
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 also 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
14 acknowledges that increased fines for these repeat offenders are
15 necessary to both deter repeat violations of Hawaii's traffic
16 laws and hold 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 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16 also notes that Hawaii's outdated liability insurance minimum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:

4 (1) Amend the penalties for repeated traffic violations,
5 reckless driving violations, violations of excessive
6 speeding, and driving without motor vehicle liability
7 insurance; and

8 (2) Require the insurance commissioner to solicit rate
9 filings from motor vehicle insurers for the amended
10 motor vehicle insurance minimums.

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

13 "(b) Any person who is convicted of violating section
14 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134
15 shall be subject to a minimum fine of [~~\$500~~] \$_____ and a
16 maximum fine of [~~\$1,000~~] \$_____, or imprisoned no less
17 than thirty days and no more than one year, or both, if the
18 person has two or more prior convictions for the same offense in
19 the preceding five-year period."

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



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

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

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

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

19 (1) For a first offense not preceded by a prior conviction
20 for an offense under this section in the preceding
21 five years:



- 1 (A) A fine of [~~not~~] no less than \$500 and [~~not~~] no
2 more than \$1,000;
- 3 (B) Thirty-day prompt suspension of license and
4 privilege to operate a vehicle during the
5 suspension period, or the court may impose, in
6 lieu of the thirty-day prompt suspension of
7 license, a minimum fifteen-day prompt suspension
8 of license with absolute prohibition from
9 operating a vehicle and, for the remainder of the
10 thirty-day period, a restriction on the license
11 that allows the person to drive for limited
12 work-related purposes;
- 13 (C) Attendance in a course of instruction in driver
14 retraining;
- 15 (D) A surcharge of \$25 to be deposited into the
16 neurotrauma special fund;
- 17 (E) May be charged a surcharge of up to \$100 to be
18 deposited into the trauma system special fund if
19 the court so orders;
- 20 (F) An assessment for driver education pursuant to
21 section 286G-3; and



- 1 (G) Either one of the following:
 - 2 (i) Thirty-six hours of community service work;
 - 3 or
 - 4 (ii) [~~Not~~] No less than forty-eight hours and
 - 5 [~~not~~] no more than five days of
 - 6 imprisonment;
- 7 (2) For an offense that occurs within five years of a
- 8 prior conviction for an offense under this section,
- 9 by:
 - 10 (A) A fine of [~~not~~] no less than [\$750]
 - 11 \$ _____ and [~~not~~] no more than [~~\$1,000,~~]
 - 12 \$ _____ ;
 - 13 (B) Prompt suspension of license and privilege to
 - 14 operate a vehicle for a period of thirty days
 - 15 with an absolute prohibition from operating a
 - 16 vehicle during the suspension period;
 - 17 (C) Attendance in a course of instruction in driver
 - 18 retraining;
 - 19 (D) A surcharge of \$25 to be deposited into the
 - 20 neurotrauma special fund;



- 1 (E) May be charged a surcharge of up to [~~\$100~~
- 2 \$ _____ to be deposited into the trauma
- 3 system special fund if 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) [~~Not~~] No less than one hundred twenty hours
 - 8 of community service work; or
 - 9 (ii) [~~Not~~] No less than five days [~~but not~~] and
 - 10 no more than fourteen days of imprisonment
 - 11 of which at least forty-eight hours shall be
 - 12 served consecutively; and
- 13 (3) For an offense that occurs within five years of two
- 14 prior convictions for offenses under this section, by:
 - 15 (A) A fine of [~~\$1,000;~~] \$ _____ ;
 - 16 (B) Revocation of license and privilege to operate a
 - 17 vehicle for a period of [~~not~~] no less than ninety
 - 18 days [~~but not~~] and no more than one year;
 - 19 (C) Attendance in a course of instruction in driver
 - 20 retraining;



1 (D) No fewer than [~~ten~~] thirty days [~~but~~] and no more
2 than [~~thirty~~] ninety days of imprisonment of
3 which at least forty-eight hours shall be served
4 consecutively;

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

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

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

12 SECTION 5. Section 431:10C-117, Hawaii Revised Statutes,
13 is amended by amending subsection (a) to read as follows:

14 "(a) (1) Any person subject to this article in the capacity of
15 the operator, owner, or registrant of a motor vehicle
16 operated in this State, or registered in this State,
17 who violates any applicable provision of this article,
18 shall be subject to citation for the violation by any
19 county police department in a form and manner approved
20 by the traffic and emergency period violations bureau
21 of the district court of the first circuit;



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

3 (A) Each violation shall be deemed a separate offense
4 and shall be subject to a fine of no less than
5 [~~\$100~~] \$ _____ and no more than [~~\$5,000~~]
6 \$ _____, which shall not be suspended except
7 as provided in subparagraph (B); and

8 (B) If the person is convicted of not having had a
9 motor vehicle insurance policy in effect at the
10 time the citation was issued, the fine shall be
11 [~~\$500~~] \$ _____ for the first offense and a
12 minimum of [~~\$1,500~~] \$ _____ for each
13 subsequent offense that occurs within a five-year
14 period from any prior offense; provided that the
15 court:

16 (i) Shall have the discretion to suspend all or
17 any portion of the fine if the defendant
18 provides proof of having a current motor
19 vehicle insurance policy; provided further
20 that upon the defendant's request, the court
21 may grant community service in lieu of the



