

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-135
Hawaii Administrative rules

January 28, 2018

SUMMARY

1. §19-135-3 is amended.
2. §19-135-6 is amended.
3. §19-135-8 is amended.
4. §19-135-9 is amended.
5. §19-135-12 is amended.
6. §19-135-13 is amended.
7. §19-135-15 is amended.
8. §19-135-18 is amended.
9. §19-135-19 is amended.
10. §19-135-23 is amended.
11. §19-135-27 is amended.
12. §19-135-28 is amended.
13. §19-135-29 is amended.
14. Chapter 19-135 is compiled.

13290

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 135

PERIODIC SAFETY INSPECTION OF MOPEDS

Subchapter 1 General Provisions

§19-135-1	Scope
§19-135-2	Purpose
§19-135-3	Definitions
§19-135-4	Specific requirements
§19-135-5	Administration and enforcement

Subchapter 2 Inspection Stations

§19-135-6	Inspection stations; permits
§19-135-7	Types of inspection station permits
§19-135-8	Application for inspection station permits
§19-135-9	Issuance of inspection station permits
§19-135-10	Inspection station permit form
§19-135-11	Inspector certification; county responsibilities
§19-135-12	Application for inspector certification
§19-135-13	Issuance of inspector certificates
§19-135-14	Inspector certificate form
§19-135-15	Inspection stations; operating procedures
§19-135-16	Safety inspection records
§19-135-17	Inspection stations; supervision by the county agency
§19-135-18	Enforcement by the county agency
§19-135-19	Operating procedures for inspectors



§19-135-1

§19-135-20 Supervision of inspectors

Subchapter 3 General Procedure for Inspection

§19-135-21 Application for inspection certification
§19-135-22 Causes for refusal to inspect
§19-135-23 Inspection fees
§19-135-24 Failure to qualify for certification and
correction of defects
§19-135-25 Issuance of certificates of inspection and
affixing of inspection stickers
§19-135-26 Replacement of lost or stolen certificates
or stickers
§19-135-27 Items to be inspected
§19-135-28 Scope of inspection
§19-135-29 Standards and criteria
§19-135-30 Severability

SUBCHAPTER 1

GENERAL PROVISIONS

§19-135-1 Scope. This chapter shall apply to every moped offered for use upon, sold for use upon, or used upon the roadways and highways of the State. [Eff 9/15/86; comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-2 Purpose. The purpose of this chapter is to establish:

- (1) Minimum periodic inspection requirements for mopeds; and
- (2) Procedures concerning the issuance of a certificate of inspection upon satisfactory compliance with certification requirements. [Eff 9/15/86; comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-3 Definitions. As used in this chapter:

"Certified moped inspector" or "inspector" means a person who possesses a current, valid, moped inspector certificate issued by the county agency.

"Clockwise" and "counterclockwise" mean opposing directions of rotation around the following axes, as applicable:

- (1) The operational axis of the ignition control, viewed from in front of the ignition lock opening;
- (2) The axis of the right handlebar on which the twist-grip throttle is located, viewed from the end of that handlebar; or
- (3) The axis perpendicular to the center of the speedometer when viewed from the operator's normal eye position.

"County agency" means the county department designated by the county council as the department having the responsibility for supervising and administering the periodic moped inspection program in that county.

"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.

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

"FMVSS" means Federal Motor Vehicle Safety Standard as prescribed in 49 Code of Federal Regulations Part 571, as it existed on October 1, 2016.

"Moped" shall mean 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 county agency to conduct official moped safety inspections.

"Official moped safety inspection" or

"inspection" means that safety inspection of moped equipment and components as required by this chapter.

"State" means the State of Hawaii.

"VIN" means the vehicle identification number that is shown on the manufacturer's motor vehicle certification label. [Eff 9/15/86; am and comp 1/2/17; am and comp] (Auth: HRS §291C-202) (Imp: HRS §291C-202) **SEP 30 2018**

§19-135-4 Specific requirements. All mopeds shall be inspected and certified once every twelve months. [Eff 9/15/86; comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-5 Administration and enforcement. (a) By authority of the director, each county shall designate a county agency to administer and enforce this chapter with respect to the certification of inspection stations and inspectors in that county.

