

JAN 21 2016

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## A BILL FOR AN ACT

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RELATING TO MOTOR VEHICLES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Section 286-25, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "§286-25 Operation of a vehicle without a certificate of  
4 inspection. (a) Whoever operates, permits the operation of,  
5 causes to be operated, or parks any vehicle on a public highway  
6 without a current official certificate of inspection, issued  
7 under section 286-26, shall be fined not more than \$100[-], and  
8 the vehicle may be seized pursuant to subsection (b).

9       (b) If a person has been fined pursuant to subsection (a)  
10 three or more times for the same vehicle without obtaining a  
11 current official certificate of inspection, the vehicle may be  
12 seized no earlier than the twentieth day after the first fine,  
13 by the director of finance or by any police officer, and held  
14 for a period of ten days, during which time the vehicle shall be  
15 subject to redemption by its owner, by proving that a current  
16 official certificate of inspection has been obtained and by  
17 paying the applicable fines, cost of storage, and other charges



1 incident to the seizure of the vehicle. The director of  
2 finance, chief of police, or any police officer shall be deemed  
3 to have seized and taken possession of a vehicle, after having  
4 securely sealed it where located and posted a notice upon the  
5 vehicle, setting forth the fact that it has been seized for not  
6 having a current official certificate of inspection, as required  
7 under subsection (a), and warning all other persons from  
8 tampering with the vehicle. Any person who tampers with or  
9 disturbs any vehicle that has been seized pursuant to this  
10 section shall be fined not more than \$500.

11 (c) All vehicles seized and sealed shall remain at the  
12 place of seizure or at any other place that the director of  
13 finance may direct, at the expense and risk of the owner. If  
14 the owner of the vehicle fails to redeem it within ten days  
15 after seizure, the vehicle may be sold by the director of  
16 finance at public auction to the highest bidder for cash, after  
17 giving ten days public notice in the county where the vehicle  
18 was seized and by posting notices in at least three public  
19 places in the district where the vehicle was seized; provided  
20 that the requirements of public auction may be waived when the  
21 appraised value of any vehicle is less than \$250, as determined



1 by the director of finance or an authorized representative, in  
2 which case the vehicle may be disposed of in the same manner as  
3 when a motor vehicle is put up for public auction and no bid is  
4 received. The amount realized at the sale, less the amount of  
5 the applicable fines, together with all costs incurred in giving  
6 public notice, storing, and selling the vehicle, and all other  
7 charges incident to the seizure and sale, shall be paid to the  
8 owner of the vehicle. If no claim for the surplus is filed with  
9 the director of finance within sixty days from the date of the  
10 sale, the surplus shall be paid into the county treasury as a  
11 government realization and all claim to that sum shall  
12 thereafter be forever barred.

13 (d) Any vehicle impounded pursuant to this section shall  
14 be released forthwith to the registered owner, without payment  
15 of the applicable fines, cost of storage, and other charges  
16 incident to the seizure of the vehicle, if the interests of  
17 justice so require."

18 SECTION 2. Section 286-102, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§286-102 Licensing. (a) No person, except one:

21 (1) Exempted under section 286-105;



1           (2) Who holds an instruction permit under section 286-110;  
2           (3) Who holds a limited purpose driver's license, limited  
3           purpose provisional driver's license, or limited  
4           purpose instruction permit under section 286-104.5;  
5           (4) Who holds a provisional license under section  
6           286-102.6;  
7           (5) Who holds a commercial driver's license issued under  
8           section 286-239; or  
9           (6) Who holds a commercial driver's license instruction  
10          permit issued under section 286-236,  
11 shall operate any category of motor vehicles listed in this  
12 section without first being appropriately examined and duly  
13 licensed as a qualified driver of that category of motor  
14 vehicles.

15          (b) A person operating the following category or  
16 combination of categories of motor vehicles shall be examined as  
17 provided in section 286-108 and duly licensed by the examiner of  
18 drivers:

19          (1) Mopeds;

20          (2) Motorcycles and motor scooters;



1           (3) Passenger cars of any gross vehicle weight rating,  
2           buses designed to transport fifteen or fewer  
3           occupants, and trucks and vans having a gross vehicle  
4           weight rating of eighteen thousand pounds or less; and

5           (4) All of the motor vehicles in category (3) and any  
6           vehicle that is not a commercial motor vehicle.

