
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The legislature finds that traffic fatalities
2 and injuries in Hawaii have increased, with a record high of one
3 hundred seventeen traffic fatalities and five hundred seventy
4 serious traffic-related injuries in 2022. In the first six
5 months of 2023, Hawaii had forty-three traffic fatalities, with
6 two deaths occurring immediately outside of public schools. The
7 legislature recognizes that these tragic events demonstrate the
8 need for greater safeguards and deterrents to improve safety on
9 Hawaii's streets and better protect Hawaii's residents.

10 The legislature further recognizes that the increase in
11 traffic violations committed by repeat offenders, including
12 driving without a license and speeding, is jeopardizing the
13 safety and welfare of Hawaii residents. The legislature finds
14 that increased fines for these repeat offenders are necessary to
15 both deter repeat violations of Hawaii's traffic laws and hold
16 these individuals accountable for their actions.



1 The legislature further finds that repeated violations of
2 the State's minimum motor vehicle insurance policy requirements
3 have increased, burdening innocent victims of motor vehicle
4 accidents with the cost of accidents caused by repeat offenders.
5 Motor vehicle insurance minimums have remained unamended for
6 nearly twenty-five years, making the required liability
7 insurance minimums insufficient to protect Hawaii residents from
8 repeat offenders.

9 The legislature also finds that with rising inflation,
10 failure to increase motor vehicle insurance policy requirements
11 will operate as a financial burden imposed on tort victims
12 throughout Hawaii. The legislature notes that the State is
13 experiencing medical inflation, which has substantially
14 increased the average cost of motor vehicle accident-related
15 injuries since the required motor vehicle insurance minimums
16 were last amended. The legislature also notes that Hawaii's
17 outdated liability insurance minimum requirements
18 disproportionately impact residents injured in motor vehicle
19 accidents, and are no longer sufficient to protect law-abiding
20 drivers and pedestrians. The legislature believes that it is
21 necessary to mitigate these impacts on Hawaii residents through



1 legislation to increase certain traffic fines and required motor
2 vehicle insurance minimums.

3 The legislature further finds that many residents
4 throughout the State, especially those in high-density areas,
5 have complained about growing noise pollution and disturbances
6 from low restriction mufflers on motor vehicles. While existing
7 law prohibits vehicle owners from installing mufflers that
8 increase the noise of their vehicle, the penalties are minimal
9 and do little to deter violations. The legislature believes
10 that enhancing the existing noisy exhaust pipe and muffler laws
11 is necessary to reduce noise levels throughout the State.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Amend the penalties for repeated traffic violations;
14 (2) Amend the penalties for repeated reckless driving
15 violations;
16 (3) Amend the penalties for repeated violations of
17 excessive speeding;
18 (4) Increase fines for driving without motor vehicle
19 liability insurance;
20 (5) Increase motor vehicle insurance minimums to protect
21 residents from repeat offenders;



1 (6) Establish a separate prohibition on driving motor
2 vehicles having noisy mufflers on public highways in
3 high-density areas;

4 (7) Establish tiered fines for violations of motor scooter
5 muffler regulations; and

6 (8) Establish tiered fines for violations of motor vehicle
7 muffler regulations.

8 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
9 amended by adding two new sections to be appropriately
10 designated and to read as follows:

11 **"§291-A Unauthorized use of vehicle immobilization**
12 **devices; penalty.** Any person who places any device upon a
13 vehicle designed to immobilize the vehicle without consent of
14 the owner of the vehicle shall be fined not more than
15 \$_____.

16 **§291-B Motor vehicle muffler; high-density areas.** (a) No
17 person shall use on a public highway in a high-density area a
18 muffler that noticeably increases the noise emitted by a motor
19 vehicle above that emitted by the vehicle as equipped by the
20 factory.



