DEPARTMENT OF TRANSPORTATION
Amendment and Compilation of Chapter 19-133.2
Hawaii Administrative Rules

July 20, 2005

SUMMARY

1. §19-133.2-1 is amended.

2. §19-133.2-2 is amended.

3. §19-133.2-3 is amended.

4. §19-133.2-4 is amended.

5. §19-133.2-7 is amended.

6. §19-133.2-8 is amended.

7. §19-133.2-9 is amended.

8. §19-133.2-11 is amended.

9. §19-133.2-12 is amended.

10. §19-133.2-13 is amended.

11. §19-133.2-14 is amended.

12. §19-133.2-15 is amended.

13. §19-133.2-17 is amended.

14. §19-133.2-18 is amended.

15. §19-133.2-20 is amended.

16. §19-133.2-22 is amended.

17. §19-133.2-23 is amended.

18. §19-133.2-24 is amended.

19. §19-133.2-25 is amended.

20. A new §19-133.2-25.5 is added.

21. §19-133.2-26 is amended.

22. §19-133.2-27 is amended.

23. §19-133.2-28 is amended.

24. §19-133.2-29 is amended.

25. §19-133.2-32 is amended.

26. §19-133.2-33 is amended.

27. §19-133.2-34 is amended.

28. §19-133.2-35 is amended.

29. §19-133.2-36 is amended.

30. §19-133.2-39 is amended.

31. §19-133.2-40 is repealed.

32. A new §19-133.2-40.5 is added.

33. A new §19-133.2-42 is added.

34. Chapter 133.2 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 133.2

PERIODIC INSPECTION OF VEHICLES

Subchapter 1 General Provisions

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

Subchapter 2 Inspection Stations

§19-133.2-5 Inspection stations; permits
§19-133.2-6 Types of inspection station permits
§19-133.2-7 Application for inspection station permits
§19-133.2-8 Issuance of inspection station permits
§19-133.2-9 Inspection station permit form
§19-133.2-10 Inspector certification
§19-133.2-11 Application for inspector certification
§19-133.2-12 Issuance of inspector certificates
§19-133.2-13 Inspector certificate form
§19-133.2-14 Inspection stations; operating procedures
§19-133.2-15 Inspection records
§19-133.2-16 Supervision of inspection stations
§19-133.2-17 Enforcement
§19-133.2-18 Operating procedures for inspectors
§19-133.2-19 Supervision of inspectors

Subchapter 3 General Procedure for Inspection

§19-133.2-20 Application for inspection certification
§19-133.2-21 Causes for refusal to inspect

§19-133.2-22 Inspection fees
§19-133.2-23 Failure to qualify for certification and correction of defects
§19-133.2-24 Issuance of certificates of inspection and affixing of inspection stickers
§19-133.2-25 Replacement of lost, stolen, or destroyed stickers
§19-133.2-25.5 Validity period of stickers for new vehicles that were not inspected prior to or on the date that they were first sold
§19-133.2-26 Items to be inspected
§19-133.2-27 Inspection of vehicle registration, license plate, vehicle identification number, and proof of insurance
§19-133.2-28 Inspection of steering and suspension systems
§19-133.2-29 Inspection of tires and wheel alignment
§19-133.2-30 Inspection of wheels
§19-133.2-31 Inspection of brakes
§19-133.2-32 Inspection of lamps and reflectors
§19-133.2-33 Inspection of horns
§19-133.2-34 Inspection of glazing materials
§19-133.2-35 Inspection of body and sheet metal components
§19-133.2-36 Inspection of exhaust system
§19-133.2-37 Inspection of intake and fuel system
§19-133.2-38 Inspection of speedometer-odometer
§19-133.2-39 Standards and criteria
§19-133.2-40 Repealed
§19-133.2-40.5 Specific inspection procedures and standards for neighborhood electric vehicles
§19-133.2-41 Department of Transportation may contract with counties

Subchapter 4 Severability

§19-133.2-42 Severability

Historical note. This chapter is based substantially on chapter 19-133.1, Hawaii Administrative Rules. [Eff 3/19/87; R 7/31/89; am, comp DEC 0 2 2005]

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 DOT.