7           A school bus or van operator shall be properly licensed to  
8           operate the category of vehicles that the operator operates as a  
9           school bus or van and shall comply with the standards of the  
10          department of transportation as provided by rules adopted  
11          pursuant to section 286-181.

12          (c) No person shall receive a driver's license without  
13          surrendering to the examiner of drivers all valid driver's  
14          licenses and all valid identification cards in the person's  
15          possession. All licenses and identification cards so  
16          surrendered shall be shredded; provided that with the exception  
17          of driver's licenses issued by any Canadian province, a foreign  
18          driver's license may be returned to the owner after being  
19          invalidated pursuant to issuance of a Hawaii license; provided  
20          further that the examiner of drivers shall notify the authority  
21          that issued the foreign license that the license has been



1   invalidated and returned because the owner is now licensed in  
2   this State; and provided further that all commercial driver's  
3   licenses that are surrendered shall be shredded. No person  
4   shall be permitted to hold more than one valid driver's license  
5   at any time.

6       (d) Before issuing a driver's license, the examiner of  
7   drivers shall complete a check of the applicant's driving record  
8   to determine whether the applicant is subject to any  
9   disqualification under section 286-240, or any license  
10   suspension, revocation, or cancellation, and whether the  
11   applicant has a driver's license from more than one state or  
12   jurisdiction. The record check shall include but is not limited  
13   to the following:

14       (1) A check of the applicant's driving record as  
15           maintained by the applicant's state or jurisdiction of  
16           licensure;

17       (2) A check with the commercial driver license information  
18           system;

19       (3) A check with the National Driver Register; and

20       (4) If the driver is renewing a commercial driver's  
21           license for the first time after September 30, 2002, a



1 request for the applicant's complete driving record  
2 from all states where the applicant was previously  
3 licensed to drive any motor vehicle over the last ten  
4 years; provided that a notation is made on the driving  
5 record confirming the check has been made and the date  
6 it was done.

7 (e) Notwithstanding sections 291E-61.6 and  
8 [4]291E-44.5[4], in addition to other qualifications and  
9 conditions by or pursuant to this part, the right of an  
10 individual to hold a motor vehicle operator's license or permit  
11 issued by the county is subject to the requirements of section  
12 576D-13.

13 Upon receipt of certification from the child support  
14 enforcement agency pursuant to section 576D-13 that an obligor  
15 or individual who owns or operates a motor vehicle is not in  
16 compliance with an order of support as defined in section 576D-1  
17 or has failed to comply with a subpoena or warrant relating to a  
18 paternity or child support proceeding, the examiner of drivers  
19 shall suspend the license and right to operate motor vehicles  
20 and confiscate the license of the obligor. The examiner of  
21 drivers shall not reinstate an obligor's or individual's license



1 until the child support enforcement agency, the office of child  
2 support hearings, or the family court issues an authorization  
3 that states the obligor or individual is in compliance with an  
4 order of support or has complied with a subpoena or warrant  
5 relating to a paternity or child support hearing.

6 (f) If a person fails to comply with subsection (a), the  
7 motor vehicle may be seized by the director of finance or by any  
8 police officer and held for a period of ten days, during which  
9 time the vehicle shall be subject to redemption by its owner, by  
10 paying the applicable cost of storage and other charges incident  
11 to the seizure of the vehicle and, if the owner was the driver  
12 of the motor vehicle at the time of seizure, by also proving  
13 that a valid license to operate the motor vehicle has been  
14 obtained. The director of finance, chief of police, or any  
15 police officer shall be deemed to have seized and taken  
16 possession of any motor vehicle, after having securely sealed it  
17 where located and posted a notice upon the motor vehicle,  
18 setting forth the fact that it has been seized for operation by  
19 a driver not duly licensed, as required under subsection (a),  
20 and warning all other persons from tampering with the vehicle.  
21 Any person who tampers with or disturbs any vehicle that has



1 been seized pursuant to this section shall be fined not more  
2 than \$500.