1 (b) Any violation of this section shall constitute a
2 violation and shall be enforceable by police officers. Any
3 person who violates the provisions of this section may be issued
4 a summons or citation for the violation. Violation of any of
5 the provisions of this section shall subject the violator to the
6 following penalties:

7 (1) For a first conviction, the person shall be fined not
8 more than \$ _____ ;

9 (2) For a second conviction committed within five years of
10 any other conviction under this section, the person
11 shall be fined not more than \$ _____ ; and

12 (3) For a conviction of a third or subsequent offense
13 committed within five years of any other conviction
14 under this section, the person shall be fined not more
15 than \$ _____ .

16 (c) As used in this section, "high-density area" means a
17 county having a population of five hundred thousand or more."

18 SECTION 3. Section 286-136, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) Any person who is convicted of violating
21 section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or



1 286-134 shall be subject to a minimum fine of [~~\$500~~]
 2 \$ _____ and a maximum fine of [~~\$1,000,~~] \$ _____, or
 3 imprisoned [~~no~~] not less than _____ days nor more than one year,
 4 or both, if the person has two or more prior convictions for the
 5 same offense in the preceding five-year period."

6 SECTION 4. Section 291-2, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "**§291-2 Reckless driving of a vehicle or riding of**
 9 **~~[animals;]~~ an animal; penalty.** [~~Whoever~~] (a) Any person who
 10 operates any vehicle or rides any animal recklessly in disregard
 11 of the safety of persons or property [~~is~~] shall be guilty of
 12 reckless driving of a vehicle or reckless riding of an animal,
 13 as appropriate, and shall be fined not more than \$1,000 or
 14 imprisoned not more than thirty days, or both.

15 (b) Any person who is convicted of violating subsection
 16 (a) shall be subject to a minimum fine of \$ _____ and a
 17 maximum fine of \$ _____, or imprisoned not less
 18 than _____ days nor more than _____ year, or both, if the person
 19 has two or more prior convictions for the same offense in the
 20 preceding five-year period."



1 SECTION 5. Section 291-23, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§291-23~~ **Penalty.** [~~Whoever is convicted of violating any~~
4 ~~of the provisions of section 291-22 shall be fined not more than~~
5 ~~§100.]~~ (a) Violation of any of the provisions of section 291-22
6 shall subject the violator to the following penalties:

7 (1) For a first conviction, the person shall be fined not
8 more than \$ _____ ;

9 (2) For a second conviction committed within five years of
10 any other conviction under this section, the person
11 shall be fined not more than \$ _____ ; and

12 (3) For a conviction of a third or subsequent offense
13 committed within five years of any other conviction
14 under this section, the person shall be fined not more
15 than \$ _____ ."

16 SECTION 6. Section 291-24.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "~~{}~~§291-24.5~~{}~~ **Motor vehicle muffler.** (a) [~~N~~] Except
19 as otherwise provided in section 291-B, no person shall use on a
20 public highway, sell, alter, or install a muffler [~~which~~] that



1 will noticeably increase the noise emitted by a motor vehicle
2 above that emitted by the vehicle as equipped from the factory.

3 (b) Any violation of this section shall constitute a
4 violation and shall be enforceable by police officers. [~~The~~
5 ~~fine for this violation shall be not less than \$25 nor more than~~
6 ~~\$250 for each separate offense.~~] Violation of this section shall
7 subject the violator to the following penalties:

8 (1) For a first conviction, the person shall be fined not
9 more than \$ _____ ;

10 (2) For a second conviction committed within three years
11 of any other conviction under this section, the person
12 shall be fined not more than \$ _____ ; and

13 (3) For a conviction of a third or subsequent offense
14 committed within five years of any other conviction
15 under this section, the person shall be fined not more
16 than \$ _____ .

17 Any person who violates the provisions of this section may be
18 issued a summons or citation for [~~such~~] the violation."

