
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 recognizes that the increase in traffic
11 violations committed by repeat offenders, including driving
12 without a license and speeding, is jeopardizing the safety and
13 welfare of Hawaii residents. The legislature acknowledges that
14 increased fines for these repeat offenders are necessary to both
15 deter repeat violations of Hawaii's traffic laws and hold these
16 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 will operate as a
11 financial burden imposed on tort victims throughout Hawaii. The
12 legislature notes that the State is experiencing medical
13 inflation, which has substantially increased the average cost of
14 motor vehicle accident-related injuries since the required motor
15 vehicle insurance minimums were last amended. The legislature
16 also notes that Hawaii's outdated liability insurance minimum
17 requirements disproportionately impact residents injured in
18 motor vehicle accidents, and are no longer sufficient to protect
19 law-abiding drivers and pedestrians. The legislature believes
20 that it is necessary to mitigate these impacts on Hawaii



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

3 Accordingly, the purpose of this Act is to amend:

- 4 (1) The penalties for repeated traffic violations;
- 5 (2) The penalties for repeated reckless driving
6 violations;
- 7 (3) The penalties for repeated violations of excessive
8 speeding;
- 9 (4) The fines for driving without motor vehicle liability
10 insurance; and
- 11 (5) Motor vehicle insurance minimums to protect residents
12 from repeat offenders.

13 SECTION 2. Section 286-136, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Any person who is convicted of violating section
16 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134
17 shall be subject to a minimum fine of [~~\$500~~] \$ _____ and a
18 maximum fine of [~~\$1,000,~~] \$ _____, or imprisoned no less
19 than thirty days but no more than one year, or both, if the
20 person has two or more prior convictions for the same offense in
21 the preceding five-year period."



1 SECTION 3. Section 291-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~291-2 Reckless driving of a vehicle or riding of
4 ~~[animals,]~~ an animal; penalty. [~~Whoever~~] (a) Any person who
5 operates any vehicle or rides any animal recklessly in disregard
6 of the safety of persons or property [is] shall be guilty of
7 reckless driving of a vehicle or reckless riding of an animal,
8 as appropriate, and shall be fined [not] no more than \$1,000 or
9 imprisoned [not] no more than thirty days, or both.

10 (b) Any person who is convicted of violating subsection
11 (a) shall be subject to a minimum fine of \$ _____, and a
12 maximum fine of \$ _____, or imprisoned no less than thirty
13 days but no more than one year, or both, if the person has two
14 or more prior convictions for the same offense in the preceding
15 five-year period."

16 SECTION 4. Section 291C-105, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

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



- 1 (1) For a first offense not preceded by a prior conviction
2 for an offense under this section in the preceding
3 five years:
- 4 (A) A fine of [~~not~~] no less than \$500 and [~~not~~] no
5 more than \$1,000;
- 6 (B) Thirty-day prompt suspension of license and
7 privilege to operate a vehicle during the
8 suspension period, or the court may impose, in
9 lieu of the thirty-day prompt suspension of
10 license, a minimum fifteen-day prompt suspension
11 of license with absolute prohibition from
12 operating a vehicle and, for the remainder of the
13 thirty-day period, a restriction on the license
14 that allows the person to drive for limited
15 work-related purposes;
- 16 (C) Attendance in a course of instruction in driver
17 retraining;
- 18 (D) A surcharge of \$25 to be deposited into the
19 neurotrauma special fund;



- 1 (E) May be charged a surcharge of up to \$100 to be
2 deposited into the trauma system special fund if
3 the court so orders;
- 4 (F) An assessment for driver education pursuant to
5 section 286G-3; and
- 6 (G) Either one of the following:
- 7 (i) Thirty-six hours of community service work;
8 or
- 9 (ii) [~~not~~] No less than forty-eight hours and
10 [~~not~~] no more than five days of
11 imprisonment;
- 12 (2) For an offense that occurs within five years of a
13 prior conviction for an offense under this section,
14 by:
- 15 (A) A fine of [~~not~~] no less than [~~\$750~~]
16 \$ _____ and [~~not~~] no more than [~~\$1,000;~~]
17 \$ _____ ;
- 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~~] No less than one hundred twenty hours
- 12 of community service work; or
- 13 (ii) [~~Not~~] No less than five days but [~~not~~] no
- 14 more than fourteen days of imprisonment of
- 15 which at least forty-eight hours shall be
- 16 served 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~~] no less than ninety
3 days but [~~not~~] no more than one year;

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

6 (D) No fewer than [~~ten~~] thirty days but no more than
7 [~~thirty~~] ninety 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 5. 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 [~~two~~] five hundred
- 10 hours nor more than [~~two hundred seventy-~~
- 11 ~~five~~] seven hundred fifty 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 6. 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~~] no 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~~] no 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 no less than \$ _____ per
17 person, with an aggregate limit of \$ _____ per
18 accident, for all damages arising out of
19 accidental harm sustained as a result of any one
20 accident and arising out of ownership,



1 maintenance, use, loading, or unloading of a motor
2 vehicle; and

3 (B) Liability coverage of no less than \$ _____ for
4 all damages arising out of damage to or
5 destruction of property including motor vehicles
6 and including the loss of use thereof, but not
7 including property owned by, being transported by,
8 or in the charge of the insured, as a result of
9 any one accident arising out of ownership,
10 maintenance, use, loading, or unloading, of the
11 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 7. (a) The insurance commissioner shall issue a
6 memo to solicit rate filings from motor vehicle insurers to
7 reflect amendments made to section 431:10C-301(b)(1)(A) and (B),
8 Hawaii Revised Statutes, by section 6 of this Act no later than
9 July 1, 2024. Rate filings shall be due no later than December
10 1, 2024, and the relevant rate changes shall be effective for
11 new and renewal policies on or after July 1, 2025.

12 (b) The insurance commissioner shall issue a memo to
13 solicit rate filings from motor vehicle insurers to reflect
14 amendments made to section 431:10C-301(b)(2)(A) and (B), Hawaii
15 Revised Statutes, by section 6 of this Act no later than January
16 1, 2026. Rate filings shall be due no later than July 1, 2026,
17 and the relevant rate changes shall be effective for new and
18 renewal policies on or after January 1, 2027.

19 SECTION 8. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

Transportation; Motor Vehicles; Traffic Laws; Penalties;
Insurance Minimums; Insurance Rates

Description:

Amends the penalties for violations of certain traffic laws and required motor vehicle insurance minimums. Requires the insurance commissioner to solicit rate filings from motor vehicle insurers. Effective 7/1/3000. (HD1)

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