

### **NOTICE OF PUBLIC HEARINGS**

Pursuant to Chapter 91, Hawaii Revised Statutes, notice is hereby given that the State of Hawaii, Department of Transportation (DOT) Highways Division, will hold public hearings relating to proposed amendments to Hawaii Administrative Rules, Chapter 19-135, entitled "PERIODIC SAFETY INSPECTION OF MOPEDS." The primary purpose of these amendments is to implement Act 200, SLH 2016, which requires mopeds to have annual safety inspections, be registered and issued a license plate.

The significant proposed amendments include:

§19-135-3: Two new definitions are added and two others are amended. The definition of Federal Motor Vehicle Safety Standards (FMVSS) has the effective date of the standards changed from April 1, 1985 to October 1, 2016. The definition of "Periodic Moped Inspection Handbook" remains the same, but it is now referenced rather than made an Exhibit. Definitions of electronic form contractor and electronic form are added.

§19-135-5 is modified to clarify the authority of the Director of Transportation.

§19-135-8(c)(7) is added to ensure that inspection stations comply with zoning laws. Paragraphs (e)(1) and (2) remove a notarization requirement to make it easier to become an inspection station.

§19-135-9(b) and (c) are amended to provide added flexibility for the period of time a station is open to the public and to allow only one inspector to run an inspection station. Subsection (e) is amended to remove the requirement for a station to have replacement parts, because the focus of the program is on inspections; stations have a profit motive for repairs and generally maintain a supply of replacement parts voluntarily. Paragraph (1) is amended to ensure that inspectors are aware of alternatives to purchasing a costly electronic headlamp aiming device. Paragraph (2) is amended to allow a functional alternative to a moped stand for holding a portion of the moped off of the ground. Paragraphs (5) and (6), which list some tools and moped parts, are removed in conjunction with the amendment to subsection (e) above.

§19-135-11(4) is deleted because the task of maintaining inspection examination results is completed automatically via the electronic inspection form program.

§19-135-12 is amended for clarity and to remove items not relevant to an inspector's certification application.

§19-135-13 is amended to streamline the requirements for becoming a moped inspector and grandfather motorcycle inspectors as moped inspectors.

§19-135-14(d) is amended to allow motorcycle inspectors to perform moped inspections without receiving additional training.

§19-135-15 is amended to remove unnecessary wording and require moped stations to have a contract with the electronic form contractor. It also requires stations to maintain a copy of these rules for easy reference.

§19-135-16 is amended to require the inspection sticker to be affixed to the rear of the moped and to allow the electronic form contractor to maintain electronic records of inspections. Requirements relating to the paper system are deleted.

§19-135-17 is amended to clarify the supervisory responsibilities of the Counties in association with the electronic form program and contractor. It deletes requirements for stations to submit data reports, because they are submitted automatically electronically.

§19-135-18 is amended to require stations and inspectors to keep their vehicles in compliance with inspection rules, in order to ensure that inspectors are complying with the same requirements as the

general public. Also, the suspensions and revocations of 19-133.5, Hawaii Administrative Rules are inserted for use in this chapter and unnecessary wording is deleted.

§19-135-19 is amended to update and add reference material. It also clarifies that the only time an uncertified person can assist an inspector is when the inspector is training the person to become an inspector.

§19-135-20 is amended to clarify that the Director of Transportation has overall supervision of the program.

§19-135-22 is amended to add clarity as to the conditions when an inspector may refuse to inspect a moped.

§19-135-23 is amended to indicate that the Director sets the fee for inspections and the maximum fee for a moped inspection is the same as that for a motorcycle inspection. It also allows an additional fee only if the moped is inspected more than 30 days after failing an inspection.

§19-135-24 is amended to clarify the procedures to follow when a moped fails an inspection. The amendments include the condition that, if corrections are not made within 30 days, the moped owner will be charged the full fee (\$13.24 plus tax) for a new inspection.

§19-135-25 is amended to clarify procedures to follow when a moped passes an inspection.

§19-135-26 is amended to clarify procedures to follow when replacing a lost or stolen inspection sticker or certificate.

§19-135-27 is amended to update the list of items to be inspected and to indicate that the moped inspection handbook contains details regarding failure criteria. The inspection of batteries in electric mopeds is added to paragraph (9).

§19-135-28 is amended to add details regarding the scope of inspection and added criteria for determining whether or not a device meets the definition of a moped. Details are also provided for measuring the sound level of muffler emissions.

§19-135-29 is amended to make it easier to look up federal standards that relate to mopeds. It also updates the moped inspection handbook, noting that updates to the handbook can be approved by the director.

The public hearings will be held by video conference on **Friday, December 16, 2016 at 1:00 PM** at the following locations:

Maui: DOT Highways Division Maui District Office Conference Room, 650 Palapala Drive, Kahului, HI 96732

Hilo: DOT Highways Division, District Office Conference Room, 50 Makaala St., Hilo, HI 96720

Kona: Kona International Airport Conference Room, 73-200 Kupipi St., Kailua-Kona, HI 96740

Kauai: Dot Highways Division, District Office Conference Room, 1720 Heleukana Street, Lihue, HI 96766

Honolulu: DOT 5th Floor conference Room, 869 Punchbowl St., Honolulu, HI 96813

Interested persons are invited to present their views on the proposed rules at the public hearings. Written comments will be accepted through **Tuesday, December 20, 2016** at the following address:

Hawaii Department of Transportation

Motor Vehicle Safety Office, Room 511  
601 Kamokila Boulevard  
Kapolei, HI 96707

A copy of the proposed rules may be obtained by calling 808/692-7655. Upon request and receipt of \$4.75 payment for postage and printing, a copy will be mailed to the requester. Copies may also be viewed and downloaded free at web site: <http://hidot.hawaii.gov/highways/home/doing-business/hawaii-administrative-rules/>. A copy of the rules may be reviewed in person at the hearing locations above from 9:00 AM to 3:00 PM Monday through Friday.

Persons with disabilities requiring special assistance should call 692-7655 at least two weeks before the hearing.

Ford N. Fuchigami  
Director of Transportation

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