3 (g) All vehicles seized and sealed pursuant to subsection  
4 (f) shall remain at the place of seizure or at any other place  
5 that the director of finance may direct, at the expense and risk  
6 of the owner. If the owner of the vehicle fails to redeem it  
7 within ten days after seizure, the vehicle may be sold by the  
8 director of finance at public auction to the highest bidder for  
9 cash, after giving ten days public notice in the county where  
10 the motor vehicle was seized and by posting notices in at least  
11 three public places in the district where the motor vehicle was  
12 seized; provided that the requirements of public auction may be  
13 waived when the appraised value of any vehicle is less than  
14 \$250, as determined by the director of finance or an authorized  
15 representative, in which case the motor vehicle may be disposed  
16 of in the same manner as when a motor vehicle is put up for  
17 public auction and no bid is received. The amount realized at  
18 the sale, less the costs incurred in giving public notice,  
19 storing, and selling the motor vehicle, and all other charges  
20 incident to the seizure and sale, shall be paid to the owner of  
21 the motor vehicle. If no claim for the surplus is filed with



1 the director of finance within sixty days from the date of the  
2 sale, the surplus shall be paid into the county treasury as a  
3 government realization and all claim to that sum shall  
4 thereafter be forever barred.

5 (h) Any vehicle impounded pursuant to this section shall  
6 be released forthwith to the registered owner, without payment  
7 of the applicable cost of storage and other charges incident to  
8 the seizure of the motor vehicle, if the interests of justice so  
9 require.

10 (i) The licensing authority may adopt rules pursuant to  
11 chapter 91 to implement and enforce the requirements of this  
12 section."

13 SECTION 3. Section 286-116, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§286-116 License, insurance identification card,  
16 possession, exhibition. (a) Every licensee shall have a valid  
17 driver's license in the licensee's immediate possession at all  
18 times, and a valid motor vehicle or liability insurance  
19 identification card applicable to the motor vehicle operated as  
20 required under ~~[section]~~ sections 431:10C-107 and ~~[section]~~  
21 431:10G-106, when operating a motor vehicle, and shall display



1 the same upon demand of a police officer. Every police officer  
2 or law enforcement officer when stopping a vehicle or inspecting  
3 a vehicle for any reason shall demand that the driver or owner  
4 display the driver's or owner's driver's license and insurance  
5 identification card. No person charged with violating this  
6 section shall be convicted if the person produces in court, or  
7 proves from the proper official or other records that the person  
8 was the holder of a driver's license or a motor vehicle or  
9 liability insurance identification card and policy conforming to  
10 ~~[article]~~ articles 10C and ~~[article]~~ 10G of chapter 431 or a  
11 certificate of self-insurance issued by the insurance  
12 commissioner pursuant to ~~[section]~~ sections 431:10C-107 and  
13 ~~[section]~~ 431:10G-103, theretofore issued to the person and  
14 valid at the time of the person's arrest.

15 (b) At any time a law enforcement officer finds a motor  
16 vehicle in operation by a driver not in possession of the motor  
17 vehicle or liability insurance identification card required  
18 under ~~[section]~~ sections 431:10C-107 and ~~[section]~~ 431:10G-106,  
19 the officer shall issue a citation with the earliest possible  
20 date for court appearance in every instance.



1 (c) In all instances in which a citation shall be issued  
2 under subsection (b), whenever the driver cited is not found to  
3 be the registered owner of the motor vehicle under operation,  
4 the citation shall also be issued to the driver as the owner's  
5 agent and to the registered owner of the motor vehicle.

6 Whenever the registered owner of any motor vehicle permits any  
7 person to operate the registered owner's motor vehicle, the  
8 registered owner appoints, designates, and constitutes the  
9 driver the registered owner's agent for all purposes under this  
10 section and ~~[section]~~ sections 805-13, 431:10C-107, [section]  
11 and 431:10G-106 ~~[, and section 805-13]~~.