19 SECTION 7. Section 291C-105, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) Any person who violates this section shall be guilty
2 of a petty misdemeanor and shall be sentenced as follows without
3 the possibility of probation or suspension of sentence:

4 (1) For a first offense not preceded by a prior conviction
5 for an offense under this section in the preceding
6 five years:

7 (A) A fine of not less than \$500 and not more than
8 \$1,000;

9 (B) Thirty-day prompt suspension of license and
10 privilege to operate a vehicle during the
11 suspension period, or the court may impose, in
12 lieu of the thirty-day prompt suspension of
13 license, a minimum fifteen-day prompt suspension
14 of license with absolute prohibition from
15 operating a vehicle and, for the remainder of the
16 thirty-day period, a restriction on the license
17 that allows the person to drive for limited
18 work-related purposes;

19 (C) Attendance in a course of instruction in driver
20 retraining;



- 1 (D) A surcharge of \$25 to be deposited into the
- 2 neurotrauma special fund;
- 3 (E) May be charged a surcharge of up to \$100 to be
- 4 deposited into the trauma system special fund if
- 5 the court so orders;
- 6 (F) An assessment for driver education pursuant to
- 7 section 286G-3; and
- 8 (G) Either one of the following:
 - 9 (i) Thirty-six hours of community service work;
 - 10 or
 - 11 (ii) Not less than forty-eight hours and not more
 - 12 than five days of imprisonment;
- 13 (2) For an offense that occurs within five years of a
- 14 prior conviction for an offense under this section,
- 15 by:
 - 16 (A) A fine of not less than [~~\$750~~] \$ _____ and
 - 17 not more than [~~\$1,000;~~] \$ _____ ;
 - 18 (B) Prompt suspension of license and privilege to
 - 19 operate a vehicle for a period of thirty days
 - 20 with an absolute prohibition from operating a
 - 21 vehicle during the suspension period;



- 1 (C) Attendance in a course of instruction in driver
2 retraining;
- 3 (D) A surcharge of \$25 to be deposited into the
4 neurotrauma special fund;
- 5 (E) May be charged a surcharge of up to [~~\$100~~]
6 \$ _____ to be deposited into the trauma
7 system special fund if the court so orders;
- 8 (F) An assessment for driver education pursuant to
9 section 286G-3; and
- 10 (G) Either one of the following:
- 11 (i) Not less than one hundred twenty hours of
12 community service work; or
- 13 (ii) Not less than five days but not more than
14 fourteen days of imprisonment of which at
15 least forty-eight hours shall be served
16 consecutively; and
- 17 (3) For an offense that occurs within five years of two
18 prior convictions for offenses under this section, by:
- 19 (A) A fine of [~~\$1,000;~~] \$ _____ ;



1 (B) Revocation of license and privilege to operate a
2 vehicle for a period of not less than ninety days
3 but not more than one year;

4 (C) Attendance in a course of instruction in driver
5 retraining;

6 (D) No fewer than [~~ten~~] _____ days but no more than
7 [~~thirty~~] _____ days of imprisonment of which at
8 least forty-eight hours shall be served
9 consecutively;

10 (E) A surcharge of \$25 to be deposited into the
11 neurotrauma special fund;

12 (F) May be charged a surcharge of up to [~~\$100~~]
13 \$_____ to be deposited into the trauma
14 system special fund if the court so orders; and

15 (G) An assessment for driver education pursuant to
16 section 286G-3."

17 SECTION 8. Section 431:10C-117, Hawaii Revised Statutes,
18 is amended by amending subsection (a) to read as follows:

19 "(a) (1) Any person subject to this article in the capacity of
20 the operator, owner, or registrant of a motor vehicle
21 operated in this State, or registered in this State,



1 who violates any applicable provision of this article,
2 shall be subject to citation for the violation by any
3 county police department in a form and manner approved
4 by the traffic and emergency period violations bureau
5 of the district court of the first circuit;

6 (2) Notwithstanding any provision of the Hawaii Penal
7 Code:

8 (A) Each violation shall be deemed a separate offense
9 and shall be subject to a fine of no less than
10 [~~\$100~~] \$ _____ nor more than [~~\$5,000~~]
11 \$ _____, which shall not be suspended except
12 as provided in subparagraph (B); and