"County agency" means the county department contracted by the DOT 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.

"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 DOT 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.

"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 0 2 2005] (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.

(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 0 2 2005] (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 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 every twelve months two years after the date they are first sold. [Eff 7/31/89; am 3/31/94; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §286-26)

§19-133.2-4 Administration and enforcement. (a) The DOT shall administer and enforce this chapter with respect to the certification of inspection stations and inspectors.

(b) The DOT shall be responsible for:

(1) Issuing permits for and the furnishing of instructions and all forms to official inspection stations;

(2) Supervising and inspecting [~~of~~] official inspection stations;

(3) Suspending or revoking permits issued to a station whenever the DOT 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. [Eff 7/31/89; am and comp DEC 0 2 2005] (Auth: HRS §286-26) (Imp: HRS §§286-26, 27, 28)

SUBCHAPTER 2

INSPECTION STATIONS

§19-133.2-5 Inspection stations; permits. The DOT 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 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 0 2 2005] (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. A private station qualification shall be determined by DOT. [Eff 7/31/89; comp DEC 0 2 2005] (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 DOT.

(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 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 dealers

(E) Type of permit requested (public or private); and

(F) A list of the names and inspector certificate numbers of certified inspectors presently employed by the applicant as regular employees.

(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 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 27)

§19-133.2-8 Issuance of inspection station permits. (a) The DOT shall issue inspection station permits only to those applicant stations which have been certified by the DOT 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 overhead 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; and

(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.

(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;

(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;

(6) A standard assortment of tools and equipment necessary to perform a complete and proper inspection;

(7) An approved type window light transmittance meter (WTM) for testing sunscreening devices affixed to the glazing materials of the vehicle to be inspected; provided that the items described in paragraphs (2) and (7) shall not be required for stations which limit their vehicle inspections to motorcycles and motor scooters. Private stations that are exempt by DOT from testing sun screening devices shall not be required to comply with paragraph (7).

(f) Each inspection station shall obtain and maintain a copy of this chapter in good legible condition for use exclusively at the 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 stations that inspect only vehicles owned and registered to the station owner or operator and stations that are

operated by instrumentalities of the federal, state and county governments. [Eff 7/31/89; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26, 91-21.5) (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. 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);
(7) The type or class of vehicles the station is authorized to inspect (unless the station is limited to testing of sun screening devices only); 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 0 2 2005] (Auth: HRS §§286-18, 26, 91-21.5) (Imp: HRS §§286-16, 27, 291-21.5)

§19-133.2-10 Inspector certification. The DOT 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 0 2 2005] (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 DOT.

(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 driving experience in years and by type of vehicle;
(8) Applicant's technical licenses or certificates;
(9) Applicant's experience in vehicle inspection, automotive mechanics, automotive maintenance, or related automotive mechanics experience;
(10) Applicant's signature to the declaration that all furnished information is true, and that upon certification as an inspector, the applicant shall conduct inspections in accordance with this chapter; and
(11) The date the application is filed. [Eff 7/31/89; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 27)

§19-133.2-12 Issuance of inspector certificates. [~~(a)~~] The DOT 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 of the application;
(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 employment experience in automotive maintenance or repair;
(5) Vehicle inspectors certified before July 1, 1986, and who are performing vehicle inspector duties satisfactorily shall be exempt from the above requirements; and
(6) Have completed a written and performance examination administered by the DOT. Motorcycle inspectors must pass a written and performance examination specific to motorcycles. 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. [Eff 7/31/89; am and comp DEC 0 2 2005] (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 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.

2670

(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. The DOT, upon proper notification by the inspector and presentation of the inspector's valid certificate, shall list additional inspection stations where the inspector is authorized to conduct inspections.

(c) 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) 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) 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) The inspector certificate shall expire four years from the date of issuance, unless revoked or suspended by the DOT.

(g) 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) 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 DOT.