- (b) The county agency shall be responsible for:
- (1) Issuing permits for and the furnishing of instructions and all necessary documents to official inspection stations within the county, 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 county agency determines through inspection or investigation that the station is not properly conducting moped inspections in accordance with this chapter; and
 - (4) Certifying persons as being authorized to conduct moped inspections. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

SUBCHAPTER 2

INSPECTION STATIONS

§19-135-6 Inspection stations; permits; county responsibilities. The county agency shall be responsible for the following duties with respect to the application for an official moped inspection station permit:

- (1) Issuing permits designating each inspection station that meets the minimum standards required by this chapter to conduct moped inspections;
- (2) Inspecting the station facilities and equipment of each applicant to ensure that the minimum standards required by this chapter are met;
- (3) Ascertaining that each applicant meets the minimum requirements of this chapter with respect to having a certified moped 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 until the date of termination;
- (6) Providing official application forms, approved by the director, for an inspection station permit; and
- (7) Issuing additional forms necessary to administer the issuance of official moped inspection station permits. [Eff 9/15/86; am and comp 1/2/17; am and comp SEP 30 2018]
(Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-7 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 any moped that requires inspection; or



- (2) Private permits - to conduct inspections only on those mopeds which are owned by the owner and operator of the official inspection station. A private station qualification shall be determined by the county agency. [Eff 9/15/86; comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-8 Application for inspection station permits. (a) Each applicant for certification as an inspection station shall comply with the procedures set forth in this section.

(b) Application for the permit shall be made on an official form approved by the director and furnished by the county agency.

(c) The applicant shall provide the following information, to the county agency, on the approved form:

- (1) The registered business name of the station;
- (2) The exact address and location of the applicant's place of business where the moped 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;
- (3) The name of the owner, manager, or supervisor who will be responsible and accountable for the moped inspections and the performance of the moped inspectors;
- (4) The applicant's type of business; such as, but not limited to, service station, moped rental, repair shop, moped dealer;
- (5) Type of permit requested (public or private);
- (6) A list of the names and inspector certificate numbers of certified moped inspectors presently employed by the applicant as regular employees; and
- (7) Evidence that the station location is

properly zoned and that the station has all required state and county permits or licenses to conduct business as an official inspection station.

(d) The application form shall contain a statement that the applicant agrees to equip and maintain, at the applicant's own expense, all moped safety inspection facilities in accordance with the minimum standards set by this chapter, and conduct moped safety inspections as required by the standards and criteria of this chapter.

(e) Each application for certification as an inspection station shall be signed by:

- (1) The owner, if the applicant is a sole proprietorship;
- (2) All partners, if the applicant is a partnership; or
- (3) A person authorized to sign the application, if the applicant is a corporation. Written evidence of this authority shall be attached with the corporate seal affixed to the application form. [Eff 9/15/86; am and comp 1/2/17; am and comp **SEP 30 2018**]
(Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-9 Issuance of inspection station permits. (a) The county agency shall issue inspection station permits only to those applicant stations which have been certified by the county agency as meeting the standards set forth in this section.

(b) Each inspection station serving the public shall have a certified moped inspector scheduled to be immediately available at the station to conduct moped inspections at least four hours per day, five days per week between 6:00 a.m. to 6:00 p.m., except designated holidays.

(c) Personnel requirements: one supervisor, manager, or owner of each business operating one or more inspection stations shall be a certified moped inspector.

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

- (1) The inspection area shall:
 - (A) Have a minimum dimension of eight feet by ten feet;
 - (B) Have overhead protection from the weather;
 - (C) Be designated and marked as the inspection area;
 - (D) Be clean and orderly;
 - (E) Have a hard surface, such as concrete, and be in sound condition. Wood or dirt floors shall not be acceptable;
 - (F) Have a surface limited to a 2.5 per cent slope (three inches in ten feet); and
 - (G) Have no hazardous conditions that may injure persons or damage the moped;
- (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, or repulsive foreign substances;
- (3) Every inspection station shall have a moped headlamp test area that is flat and level; and
- (4) All inspection stations serving the public shall provide an off-street parking area available for mopeds waiting to be inspected.