13 (B) If the person is convicted of not having had a
14 motor vehicle insurance policy in effect at the
15 time the citation was issued, the fine shall be
16 [~~\$500~~] \$ _____ for the first offense and a
17 minimum of [~~\$1,500~~] \$ _____ for each
18 subsequent offense that occurs within a five-year
19 period from any prior offense; provided that the
20 court:



- 1 (i) Shall have the discretion to suspend all or
2 any portion of the fine if the defendant
3 provides proof of having a current motor
4 vehicle insurance policy; provided further
5 that upon the defendant's request, the court
6 may grant community service in lieu of the
7 fine, of no less than seventy-five hours and
8 no more than one hundred hours for the first
9 offense, and no less than
10 [~~two~~] _____ hundred hours nor more than [~~two~~
11 ~~hundred-seventy-five~~] _____ hours for the
12 second offense; and
- 13 (ii) May grant community service in lieu of the
14 fine for subsequent offenses at the court's
15 discretion;
- 16 (3) In addition to the fine in paragraph (2), the court
17 shall either:
- 18 (A) Suspend the driver's license of the driver or of
19 the registered owner for:
- 20 (i) Three months for the first conviction; and



1 (ii) One year for any subsequent offense within a
2 five-year period from a previous offense;
3 provided that the driver or the registered owner
4 shall not be required to obtain proof of
5 financial responsibility pursuant to section
6 287-20; or
7 (B) Require the driver or the registered owner to
8 keep a nonrefundable motor vehicle insurance
9 policy in force for six months;
10 (4) Any person subject to a fine under this section and
11 who fails to timely pay the fine shall be given an
12 opportunity to petition the court to demonstrate that
13 the person's nonpayment or inability to pay is not
14 wilful; provided that if the person petitions the
15 court, the court shall make an individualized
16 assessment of the person's ability to pay based upon
17 the totality of the circumstances, including the
18 person's disposable income, financial obligations, and
19 liquid assets; provided further that if the court
20 determines that the person's nonpayment or inability
21 to pay is not wilful, the court may enter an order



1 that allows additional time for payment; reduces the
2 amount of each installment; revokes the fee or fine,
3 or unpaid portion thereof, in whole or in part; or
4 converts any outstanding fine to community service;

5 (5) Any person cited under this section shall have an
6 opportunity to present a good faith defense, including
7 lack of knowledge or proof of insurance; provided that
8 the general penalty provision of this section shall
9 not apply to:

10 (A) Any operator of a motor vehicle owned by another
11 person if the operator's own insurance covers
12 such driving;

13 (B) Any operator of a motor vehicle owned by that
14 person's employer during the normal scope of that
15 person's employment; or

16 (C) Any operator of a borrowed motor vehicle if the
17 operator holds a reasonable belief that the
18 subject vehicle is insured;

19 (6) In the case of multiple convictions for driving
20 without a valid motor vehicle insurance policy within
21 a five-year period from any prior offense, the court,



1 in addition to any other penalty, shall impose the
2 following penalties:

- 3 (A) Imprisonment of no more than thirty days;
- 4 (B) Suspension or revocation of the motor vehicle
5 registration plates of the vehicle involved;
- 6 (C) Impoundment, or impoundment and sale, of the
7 motor vehicle for the costs of storage and other
8 charges incident to seizure of the vehicle, or
9 any other cost involved pursuant to section
10 431:10C-301; or
- 11 (D) Any combination of those penalties; and

12 (7) Any violation as provided in paragraph (2)(B) shall
13 not be deemed to be a traffic infraction as defined by
14 chapter 291D."

