descriptive terminology in the FMVSS. [Eff 8/26/82; am and comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-6 AMECA certification. An item or device for which the AMECA has issued a certificate of approval indicating the item or device has met the applicable FMVSS or AMECA standards shall be deemed

approved by the director for display and sale in the State when:

- (1) A copy of the AMECA certificate of approval for the item or device has been filed with the director; or
- (2) The item or device is listed in the most current issue of the "Compliance List of Automotive Safety Devices" published by the AMECA.

The approval shall extend only to displays, sales for the use, and use as stated or intended by the name or by the descriptive terminology in the FMVSS, the AMECA approval certificate, or the listing in the most current "Compliance List of Automotive Safety Devices". [Eff 8/26/82; am and comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-7 Certification of compliance with recognized standards. An item or device for which there is no applicable FMVSS or AMECA approved standard, but which meets standards set forth in paragraphs (3), (4), and (5) of §19-132-3, shall be deemed approved by the director for display and sale in the State without the necessity of a submission for approval. The approval shall extend only to displays and sales for the use as stated and intended by the name or by the descriptive terminology of the approval standards. [Eff 8/26/82; am and comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-8 Limited use approval for research and development. Upon receipt of a written application from a manufacturer or his representative, the director may, after consultation with state and county traffic officials, grant limited approval for the use of an item or device for research and development. The limitation may extend to any phase of the sale or display but the term shall not exceed ninety days, subject to renewal for good cause. The written application shall contain a description of the item or device, the purpose or goal of the research or development program, and a discussion of the safety factors involved. Approvals shall be made in writing and shall set forth all limiting conditions relating to the use of the item or device. [Eff 8/26/82; ren

§19-132-8 and comp **OCT 13 2005**] (Auth: HRS §286-83)
(Imp: HRS §286-83)

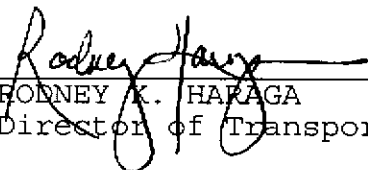
§19-132-9 Revocation of approval. The director may, in accordance with §286-84, Hawaii Revised Statutes, suspend or revoke any approval granted items or devices, if the items or devices do not meet the requirements set forth in this chapter. [Eff 8/26/82; ren §19-132-9 and comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-84)

§19-132-10 Severability. If any section or part of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remaining section or parts of this chapter. [Eff 8/26/82; ren §19-132-10 and comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-11 Repeal. All rules and regulations governing the approval and revocation of approval for the display, sale, and use of vehicle equipment in effect prior to the effective date of this chapter are repealed." [Eff 8/26/82; ren §19-132-11 and comp **OCT 13 2005**] (Auth: HRS §286-83) (Imp: HRS §286-83)

Amendments to and compilation of chapter 132, title 19, Hawaii Administrative Rules, on the Summary Page dated July 20, 2005 were adopted on following a public hearing held on June 27, 28, 29, 30 and July 7, 2005, after public notice was given in the Honolulu Advertiser, Molokai News, Hawaii Tribune-Herald, and the Garden Island News on May 23, 2005.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.




RODNEY K. HARAGA
Director of Transportation

APPROVED AS TO FORM:



Deputy Attorney General



LINDA LINGLE
Governor
State of Hawaii

Dated: OCT 3 2005

Filed