(i) The inspector certificate shall be valid only in the county where it was issued. [Eff 7/31/89; am and comp DEC 0 2 2005] (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 DOT; and

(3) Inspections shall be conducted only by inspectors who have been issued an inspector's certificate.

(b) The DOT shall furnish copies of the required forms and a copy of these rules to every inspection station. The DOT may require persons receiving any forms or 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. [Eff 7/31/89; am and comp DEC 0 2 2005] (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 [~~a~~] the certified inspector who performs the inspection for each vehicle inspected.

(b) The inspection station operator shall ensure that copies of the completed certificate of inspection are distributed as indicated by printed markings thereon:

(1) One copy shall be sent to the County office that is representing the DOT;

(2) One copy shall be retained by the inspection station for a period of at least one year, except that copies for new vehicles that are

2678

given an inspection that will last for more than a year shall be retained for at least two years;

(3) One copy shall be given to the vehicle owner for vehicle registration purposes; and

(4) One copy shall be given to the vehicle owner to be retained in the vehicle at all times.

(c) Every inspection station operator shall provide a summary report of vehicle inspections conducted. The summary reports shall be required once each month and submitted to the DOT by the fifteenth day of the month next following the date on which the inspections were conducted. [Eff 7/31/89; am 3/31/94; am and comp DEC 0 2 2005] (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 DOT shall exercise supervisory control over all inspection stations. This supervisory function shall include, but not necessarily limited to the following activities:

(1) Issuing instructions and any forms as may be required for:
   (A) The preparation and maintenance of records concerning inspections;
   (B) The preparation and submission of reports 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 reports 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 applications processed;
   (B) The number of official inspection station permits suspended;
   (C) The number of official inspection station permits revoked;
   (D) The number of official inspection stations voluntarily withdrawing from the program;
   (E) The number of active official inspection stations;
   (F) The number of inspector applications processed;
   (G) The number of inspector certificates suspended;
   (H) The number of inspector certificates revoked;
   (I) The number of certified inspectors voluntarily withdrawing from the program;
   (J) The number of active certified inspectors;
   (K) The number of inspector certificates renewed; and
   (L) The number of inspection stations monitored. [Eff 8/31/89; comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 27)

§19-133.2-17 Enforcement. The DOT 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, as the case may be, is not in compliance with the appropriate rules. The DOT shall adopt rules pursuant to chapter 91 HRS, to govern suspensions and revocations. [Eff 7/31/89; am and comp DEC 0 2 2005] (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 form and issue and affix inspection stickers 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 is under the immediate and personal supervision of the inspector; and

(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. [Eff 7/31/89; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 27)

§19-133.2-19 Supervision of inspectors. The DOT 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 0 2 2005] (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 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 0 2 2005] (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 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 26)

§19-133.2-22 Inspection fees. (a) The director shall determine the 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.

(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 a blank certificate of inspection as a 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 fee determined by the director for the replacement of destroyed, stolen or lost inspection stickers.

(e) An inspection station may charge for the inspection, when required, of sunscreening devices affixed to the glazing materials. The fee shall be determined by the director.

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

(1) Automobiles and trucks - not more than $14.70;

(2) Motorcycles and trailers - not more than $8.75;

(A) The director shall collect from the operator of an official inspection station the sum of 50 cents from the above charged fees. Twenty-five cents of this 50 cents shall be for the left one half of the sticker, designating the month of expiration of the inspection certificate, and 25 cents of this 50 cents shall be for the right one-half of the sticker designating the year of expiration of the inspection certificate;

(B) The director shall, in addition, collect from the operator of an official inspection station the sum of $1 from the above charged fees which shall be expend for administrative and enforcement purposes only;

(3) A fee of not more than $5 may be charged by the operator of an inspection station for replacement of destroyed or lost inspection stickers or forms; and

(4) A fee of not more than $5 may be charged for testing of light transmittance, with a window light transmittance meter, of sun screening devices affixed to the glazing materials of a vehicle. [Eff 7/31/89; am 3/31/94; am and comp DEC 0 2 2005] (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 of inspection shall

not be signed and the authorized sticker shall not be affixed to the vehicle.