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

- (1) One headlamp aiming device, such as a mechanical aimer, optical or photoelectric aiming device, or aiming screen of a type approved by the director;
- (2) A moped repair stand or similar device for lifting the wheels off the ground to check wheel bearings, runout and sound level;
- (3) A tire tread depth gauge scored in 1/32-inch

increments or fifteen centimeters scored in increments of one millimeter; and

- (4) A tire pressure gauge marked in pounds per square inch or its metric equivalent.

(f) Each public inspection station shall provide proof that there is in effect a liability insurance policy issued to the station owner or operator by an insurance company authorized to do business in the State. The policy shall insure the owner or operator and any other employee authorized to inspect mopeds in the minimum amount of \$10,000 for comprehensive public liability for one person, \$20,000 for one accident, and \$5,000 for comprehensive property damage. [Eff 9/15/86; am and comp 1/2/17; am and comp SEP 30 2018] (Auth: HRS §§286-27, 291C-202) (Imp: HRS §§286-27, 291C-202)

§19-135-10 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. If the inspection is conducted at a different location than the listed address, then both addresses and locations shall be included on the permit;
 - (4) A permit control number;
 - (5) The date the permit is issued;
 - (6) The type of inspection station, public or private (fleet); and
 - (7) The signature of the county agent authorized to issue inspection station permits, with the agent's position, title, and the name of the county agency 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 moped owners who present their mopeds 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 9/15/86; comp 1/2/17; comp **SEP 30 2018** (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-11 Inspector certification; county responsibilities. The county agency shall be responsible for:

- (1) Issuing certificates authorizing persons to conduct moped 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 the entire period for which an inspector's certificate is valid;
- (5) Maintaining a file for all formerly certified moped inspectors for a period of one year after decertification; and
- (6) Developing and issuing additional forms as may be necessary for administering the moped inspector certification process. All supplemental forms shall first be approved by the director. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-12 Application for inspector certification. (a) Application for moped inspector certification shall be made on a form furnished by the county agency and approved and provided by the director.

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

- (1) Type of application (original, duplicate or

- renewal);
- (2) Applicant's last name, first name, and middle initial(s);
 - (3) Applicant's home address;
 - (4) Applicant's telephone number(s);
 - (5) Applicant's date of birth;
 - (6) Type of Hawaii driver license and driver license number of the applicant;
 - (7) Applicant's technical licenses or certificates;
 - (8) Applicant's attendance at vocational and technical training schools, accompanied by a copy of certificates of successful completion and major subject studied;
 - (9) Applicant's formal schooling and the highest level successfully completed;
 - (10) Applicant's experience in vehicle, moped or motorcycle safety inspection, automotive, moped or motorcycle mechanics, or related experience;
 - (11) Applicant's signature and date of signature to the declaration that all furnished information is true, and that upon certification as a moped inspector, the applicant shall conduct moped safety inspections in accordance with this chapter; and
 - (12) The date the application was filed. [Eff 9/15/86; am and comp 1/2/17; am and comp] (Auth: HRS §291C-202) (Imp: HRS §§ 286-27, 291C-202)

SEP 30 2018

§19-135-13 Issuance of inspector certificates.