15 SECTION 9. Section 431:10C-301, Hawaii Revised Statutes,
16 is amended by amending subsection (b) to read as follows:

17 "(b) [A] Each motor vehicle insurance policy shall
18 include:

19 (1) If issued before January 1, 2027:

20 [~~1~~] (A) Liability coverage of not less than [~~\$20,000~~]

21 \$_____ per person, with an aggregate limit of



1 [~~\$40,000~~] \$ _____ per accident, for all
2 damages arising out of accidental harm sustained
3 as a result of any one accident and arising out of
4 ownership, maintenance, use, loading, or unloading
5 of a motor vehicle; and

6 [~~+2~~] (B) Liability coverage of not less than [~~\$10,000~~]
7 \$ _____ for all damages arising out of damage
8 to or destruction of property including motor
9 vehicles and including the loss of use thereof,
10 but not including property owned by, being
11 transported by, or in the charge of the insured,
12 as a result of any one accident arising out of
13 ownership, maintenance, use, loading, or
14 unloading, of the insured vehicle;

15 (2) If issued on or after January 1, 2027:

16 (A) Liability coverage of not less than
17 \$ _____ per person, with an aggregate limit of
18 \$ _____ per accident, for all damages arising
19 out of accidental harm sustained as a result of
20 any one accident and arising out of ownership,



1 maintenance, use, loading, or unloading of a motor
2 vehicle; and
3 (B) Liability coverage of not less than
4 \$ _____ for all damages arising out of damage
5 to or destruction of property including motor
6 vehicles and including the loss of use thereof,
7 but not including property owned by, being
8 transported by, or in the charge of the insured,
9 as a result of any one accident arising out of
10 ownership, maintenance, use, loading, or
11 unloading, of the insured vehicle;
12 (3) With respect to any motor vehicle registered or
13 principally garaged in this State, liability coverage
14 provided therein or supplemental thereto, in limits
15 for bodily injury or death set forth in [~~paragraph~~
16 ~~(1)~~], paragraph (1) (A) or (2) (A), as applicable, under
17 provisions filed with and approved by the
18 commissioner, for the protection of persons insured
19 thereunder who are legally entitled to recover damages
20 from owners or operators of uninsured motor vehicles
21 because of bodily injury, sickness, or disease,



1 including death, resulting therefrom; provided that
2 the coverage required under this paragraph shall not
3 be applicable where any named insured in the policy
4 shall reject the coverage in writing; and

5 (4) Coverage for loss resulting from bodily injury or
6 death suffered by any person legally entitled to
7 recover damages from owners or operators of
8 underinsured motor vehicles. An insurer may offer the
9 underinsured motorist coverage required by this
10 paragraph in the same manner as uninsured motorist
11 coverage; provided that the offer of both shall:

12 (A) Be conspicuously displayed so as to be readily
13 noticeable by the insured;

14 (B) Set forth the premium for the coverage adjacent
15 to the offer in a manner that the premium is
16 clearly identifiable with the offer and may be
17 easily subtracted from the total premium to
18 determine the premium payment due in the event
19 the insured elects not to purchase the option;
20 and



1 (C) Provide for written rejection of the coverage by
2 requiring the insured to affix the insured's
3 signature in a location adjacent to or directly
4 below the offer."

5 SECTION 10. This Act does not affect rights and duties
6 that matured, penalties that were incurred, and proceedings that
7 were begun before its effective date.

8 SECTION 11. In codifying the new sections added by section
9 2 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 12. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 13. This Act shall take effect on July 1, 3000.



Report Title:

Transportation; Motor Vehicles; Traffic Laws; Penalties;
Insurance Minimums; Noisy Mufflers; Fines

Description:

Increases fines for violations of certain traffic laws and required motor vehicle insurance minimums. Establishes minimum and maximum sentences for persons convicted of violations of certain traffic laws. Amends the minimum liability coverage thresholds to unspecified amounts. Establishes a separate prohibition on driving motor vehicles having noisy mufflers on public highways in high-density areas. Establishes separate fines for violations of motor scooter and motor vehicle muffler regulations. Defines "high-density areas". Establishes fines for placing any device upon a vehicle designed to immobilize the vehicle without consent of the owner of the vehicle. Effective 7/1/3000. (SD2)

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