(b) The blue copy of the incomplete certificate of inspection, with the inspector number just above the certification box, shall be given to the applicant after the inspection, so that corrective repairs may be done on the vehicle. If there is a registration defect, the inspector signs the blue copy of the form outside of the signature box. This is to assure the registration clerk that the form is legitimate. When, upon reinspection, the vehicle is found to qualify for certification, the certificate of inspection shall be completed, signed in the box, and a sticker affixed to the vehicle in accordance with this chapter.

(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 [~~ten~~] 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 the inspecting the defects, that inspector's number shall be placed in the "Inspector Number" boxes on the left side of 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.

(f) If no certificate of inspection is issued, a notation to that effect shall be made on all copies of the incomplete certificate. The white copy of the incomplete certificate shall be held by the inspection station, the blue copy shall be given to the driver, and the pink and yellow copies shall be forwarded to the DOT at the end of the month following the month the vehicle was rejected. [Eff 7/31/89; am 3/31/94; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 26)

§19-133.2-24 <u>Issuance of certificates of inspection and affixing of inspection stickers.</u> (a) When the vehicle's equipment is inspected pursuant to

2676

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, a two-part 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, on the body immediately above the right portion of the rear bumper, or a special bracket installed horizontally under the right portion of the rear bumper where the sticker can be clearly viewed by a person who is fifty feet behind the vehicle. The rear window or license plate is not an appropriate place.

(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 stickers and forms shall not be transferred to other inspection stations nor shall the inspection stickers be issued by unauthorized people or issued at any location other than where the inspection is authorized to be conducted.

(e) Inspection stickers and forms in inventory shall be securely stored. [Eff 7/31/89; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26, 291-21.5) (Imp: HRS §§286-16, 26, 291-21.5)

§19-133.2-25 <u>Replacement of lost, stolen, or destroyed stickers or certificates of inspection.</u> (a) Inspection stickers or certificates of inspection which have been lost, stolen, or destroyed shall be replaced without reinspection by the inspection station that issued the original inspection sticker upon presentation of the vehicle's current certificate of inspection or sticker provided that the current certificate of inspection and inspection sticker shall not have expired 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 copy the information from the old form to a new form, except that the new sticker numbers shall be used; make a note on the old form indicating that the sticker or form was lost, stolen or destroyed and a note on the new form that it is for a

replacement sticker or form, and distribute the copies as in 19-133.2-15(b). [Eff 7/31/89; am 3/31/94; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 26)

§19-133.2-25.5 Validity period of stickers for new vehicles that were not inspected prior to or on the date that they were first sold. Inspection stickers for new vehicles that were not inspected on or before the date they were first sold but are inspected before the expiration of the two-year period after the date of first sale shall be valid to the end of the two-year period; provided that stickers affixed to vehicles inspected one year or more after the date of first sale shall be valid for only one year. [Eff ; comp DEC 0 2 2005] (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 sheet metal components;
(9) Exhaust system;
(10) Intake and fuel system; and
(11) Speedometer-odometer. [Eff 7/31/89; am and comp DEC 0 2 2005] (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 or a certificate of self-insurance issued in the State of Hawaii. 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 the vehicle insurance identification card is not available;

(2) The vehicle description or the VIN is not in agreement with the registration certificate and 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, loosely or improperly mounted (so that it swings or can be removed without tools) or is less than 12 inches above the ground as measured on a level surface from the bottom of the plate to the ground, not legible, or obscured from visibility. [Eff 8/31/89; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 26)

§19-133.2-28 <u>Inspection of steering and suspension systems.</u> (a) The steering and suspension systems shall be inspected for excessive play, binding, damages, worn parts, wheel bearing looseness, and missing components.

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

(1) There is excessive steering wheel free play;

(2) The steering wheel binds or locks-up when turning;

(3) The steering linkages or tie rod ends are worn beyond manufacturer's specifications;

(4) The steering linkages are damaged;

(5) Suspension system components, are excessively worn, missing, broken, or out of proper

adjustment. Slight dampness on shock absorber cylinder or lower tube is not a cause for rejection;

(6) Suspension system attachments or mounting bolts are damaged, excessively worn, improperly installed, or of the wrong type or size; or

(7) Adjustable wheel bearings are not properly adjusted and secured.