The county agency shall issue official moped safety inspector certificates only to those applicants who meet the following minimum standards:

- (1) Are able to read and legibly print the English language and Arabic numerals;
- (2) Are at least eighteen years of age at the time of the application;
- (3) Have a valid Hawaii driver license;

- (4) Have at least:
- (A) One year of training in automotive, moped or motorcycle mechanics, or a related technical field at a school conducting regularly scheduled classes;
 - (B) One year of employment experience in automotive, motorcycle, or moped maintenance, repair, inspection or service;
 - (C) Completed a written and performance examination, approved by the director and administered by the proper county agency. The minimum qualifying score on these examinations shall be eighty per cent; or
 - (D) A valid inspector certificate for motorcycles. [Eff 9/15/86; am and comp 1/2/17; am and comp **SEP 30 2018**]
(Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-14 Inspector certificate form. (a) The official moped inspector certificate shall be of a design approved by the director, and contain the following on the face of the certificate:

- (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 a moped inspector;
- (4) The signature of the county 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) The name and location of the inspection station shall be listed on the reverse side of the official moped inspector certificate. The county agency may, upon proper notification by the inspector and presentation of the inspector's valid certificate, list additional inspection stations where the

3290

inspector is authorized to conduct moped inspections.

(c) The official moped inspector certificate shall be displayed in a conspicuous place in the area where inspections are conducted. If the certified moped inspector conducts inspections at more than one location, a duplicate inspector's certificate shall be displayed at each additional location.

(d) The moped or motorcycle inspector's certificate authorizes the inspector to conduct official moped inspections only at station locations listed on the reverse side of the inspector's certificate.

(e) The county agency may issue duplicate moped inspector certificates 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) A moped safety inspector certificate shall expire four years from the date of issuance, unless revoked or suspended by the county agency.

(g) Recertification of moped safety inspectors shall conform to the following requirements:

- (1) Application for renewal of certification shall be made by the moped safety inspector not more than sixty days prior to the expiration of the certificate;
- (2) Recertification shall follow the certification procedure; and
- (3) Every applicant for recertification shall satisfactorily complete both a written and performance examination approved by the director.

(h) The moped safety inspector certificate shall be valid only in the jurisdiction of the issuing county agency. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-15 Inspection stations; operating procedures. (a) Official moped inspection stations shall be operated in accordance with this chapter.

- (1) Inspection stations shall be operated with reasonable regard for the convenience of the public;
- (2) Inspections shall be conducted only at official moped safety inspection stations which have been issued a permit by the county agency;
- (3) Inspections shall be conducted only by moped or motorcycle inspectors who have been issued a certificate by the county agency; and
- (4) Inspection stations shall have a contract with the electronic form contractor and require all inspectors to be proficient in the use of all equipment associated with the inspection program.

(b) The county agency shall furnish copies of the required forms, a copy of these rules, and chapter 19-131 to every official moped inspection station. Each station shall maintain a current, legible copy of these rules for exclusive use at the station. When possible, the above shall also be in the computer provided by the electronic forms contractor.

(c) The county agency may require every inspection station to post a sign with a minimum area of one hundred forty-four square inches, clearly legible from a public area, containing the words "Official Moped Safety Inspection Station", together with the identifying numbers and letters assigned to that station. Every sign shall display a reproduction of the safety inspection logo which appears on the safety inspection sticker. The reproduction shall be displayed upon a contrasting background and shall be of a size at least as large as the largest letter, numeral, or other character appearing elsewhere on the sign. [Eff 9/15/86; am and comp 1/2/17; am and comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-16 Safety inspection records. A moped certificate of inspection, as designated and approved by the director, shall be completed by the moped inspector for each moped inspected. If the moped passes the inspection, a sticker shall be affixed to the rear of the moped. The electronic forms contractor shall maintain electronic records of inspection activities of each station. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-17 Inspection stations; supervision by the county agency. The county agency shall exercise supervisory control over all inspection stations under its jurisdiction. This supervisory function shall include, but not be limited to the following activities:

