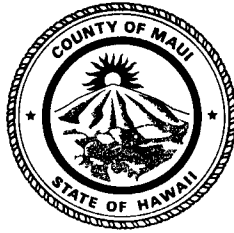


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MEMO TO: Carmelito P. Vila, MV&L Administrator

FROM: Jeffrey Ueoka, Deputy Corporation Counsel *JU*

DATE: April 26, 2016

SUBJECT: **MOTOR VEHICLE SAFETY INSPECTION-GAS POWERED  
LOW SPEED VEHICLE**

We are in receipt of your request for legal services dated April 18, 2016, requesting an opinion in regards to the motor vehicle safety inspection of gas powered low speed vehicles. In response to this request, we are advising on the more general issue of Motor Vehicle Registration. We advise the County of Maui, Department of Finance, Division of Motor Vehicles to issue a Certificate of Motor Vehicle Registration to gas powered low speed vehicles if the vehicle is able to comply with all of the requirement of Chapter 286, Hawaii Revised Statutes ("HRS"). It is our understanding, based on information provided to us by your Division that most gas powered low speed vehicles do not meet the equipment requirements of the Periodic Inspection of Vehicles<sup>1</sup> and are therefore unable to be certified. Vehicles that are unable to be certified cannot be registered, Section 286-26(d), HRS, requires that, "[e]very vehicle shall be certified prior to the issuance of a temporary or permanent registration by the director of finance and prior to the transfer of any registration[.]"

This response should not be interpreted or construed to mean that gas powered low speed vehicles are ineligible to be inspected under Title 19, Subtitle 5, Chapter 133.2, Hawaii Administrative Rules<sup>2</sup>, or that gas powered

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<sup>1</sup> Title 19, Subtitle 5, Chapter 133.2 of the Hawaii Administrative Rules

<sup>2</sup> This section applies to all vehicles, with "vehicles" being defined as, "every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, but

Carmelito P. Vila  
MV&L Administrator  
April 26, 2016  
Page 2


low speed vehicles are unable to be certified. This response merely states that in order to be registered, a gas powered low speed vehicle must successfully meet all the requirements of the Period Inspection of Motor Vehicles.

Currently, only "neighborhood electric vehicles" have specific inspection procedures which allow for the neighborhood electric vehicles to be certified in accordance with rules relating to the Period Inspection of Vehicles when, typically, under the standard inspection procedures, they would not. The Department of Finance is unable to amend the Administrative Rules as they are adopted by the State of Hawaii, Department of Transportation, and the Director of Transportation has the authority to adopt rules for the administration of inspections and the issuance of certificates of inspection.<sup>3</sup>

Please feel free to contact us if you need further clarification or have any other questions.

JTU:lk

APPROVED FOR TRANSMITTAL:

  
PATRICK K. WONG  
Corporation Counsel  
2016-0515

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excludes devices moved by human power or devices used exclusively upon stationary rails or tracks and mopeds."

<sup>3</sup> Section 286-26(g), HRS