(8) Any constant velocity (CV) boot is worn or damaged to the extent that it is leaking or missing. [Eff 7/31/89; am 3/31/94; am and comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 26)

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

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

(1) A tire is worn so that less than 2/32 inch tread remains when measured in any two adjacent major grooves or the tread wear indicators in any two adjacent major grooves are showing;

(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, 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 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, is on a rim of improper width, or can rub or touch other parts of the vehicle when operated;

2676

(5) A tire does not display the "DOT" symbol on the sidewall, is marked "For Farm Use Only", "Off-Highway Use only", "For Racing Use only", or other restrictive 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) Tires unevenly worn indicating maladjusted wheel alignment; or
(8) 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. [Eff 7/31/89; am and comp DEC 0 2 2005] (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, excessive runout, 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, severely worn, rusted, or damaged;
(2) A wheel is bent, cracked, repaired by welding or brazing, damaged, or has elongated or oversize mounting holes;
(3) Wheel rims or locking rings are mismatched, damaged, bent, sprung, cracked, repaired by welding or brazing, or improperly installed;
(4) Wheel lateral or radial runout exceeds manufacturer's specifications. [Eff 7/31/89; comp DEC 0 2 2005] (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 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 is required to apply brakes;
(3) The steering wheel moves abruptly to left or right of center when the brake is applied at four to eight miles per hour on a clean, smooth, level, dry, hard surface;
(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;
(6) Required clips, clevis, or cotter pins are not properly installed or missing; or
(7) Brake system components rubbing against the body, frame or suspension system. [Eff 7/31/89; am and comp DEC 0 2 2005] (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, auxiliary driving or fog lamps 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 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 is non-transparent and which 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, or does not illuminate in reverse gear;

(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, auxiliary driving or fog lamps are not properly aimed;
(5) The high beam indicator lamp is inoperative.
(6) Lamp height does not conform with Section 291-25, HRS and County Ordinance. [Eff 7/31/89; am and comp DEC 0 2 2005] (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 interferes with other controls or the switch is not readily accessible to the operator. [Eff 7/31/89; am and comp DEC 0 2 2005] (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, discoloration, 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 sun screening device installed on the glazing material shall be inspected visually and with a certified window light transmittance meter for conformance with the minimum light transmittance requirements under section 291-21.5;
(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 October 1, 2004;

(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;

(5) Decals or stickers are displayed on the glazing material in areas not permitted by law, ordinances, or rules;

(6) There are cracks, discolorations, chips, or scratches in windshields that in the opinion of the inspector significantly interfere with driving visibility; if an insignificant obstruction exists, the inspector and driver must both sign their agreement that the obstruction insignificantly affects safe driving visibility. Agreement shall be indicated on the right side of the Insurance Carrier line, such as "#18 OK" with driver's signature. The signature of the inspector in the Certification box indicates agreement with the notation;

(7) There are cracks or discoloration to the windows to the immediate left or right of the driver, or to the rear window that significantly interfere with driving visibility (both inspector and registered owner must agree on insignificance when a condition exists);

(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.

(B) All official inspection stations shall possess and use a window light transmittance meter to inspect the 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(g)(5).

(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 is no greater than plus or minus six per cent. 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.

(D) Any official inspection station and/or person found to violate the requirements of subparagraphs (B) or (C) shall be fined not less than $50 nor more than $250 for each separate offense. For two or more violations, the State may revoke or suspend the violator's designation as an official inspection station and/or official inspector. [Eff 7/31/89; am 3/31/94; am and comp DEC 0 2 2005]
(Auth: HRS §§286-18, 26, 291-21.5)
(Imp: HRS §§286-16, 26, 291-21.5)

§19-133.2-35 Inspection of body and sheet metal components. (a) Body and sheet metal 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, and exposed sharp edges;

(2) Windshield wipers 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 modifications or replacement parts;

(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 for cars) and County ordinances that require both front and back bumpers;

(5) Fenders shall be inspected for proper installation, condition, looseness, size, hazardous protrusions, sharp edges, and non-approved modifications;

(6) Doors shall be inspected for operations and 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. Seat belt retractors shall be inspected for proper functioning.