- (1) Issuing any forms as may be required for:
 - (A) The preparation and maintenance of electronic records concerning inspections;
 - (B) The use and condition of inspection station facilities and equipment used to inspect mopeds;
- (2) Monitoring and inspecting inspection stations for compliance with this chapter by observing:
 - (A) The procedures used to inspect mopeds;
 - (B) The condition of moped inspection facilities and equipment used in moped inspections;
 - (C) The condition and accuracy of test equipment used in moped inspections;
- (3) Analyzing official electronic moped inspection records to evaluate the performance of inspection stations and take appropriate action as may be indicated;
- (4) Reviewing electronic records for each inspection station. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-18 Enforcement by the county agency director. The county agency by authority of the director shall suspend or revoke inspection station permits or moped safety inspector certificates when it finds that the inspection station or inspector, as the case may be, is not properly conducting inspections or finds any vehicle as defined in section 291C-1, HRS owned by the inspector or station is out of compliance with this chapter. The director shall use the provisions in chapter 19-133.5, for this chapter. [Eff 9/15/86; am and comp 1/2/17; am and comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-19 Operating procedures for inspectors. Certified moped inspectors shall conduct all official moped safety inspections in accordance with this chapter, chapter 19-131 and the following requirements:

- (1) No person shall act as a certified moped inspector or issue any official moped inspection certificate and sticker unless that person possesses a current, valid, moped inspector's certificate to conduct moped inspections at the inspection station location indicated on the certificate issued by the county agency having jurisdiction over the inspection station;
- (2) Certified moped inspectors shall be the only person authorized to issue and affix safety stickers to a moped after successful completion of the periodic official moped inspection;
- (3) Every certified moped inspector shall conduct moped inspections in accordance with the criteria of this chapter and:
 - (A) 49 CFR Parts 570 and 571 as they existed on October 1, 2016;
 - (B) Chapter 19-131, Hawaii Administrative Rules; and
 - (C) Instructions for operation of the hand-

held computer provided by the
electronic form contractor;

- (4) A certified moped inspector may be assisted by a noncertified person when conducting an official moped safety inspection, provided that the noncertified person is being trained to become an inspector and is under the immediate and personal supervision of the certified moped inspector; and
- (5) Any certified moped inspector, working at a public inspection station, shall not require unnecessary repairs, make excessive charges, or act abusively to customers seeking safety inspection certification for their mopeds. [Eff 9/15/86; am and comp 1/2/17; am and comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-20 Supervision of inspectors. The county agency by authority from the director shall exercise control over all certified moped inspectors under its jurisdiction. This supervisory function shall include, but is not limited to, the following activities:

- (1) Examining and qualifying all certified moped inspectors;
- (2) Issuing of additional forms as may be required;
- (3) Monitoring official moped inspection activities of certified moped inspectors; and
- (4) Conducting investigations of reported or suspected improper moped safety inspection activities. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

SUBCHAPTER 3

GENERAL PROCEDURE FOR INSPECTION

§19-135-21 Application for inspection certification. (a) Any moped owner or operator shall be allowed to make an appointment with any public moped inspection station for inspection of a moped. The appointment shall be scheduled within fifteen days after the date of application for inspection.

(b) Any moped owner or operator shall not be obliged to have any repair work performed at the station where the inspection is made. [Eff 9/15/86; comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-22 Causes for refusal to inspect. An inspection station may refuse to inspect any moped whenever the performance of any component that needs to be inspected cannot readily be determined because of an accumulation of dirt, grease, or other foreign material. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-23 Inspection fees. (a) The director shall determine the fee to be paid to the inspection station by the moped owner for the inspection of a moped. This fee shall be the same as the motorcycle fee defined in section 19-133.2-22.

(b) When an application for certification of moped safety inspection is made at an inspection station, a certified moped inspector may first collect the inspection fee, and then conduct the inspection pursuant to this chapter.

(c) If more than thirty days have elapsed since the applicant's moped failed to qualify for certification, a complete reinspection shall be made of the entire moped and the full fee for another inspection may be charged by the inspector.

(d) An inspection station may charge the fee determined by the director as defined at section 19-133.2-22(e)(5) for the replacement of destroyed or stolen inspection stickers. [Eff 9/15/86; am and

comp 1/2/17; am and comp **SEP 3⁰ 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-24 Failure to qualify for certification and correction of defects. (a) When a moped fails to pass an inspection for certification in accordance with this chapter, a failure notice shall be issued and the authorized sticker shall not be affixed to the moped.