12 (d) The operation of any motor vehicle required to be  
13 licensed on a highway by a driver, whether or not licensed, who  
14 knows, or has reason to believe, that the motor vehicle is not  
15 insured in compliance with ~~[article]~~ articles 10C and [article]  
16 10G of chapter 431, shall constitute a violation of this  
17 chapter.

18 (e) Any registered owner of any motor vehicle required to  
19 be licensed, who directly or indirectly permits the operation of  
20 ~~[such]~~ the motor vehicle on any highway at any time the motor  
21 vehicle is not insured in compliance with ~~[article]~~ articles 10C



1 and ~~[article]~~ 10G of chapter 431, shall be guilty of a violation  
2 of this chapter. The registered owner shall, in all cases, be  
3 presumed to know whether a motor vehicle is insured in  
4 compliance with ~~[article]~~ articles 10C and ~~[article]~~ 10G of  
5 chapter 431.

6 (f) Notwithstanding any other law to the contrary, if a  
7 person fails to display a valid insurance identification card as  
8 required under subsection (a), the motor vehicle may be seized  
9 by the director of finance or by any police officer, and held  
10 for a period of ten days, during which time the motor vehicle  
11 shall be subject to redemption by its owner, by paying the  
12 applicable cost of storage and other charges incident to the  
13 seizure of the motor vehicle and by also showing a valid  
14 insurance identification card, as required under subsection (a).  
15 The director of finance, chief of police, or any police officer  
16 shall be deemed to have seized and taken possession of any motor  
17 vehicle, after having securely sealed it where located and  
18 posted a notice upon the motor vehicle, setting forth the fact  
19 that it has been seized for failure to display a valid insurance  
20 identification card, as required under subsection (a), and  
21 warning all other persons from tampering with the vehicle. Any



1 person who tampers with or disturbs any motor vehicle that has  
2 been seized pursuant to this section shall be fined not more  
3 than \$500.

4       (g) All vehicles seized and sealed pursuant to subsection  
5 (f) shall remain at the place of seizure or at any other place  
6 that the director of finance may direct, at the expense and risk  
7 of the owner. If the owner of the motor vehicle fails to redeem  
8 it within ten days after seizure, the motor vehicle may be sold  
9 by the director of finance at public auction to the highest  
10 bidder for cash, after giving ten days public notice in the  
11 county where the motor vehicle was seized and by posting notices  
12 in at least three public places in the district where the  
13 vehicle was seized; provided that the requirements of public  
14 auction may be waived when the appraised value of any motor  
15 vehicle is less than \$250, as determined by the director of  
16 finance or an authorized representative, in which case the  
17 vehicle may be disposed of in the same manner as when a motor  
18 vehicle is put up for public auction and no bid is received.  
19 The amount realized at the sale, less the costs incurred in  
20 giving public notice, storing, and selling the vehicle, and all  
21 other charges incident to the seizure and sale, shall be paid to



1 the owner of the motor vehicle. If no claim for the surplus is  
2 filed with the director of finance within sixty days from the  
3 date of the sale, the surplus shall be paid into the county  
4 treasury as a government realization and all claim to that sum  
5 shall thereafter be forever barred.

6 (h) Any vehicle impounded pursuant to this section shall  
7 be released forthwith to the registered owner, without payment  
8 of the applicable cost of storage and other charges incident to  
9 the seizure of the vehicle, if the interests of justice so  
10 require."

11 SECTION 4. Section 431:10C-104, Hawaii Revised Statutes,  
12 is amended to read as follows:

13 "§431:10C-104 Conditions of operation and registration of  
14 motor vehicles. (a) Except as provided in section 431:10C-105,  
15 no person shall operate or use a motor vehicle upon any public  
16 street, road, or highway of this State at any time unless such  
17 motor vehicle is insured at all times under a motor vehicle  
18 insurance policy.

19 (b) Every owner of a motor vehicle used or operated at any  
20 time upon any public street, road, or highway of this State  
21 shall obtain a motor vehicle insurance policy upon such vehicle



1 which provides the coverage required by this article and shall  
2 maintain the motor vehicle insurance policy at all times for the  
3 entire motor vehicle registration period.