(8) If a vehicle is equipped with air bags, they all must be fully functional.

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

(1) Any rear view mirror required by law or ordinance is insecurely mounted, missing, has a cracked or discolored surface, offers unsafe interference with the driver's vision

or does not provide a clear unobstructed view of the highway for a distance of at least two hundred feet to the rear of the vehicle;

(2) Windshield wipers:
   (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;
   (F) With 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 to persons nearby;

(4) Bumpers:
   (A) Do not conform with the requirements of the law;
   (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 while the vehicle is parked;

(5) Fenders:
   (A) Do not cover the width of the tire tread;
   (B) Are missing or loosely attached; or
   (C) Are damaged to the extent that sharp edges or protruding portions are hazardous to persons nearby;

(6) Door:
   (A) Does not latch in the fully closed position;
   (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 would not be adequately supported; or
   (B) Debris and 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;
(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 or parts are missing from the seat belt assembly. [Eff 7/31/89; am and comp DEC 0 2 2005] (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, miss ng or exposed parts.

(b) No certificate of inspection shall be issued if the exhaust system components are leaking, not securely fastened, component parts are missing, equipped with exhaust cut-outs or by-pass or similar devices, a muffler that emit excessive or unusual 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 0 2 2005] (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;

2607 b

(2) There is liquid fuel leakage at any point in the system;
(3) Fuel tank filler cap is missing or does not fit properly;
(4) Hoses are cut, cracked or broken; or
(5) Fuel tank is repaired without soldering.
[Eff 7/31/91; comp DEC 0 2 2005] (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.

(b) No certificate of inspection shall be issued if the odometer is not functioning properly. [Eff 7/31/89; comp DEC 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 26)

§19-133.2-39 Standards and criteria. The standards used for vehicle inspection are as follows:
(1) 49 CFR Parts 570 and 571 as they existed on October 1, 2004;
(2) Periodic motor Vehicle Inspection Manual for Inspectors of Passenger Cars and Light Trucks, June 2005.
(3) Periodic Motor Vehicle Inspection Manual for Inspectors of Motorcycles, June 2005; and
(4) Appendix A, Part II - North American Standard Vehicle Out-of-Service Criteria, April 1, 2005, published by the Commercial Vehicle Safety Alliance.

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 0 2 2005] (Auth: HRS §§286-18, 26) (Imp: HRS §§286-16, 26)

§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 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 but most manufacturers install them. If a NEV does not have a wiper installed, leave the boxes blank.

(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

2676

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.

(12) Speedometer and Odometer: 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.

(13) NEVs are required by 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.

(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 0 2 2005] (Auth: HRS §§286-16, 26, 291C-134) (Imp: HRS §§286-16, 26, 291C-134)

§19-133.2-41 <u>Department of transportation may contract with counties.</u> The department may contract with the counties for administrative, enforcement services, and implementation of this chapter. [Eff 7/31/89; comp DEC 0 2 2005] (Auth: HRS §§286-16, 17, 18, 27) (Imp: HRS §§286-16, 17, 18, 27)

SUBCHAPTER 4

SEVERABILITY

<u>§19-133.2-42</u> <u>Severability.</u> 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 ; comp DEC 0 2 2005] (Auth: HRS §286-18) (Imp: HRS §286-18)

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Amendments to and compilation of chapter 133.2, title 19, Hawaii Administrative Rules, on the Summary Page dated July 20, 2005 were adopted on following public hearings held on June 27, 28, 29, 30 and July 7, 2005, after public notice was given in the Honolulu Advertiser, Molokai News, Hawaii Tribune-Herald, and the Garden Island News on May 23, 2005.

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

RODNEY K. HARAGA
Director of Transportation

LINDA LINGLE
Governor
State of Hawaii

Dated: 11/21/05

APPROVED AS TO FORM:

Deputy Attorney General

Filed