(b) A copy of the failure notice, shall be given to the applicant if the moped fails inspection, so that corrective repairs may be done on the moped. When, upon reinspection, the moped is found to be in safe operating condition, the certificate of inspection shall be issued and a sticker affixed to the moped in accordance with this chapter.

(c) If the applicant refuses to have the corrective repairs done immediately, no certificate of inspection shall be issued by the inspector, but a copy of the failure notice shall be given to the applicant. The applicant shall have thirty days to correct all the deficiencies and return to the station for reinspection at no additional cost.

(d) If, after corrective repair within the thirty-day period, the moped is found to qualify for certification, the certificate of inspection shall be completed and signed by the safety inspector and issued to the applicant and a sticker affixed to the moped in accordance with this chapter. No additional fee shall be charged.

(e) This section does not authorize anyone to operate a moped on the public highways without a valid certificate of inspection or with an expired certificate. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 3⁰ 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-25 Issuance of certificates of inspection and affixing of inspection stickers. (a) When the moped's equipment is inspected pursuant to

this chapter, and is found to qualify for certification, a certificate indicating that the vehicle passed inspection and sticker are then automatically printed and the certificate of inspection shall be signed by the certified moped inspector who performed the inspection.

(b) After the certificate of inspection is signed, an inspection sticker authorized by the director shall be affixed by the inspector upon the rearmost nearly vertical portion of the moped or on another appropriate place where, in the opinion of the director, the sticker can be clearly viewed by a person who is fifty feet behind the moped. A bracket attached to the side or bottom of the license plate is an appropriate place.

(c) All expired or replaced safety inspection stickers appearing on the moped shall be removed and destroyed, unless the moped owner requests to have the sticker placed upon the old sticker in such a way that only the new one is visible. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-26 Replacement of lost or stolen certificates or stickers. (a) Inspection stickers which have been lost or stolen may be replaced without reinspection by the inspection station that issued the original inspection certificate and sticker, if the moped owner or operator can furnish proof of inspection and approval, and the loss is reported to the police department before the current certification expires and there are no obvious defects on the moped at the time replacement is requested.

(b) Reinspection shall be required if there is no evidence of a previous inspection or the inspection certificate has expired.

(c) The certified moped inspector shall record safety inspection sticker replacements in the inspection computer. [Eff 9/15/86; am and comp 1/2/17; comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-27 Items to be inspected. The following original equipment items meeting requirements on the date of manufacture of the moped, plus any additional items subsequently required or permitted to be installed, shall be inspected on all mopeds presented for inspection.

- (1) Alignment of wheels;
- (2) Body items;
- (3) Brakes;
- (4) Drive;
- (5) Engine/Battery;
- (6) Exhaust;
- (7) Fenders;
- (8) Foot Rests;
- (9) Frame;
- (10) Fuel;
- (11) Horn;
- (12) Insurance;
- (13) Kill switch;
- (14) Lamps and reflectors;
- (15) Light switch;
- (16) Mirror
- (17) Odometer/speedometer;
- (18) Registration;
- (19) Seat;
- (20) Stand;
- (21) Steering;
- (22) Suspension;
- (23) Throttle;
- (24) Tires;
- (25) Wheels;
- (26) Windscreen;
- (27) Wiring. [Eff 9/15/86; am and comp 1/2/17;
am and comp **SEP 30 2018** (Auth: HRS 291C-202)
(Imp: HRS §291C-202)

§19-135-28 Scope of inspection. The inspection shall be conducted using the following failure criteria. A moped shall fail the inspection if:

- (1) The wheel track alignment of the front and back wheels of a two-wheeled moped allows a one-inch off-tracking when moped is moved in

a straight line one length of the moped, or not within the manufacturer's specifications;

