

Rules Amending Title 19
Hawaii Administrative Rules

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

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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]

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.

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

"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 inspection 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.

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

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

"Motor Scooter" means the same as defined in section 291C-1, 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, 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.

"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.

"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] (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, [~~Hawaii Revised Statutes~~] 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]
(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]
(Auth: HRS §§286-18, -26) (Imp: HRS §286-26)

§19-133.2-4 Administration and enforcement.

- (a) The director shall administer and enforce this chapter with respect to the certification of inspection stations ~~[and]~~, 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) Suspending or revoking permits issued to a station whenever the director determines through inspection or investigation that the station 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] (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 [~~insure~~] 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 _____] (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 [~~vehicle~~] 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]
(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] (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 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 surface, such as concrete, and be in sound condition. Wood or

- dirt floors shall not be acceptable;
- (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 dirt, gravel, grease, oil, debris, 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;
 - (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; 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] (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, 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] (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]
(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;
- (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; 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 [and], 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, [a

~~new application must be submitted. The] the~~
applicant must then start the testing
process all over again, beginning with the
knowledge test. Applicants are allowed a
maximum of three ~~[applications per year]~~
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] (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) On the reverse side of the inspector certificate shall be listed the following:~~

- ~~(1) The types of vehicles the inspector is certified to inspect; and~~
- ~~(2) The name and location of the inspection station at which the inspector is authorized to do inspections.]~~

~~[(e)]~~ (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.

~~[(d)]~~ (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.

~~[(e)]~~ (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.

~~[(f)]~~ (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.

~~[(g)]~~ (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.

~~[(h)]~~ (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.

~~[(i)]~~ (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] (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 to be out of compliance with this chapter.

(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 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. [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] (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 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] (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] (Auth: HRS §§286-18, -26) (Imp: HRS §§286-16, -27)

§19-133.2-17 Enforcement. The director shall suspend or revoke inspection station permits or inspector certificates 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 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] (Auth: HRS §§286-18, -26) (Imp:
HRS §§286-16, -27)

§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 inspection as a means of training a potential inspector;
- (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 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] (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] (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] (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] (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 ~~[sticker,~~ 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 inspection station may charge for the inspection, when required, of aftermarket sun screening devices affixed to the glazing materials. The maximum fee shall be determined by the director.]~~

~~(f)]~~ An inspector may charge the following inspection fees:

- (1) Automobiles and trucks - not more than ~~[\$19.19]~~ \$25.00 plus tax;
- (2) Motorcycles and trailers - not more than

~~[\$13.24]~~ \$17.00 plus tax;

- (A) 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
- (B) 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 ~~[\$1.69]~~ \$1.36 per vehicle inspected and replacement sticker and certificate issued~~[-]~~;
- (3) A fee of not more than ~~[\$6.69]~~ \$6.36 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~~[-and~~
- ~~(4) A fee of not more than \$5 may be charged for testing of light transmittance, with a window light transmittance meter, of aftermarket sun screening devices affixed to the glazing materials of a vehicle]. [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]~~
(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, ~~[the certificate]~~ a notice of inspection failure shall ~~[not]~~ be signed and the authorized sticker shall not be affixed to the vehicle.

(b) ~~[An incomplete certificate of inspection,]~~ 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]~~ 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] (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 [~~horizontally~~] 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 on the license plate is attached horizontally, the month number must be displayed on the left side of the year number.~~] 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] (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] (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. [Eff and comp Dec 02, 2005; am and comp 8/13/2011; am and comp Nov 1, 2013; 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 and wheel alignment;
- (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. [Eff 7/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; 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 and vehicle identification number (VIN) shall be inspected for agreement with the corresponding numbers shown on the current year's valid registration certificate and 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. 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.

(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;
- (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 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[-]; and
- (5) The vehicle make or body type does not match the description on the registration.
 [Eff 8/31/89; am and comp Dec 02, 2005; am and comp 8/13/2011; comp Nov 1, 2013; 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, [~~and~~] missing components [~~unauthorized~~] 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;
- (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 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] (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~~] 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;
- (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) ~~[The rear wheel alignment of a two-wheel motorcycle, in relation to tracking the front wheel is not within the manufacturer's specifications, or is misaligned by one inch or more after moving the motorcycle one vehicle length on a straight line.]~~
 - ~~(8)]~~ 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] (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] (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); 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] (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;
- (6) Required brake hardware is incomplete or not properly installed; [~~or~~]

- (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;
- (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; amand comp 8/13/2011; am and comp Nov 1, 2013; 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;
 - (5) The high beam lamp or indicator lamp is inoperative; or
 - (6) Headlamp height is lower than 22 inches or higher than 54 inches. [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]
(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 [~~on the steering wheel and~~] readily accessible to the operator. [Eff 7/31/89; am and comp Dec 02, 2005; comp 8/13/2011; am and comp Nov 1, 2013; 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; 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.
- (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;
 - (B) American National Standard, 226.1-1977, approved January 26, 1977 and supplemented by Z26.1a-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] (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, [~~non-approved~~] 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) 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 ~~[non-approved]~~ 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 ~~[non-approved]~~ belts that do not comply with FMVSS 209. Seat belt retractors shall be inspected for proper functioning;
- (8) ~~[If a]~~ A vehicle [is] equipped with [frontal] air bags [,- they must be] 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, [~~Hawaii Revised Statutes~~] 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, [~~or loosely attached~~] 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 209 or parts are missing from the seat belt assembly;
- (9) [~~Air bag telltale light indicates a frontal air bag malfunction;~~] 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] (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, ~~[a]~~ the muffler ~~[that]~~ 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] (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] (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 shall be recorded on the inspection certificate. If a speedometer is installed, 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] (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:

- (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 axel; and
 - (H) Seat belt assembly as provided in section 291-11.6 HRS;
- (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 washers, bumpers, hoods, door handles, and fenders are optional equipment. If a bumper or hood is installed, it must be inspected. [Eff and comp]
(Auth: HRS §§286-18, -26, -26.5) (Imp: HRS §§286-16, -26, -26.5)

§19-133.2-38.6 Motorcycle inspections. In general, motorcycles are inspected the same way as other vehicles. 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, 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.
[Eff and comp] (Auth: HRS §§286-18, -26, -26.5) (Imp: HRS §§286-16, -26, -26.5)

§19-133.2-39 Standards and criteria. [The] In addition to the criteria listed in this chapter, the

following standards may be used for vehicle

~~[inspection are as follows:~~

- ~~(1) inspections: 49 CFR Parts 570 and 571 as they existed on October 1, 2008 [+~~
- ~~(2) Periodic motor Vehicle Inspection Manual for Inspectors of Passenger Cars and Light Trucks, September, 2013 and addenda and newer versions that are approved by the director;~~
- ~~(3) Periodic Motor Vehicle Inspection Manual for Inspectors of Motorcycles, June 2005 and addenda and newer versions that are approved by the director.~~

~~The above standards and criteria may be used as references to perform the inspection required by this chapter]. [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] (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] (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] (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] (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] (Auth: HRS §286-18) (Imp: HRS §286-18)

2. Material, except source notes, to be repealed is bracketed and has strike through 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 _____, 2017, and filed with the Office of the Lieutenant Governor.

FORD N. FUCHIGAMI
Director of Transportation

APPROVED AS TO FORM:

DEPUTY ATTORNEY GENERAL