4 (c) Any person who violates the provisions of this section  
5 shall be subject to the provisions of section 431:10C-117(a).

6 (d) The provisions of this article shall not apply to any  
7 vehicle owned by or registered in the name of any agency of the  
8 federal government, or to any antique motor vehicle as defined  
9 in section 249-1.

10 (e) Notwithstanding any other law to the contrary, if a  
11 person fails to comply with subsection (a), the motor vehicle  
12 may be seized by the director of finance or by any police  
13 officer and held for a period of ten days, during which time the  
14 motor vehicle shall be subject to redemption by its owner, by  
15 paying the applicable cost of storage and other charges incident  
16 to the seizure of the vehicle and by also proving that a valid  
17 motor vehicle insurance policy has been obtained. The director  
18 of finance, chief of police, or any police officer shall be  
19 deemed to have seized and taken possession of any vehicle, after  
20 having securely sealed it where located and posted a notice upon  
21 the motor vehicle, setting forth the fact that it has been



1 seized for failure to have a valid motor vehicle insurance  
2 policy, as required under subsection (a), and warning all other  
3 persons from tampering with the vehicle. Any person who tampers  
4 with or disturbs any vehicle that has been seized pursuant to  
5 this section shall be fined not more than \$500.

6 (f) All vehicles seized and sealed pursuant to subsection  
7 (e) shall remain at the place of seizure or at any other place  
8 that the director of finance may direct, at the expense and risk  
9 of the owner. If the owner of the motor vehicle fails to redeem  
10 it within ten days after seizure, the motor vehicle may be sold  
11 by the director of finance at public auction to the highest  
12 bidder for cash, after giving ten days public notice in the  
13 county where the motor vehicle was seized and by posting notices  
14 in at least three public places in the district where the motor  
15 vehicle was seized; provided that the requirements of public  
16 auction may be waived when the appraised value of any vehicle is  
17 less than \$250, as determined by the director of finance or an  
18 authorized representative, in which case the vehicle may be  
19 disposed of in the same manner as when a motor vehicle is put up  
20 for public auction and no bid is received. The amount realized  
21 at the sale, less the costs incurred in giving public notice,



1 storing, and selling the motor vehicle, and all other charges  
2 incident to the seizure and sale, shall be paid to the owner of  
3 the motor vehicle. If no claim for the surplus is filed with  
4 the director of finance within sixty days from the date of the  
5 sale, the surplus shall be paid into the county treasury as a  
6 government realization and all claim to that sum shall  
7 thereafter be forever barred.

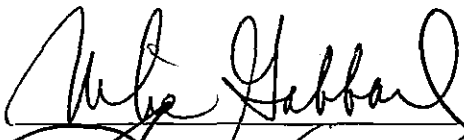

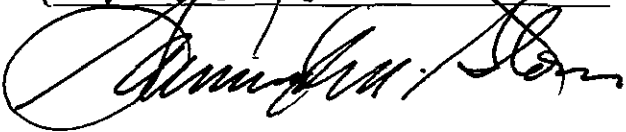
8 (g) Any motor vehicle impounded pursuant to this section  
9 shall be released forthwith to the registered owner, without  
10 payment of the applicable cost of storage and other charges  
11 incident to the seizure of the vehicle, if the interests of  
12 justice so require."

13 SECTION 5. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 6. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.


18 SECTION 7. This Act shall take effect on July 1, 2016.

19  
INTRODUCED BY:



S.B. NO. 2146

  
Michelle Sedani

Amir & Baba  
Kamran  
Javed Khan Jr



# S.B. NO. 2146

**Report Title:**

Motor Vehicle; Impound; Seizure; Insurance; Safety Check;  
License

**Description:**

Authorizes and sets forth procedures for impounding a motor vehicle after a person has been fined three or more times for operating a vehicle without a valid certificate of inspection, or for operating a vehicle without being duly licensed, without a valid insurance card, or without a valid insurance policy.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