- (2) A body part is loose or damaged so its function is compromised, or has an illegal modifications or replacement part installed;
- (3) Service brake system does not lock the wheels when fully applied at about four miles per hour or a noise indicates the pads are too thin, hydraulic brake pressure cannot be maintained for at least 10 seconds, a brake lever touches the handle grip when fully depressed, cables do not move smoothly and freely, brake fluid is leaking, the master cylinder leaks, parking brake system on three-wheeled mopeds does not hold the vehicle when engine speed is increased slightly, brake pads are less than 1/16-inch thick, or rotor is deeply grooved;
- (4) The drive chain, belt, final drive, or shaft protective covering is not securely mounted; or the belt or chain is excessively worn or out of adjustment;
- (5) The engine or motor is not securely mounted; it or a connecting part is modified to increase vehicle speed; a mounting bolt is missing or loose; or a battery is leaking, insecurely mounted or terminals are badly corroded;
- (6) On combustion engines, the exhaust system is modified to increase speed or noise, a required component is missing or damaged so function is compromised, loosely mounted, leaking, or gases are not emitted behind the rider. A sound level test shall be used to provide objective evidence of excessive noise. The decibel reading shall be made with the moped outdoors. Determine half throttle with the engine off. With the throttle in the fully closed position, gently turn the throttle grip until the play in the cable ends. At that point, place a

mark on the movable portion of the throttle grip and on an adjacent non-movable part. Fully open the throttle and place a mark on the non-movable part that aligns with the mark on the grip. Place a mark on the mid-point of the distance between marks on the non-movable part. This middle mark represents half throttle. The sound meter is to be held above the examiner's head while standing where the throttle can be moved. Take two decibel measurements by gradually (about two seconds) accelerating the engine to 1/2 throttle, hold it there a second and close it. Record the reading and repeat the process. If either of the two tests shows a decibel reading higher than 100, the muffler shall be failed. No exhaust system shall be modified to amplify or increase the noise emitted by the engine above that emitted by the system originally installed on the moped;

- (7) A fender is missing, loosely mounted, does not cover the entire width of the tire treads above that portion of the circumference from 15 degrees in front to 75 degrees to the rear of a vertical line through the center of the wheel;
- (8) The foot pegs, foot rests or pedals are not properly mounted and operational; or pegs do not fold up or toward the rear or are available for a passenger on a two-wheeled moped;
- (9) The frame is cracked or otherwise damaged so its strength is reduced or wheel tracking is not true;
- (10) Fuel is leaking, there is no fuel cut-off valve - unless a vacuum system is used, the fuel cap does not fit tightly, or the carbonator has been modified or changed to increase speed;
- (11) The horn is not audible from at least 200 feet or the button is not readily accessible

- on the left handlebar;
- (12) There is no proof of current insurance for three-wheeled mopeds that carry two occupants seated side by side or rental mopeds, which must list the same vehicle owner and VIN as the registration and the VIN on the moped, except for fleet insured mopeds and there is no proof of current insurance for mopeds offered for rent or lease;
 - (13) A moped manufactured after 9/1/74 does not have a properly functioning kill switch on the right handlebar;
 - (14) A required lamp (white headlamp, red taillamp, red stop lamp and white license plate lamp) or reflector (one red in the rear, one red on each side near the rear, and one amber on each side near the front) does not function properly, has an improper location, color, or brightness, headlamp is aimed improperly, high beam or telltale does not work, (mopeds are not required to have turn signals, but if they are installed, the lens must not have damage that allows white light to shine through, color must be amber in the front and red or amber in the rear), a damaged lens is repaired with tape, there is moisture inside the lens, a lamp or reflector is obscured in any manner that puts it out of conformance (the burden of proof of conformance is on the moped owner) with FMVSS 108 (Table I C of FMVSS 108 provides added detail about required lighting);
 - (15) The light switch on the left handlebar is not fully functional;
 - (16) The rearview mirror or mirrors do not reflect a clear view of the traffic behind the driver, or the ease or the stability of adjustment is inadequate;
 - (17) The odometer does not operate; or if the moped has a speedometer, it does not display

- miles per hour.
- (18) Regarding registration:
- (A) The moped license number and (VIN) on the moped do not match the numbers on the current valid registration document;
 - (B) The first eight characters plus the tenth on the VIN on the manufacturer's FMVSS certification label are not on Hawaii's list of mopeds that are certified by the manufacturer to comply with Hawaii's moped laws, and beginning 01/01/2017 the horse power (2 or less) and engine displacement (50 cc or 1,492 watts or less) must agree with the information the manufacturer provided to the National Highway Traffic Safety Administration (NHTSA) and displayed on the NHTSA web site; or
 - (C) The license plate is not legible and securely affixed at the rear of the moped, or the registration decal is not legible and securely affixed in the license plate;
- (19) The seats are not securely mounted, and any sharp edges or hazardous protrusions exist;
- (20) The retracting stand is insecurely installed, cannot hold the moped in a stable position or does not retract in a rearward and upward direction and stay close to the frame;
- (21) The steering system does not have free movement from stop to stop, steering head bearing play exists, the handlebar does not line up with front wheel, or a handlebar grip is missing;
- (22) The suspension system is not properly installed, bottoms out or does not settle down after the first upward rebound, a hydraulic shock leaks, a coil spring is broken, or the swing arm has play or damage that adversely effects tracking;

- (23) The throttle or a brake lever does not automatically return to the rest position;
- (24) Tires have no U.S. Department of Transportation "DOT" marking, have inadequate load capacity, treads less than 1/32-inch deep or not designed for highway use, damage indicating partial failure or structure separation, or improperly sized;
- (25) Wheels are damaged to cause excessive run-out, parts are missing, have loose wheel bearings, are not securely mounted;
- (26) Plastic or other material used in windscreen (optional equipment) is of improper type or is insecurely mounted, damaged, discolored, or obstructed so it hinders the operator's forward view; or
- (27) Visible electrical wiring is loosely connected, lacks insulation or has potential for causing a short circuit [Eff 9/15/86; am and comp 1/2/17; am and comp **SEP 30 2018**] (Auth: HRS §§ 291C-195, 202, 207) (Imp: HRS §§ 291C-195, 202, 207)

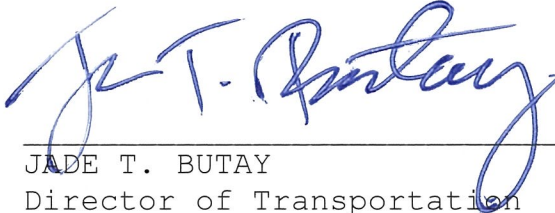
§19-135-29 Standards and criteria. The standards used for moped safety inspection are as follows:

- (1) 49 CFR Parts 566, 567, and 573 to 577 as they existed on October 1, 2016;
- (2) Federal Motor Vehicle Safety Standard (FMVSS) Numbers 106 (brake hoses), 108 (lamps and reflectors), 111 (rear view mirror), 119 (tires), 122 (motorcycle brake system), 123 (motorcycle controls) and 205 (motorcycle windscreen only) as they existed on October 1, 2016; and
- (3) Chapter 19-131, entitled "Required Equipment on Mopeds" as they existed on May 16, 2003. [Eff 9/15/86; am and comp 1/2/17; am and comp **SEP 30 2018**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-30 Severability. If any portion of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remainder of this chapter. [Eff 9/15/86; comp 1/2/17; comp **SEP 30 2018** (Auth: HRS §291C-202) (Imp: HRS §291C-20)

Amendments to and compilation of Chapter 133.2, Title 19, Hawaii Administrative Rules, on the Summary page dated January 28, 2018 were adopted on January 28, 2018 following public hearings held on January 22, 2018 after public notice was given in the Garden Island News, the Honolulu Star Advertiser, the Hawaii Tribune-Herald, and the West Hawaii Today on December 19, 2017 and in the Maui News on December 20, 2017.

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



JADE T. BUTAY
Director of Transportation

APPROVED:



DAVID Y. IGE
Governor State of Hawaii

Date: 09-20-2018

Filed: _____

APPROVED AS TO FORM:



DEPUTY ATTORNEY GENERAL

18 SEP 20 AM 16

LIEUTENANT GOVERNOR'S
OFFICE