1 fine, of no less than seventy-five hours and
2 no more than one hundred hours for the first
3 offense, and no less than [~~two~~] five hundred
4 hours [~~nor~~] and no more than [~~two hundred~~
5 ~~seventy-five~~] seven hundred fifty hours for
6 the second offense; and
7 (ii) May grant community service in lieu of the
8 fine for subsequent offenses at the court's
9 discretion;
10 (3) In addition to the fine in paragraph (2), the court
11 shall either:
12 (A) Suspend the driver's license of the driver or of
13 the registered owner for:
14 (i) Three months for the first conviction; and
15 (ii) One year for any subsequent offense within a
16 five-year period from a previous offense;
17 provided that the driver or the registered owner
18 shall not be required to obtain proof of
19 financial responsibility pursuant to section
20 287-20; or



1 (B) Require the driver or the registered owner to
2 keep a nonrefundable motor vehicle insurance
3 policy in force for six months;

4 (4) Any person subject to a fine under this section and
5 who fails to timely pay the fine shall be given an
6 opportunity to petition the court to demonstrate that
7 the person's nonpayment or inability to pay is not
8 wilful; provided that if the person petitions the
9 court, the court shall make an individualized
10 assessment of the person's ability to pay based upon
11 the totality of the circumstances, including the
12 person's disposable income, financial obligations, and
13 liquid assets; provided further that if the court
14 determines that the person's nonpayment or inability
15 to pay is not wilful, the court may enter an order
16 that allows additional time for payment; reduces the
17 amount of each installment; revokes the fee or fine,
18 or unpaid portion thereof, in whole or in part; or
19 converts any outstanding fine to community service;

20 (5) Any person cited under this section shall have an
21 opportunity to present a good faith defense, including



1 lack of knowledge or proof of insurance; provided that
2 the general penalty provision of this section shall
3 not apply to:

4 (A) Any operator of a motor vehicle owned by another
5 person if the operator's own insurance covers
6 such driving;

7 (B) Any operator of a motor vehicle owned by that
8 person's employer during the normal scope of that
9 person's employment; or

10 (C) Any operator of a borrowed motor vehicle if the
11 operator holds a reasonable belief that the
12 subject vehicle is insured;

13 (6) In the case of multiple convictions for driving
14 without a valid motor vehicle insurance policy within
15 a five-year period from any prior offense, the court,
16 in addition to any other penalty, shall impose the
17 following penalties:

18 (A) Imprisonment of no more than thirty days;

19 (B) Suspension or revocation of the motor vehicle
20 registration plates of the vehicle involved;



1 (C) Impoundment, or impoundment and sale, of the
2 motor vehicle for the costs of storage and other
3 charges incident to seizure of the vehicle, or
4 any other cost involved pursuant to section
5 431:10C-301; or

6 (D) Any combination of those penalties; and
7 (7) Any violation as provided in paragraph (2) (B) shall
8 not be deemed to be a traffic infraction as defined by
9 chapter 291D."

10 SECTION 6. Section 431:10C-301, Hawaii Revised Statutes,
11 is amended by amending subsection (b) to read as follows:

12 "(b) [A] Each motor vehicle insurance policy shall
13 include:

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

15 [~~1~~] (A) Liability coverage of [~~not~~] no less than
16 [~~\$20,000~~] \$ _____ per person, with an
17 aggregate limit of [~~\$40,000~~] \$ _____ 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 the ownership,



1 maintenance, use, loading, or unloading of a
 2 motor vehicle; and
 3 ~~[(+2)]~~ (B) Liability coverage of ~~[not]~~ no less than
 4 ~~[\$10,000]~~ \$ _____ for all damages arising out
 5 of damage to or destruction of property including
 6 motor vehicles and including the loss of use
 7 thereof, but not including property owned by,
 8 being transported by, or in the charge of the
 9 insured, as a result of any one accident arising
 10 out of the ownership, maintenance, use, loading,
 11 or unloading, of the insured vehicle;

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

13 (A) Liability coverage of no less than \$ _____ per
 14 person, with an aggregate limit of \$ _____ per
 15 accident, for all damages arising out of
 16 accidental harm sustained as a result of any one
 17 accident and arising out of the ownership,
 18 maintenance, use, loading, or unloading of a motor
 19 vehicle; and

20 (B) Liability coverage of no less than \$ _____ for
 21 all damages arising out of damage to or



1 destruction of property including motor vehicles
2 and including the loss of use thereof, but not
3 including property owned by, being transported by,
4 or in the charge of the insured, as a result of
5 any one accident arising out of the ownership,
6 maintenance, use, loading, or unloading, of the
7 insured vehicle;

8 (3) With respect to any motor vehicle registered or
9 principally garaged in this State, liability coverage
10 provided therein or supplemental thereto, in limits
11 for bodily injury or death set forth in [paragraph
12 ~~(1)~~] paragraph (1) (A) or (2) (A), as applicable, under
13 provisions filed with and approved by the
14 commissioner, for the protection of persons insured
15 thereunder who are legally entitled to recover damages
16 from owners or operators of uninsured motor vehicles
17 because of bodily injury, sickness, or disease,
18 including death, resulting therefrom; provided that
19 the coverage required under this paragraph shall not
20 be applicable where any named insured in the policy
21 shall reject the coverage in writing; and



1 (4) Coverage for loss resulting from bodily injury or
2 death suffered by any person legally entitled to
3 recover damages from owners or operators of
4 underinsured motor vehicles. An insurer may offer the
5 underinsured motorist coverage required by this
6 paragraph in the same manner as uninsured motorist
7 coverage; provided that the offer of both shall:
8 (A) Be conspicuously displayed so as to be readily
9 noticeable by the insured;
10 (B) Set forth the premium for the coverage adjacent
11 to the offer in a manner that the premium is
12 clearly identifiable with the offer and may be
13 easily subtracted from the total premium to
14 determine the premium payment due in the event
15 the insured elects not to purchase the option;
16 and
17 (C) Provide for written rejection of the coverage by
18 requiring the insured to affix the insured's
19 signature in a location adjacent to or directly
20 below the offer."



1 SECTION 7. The insurance commissioner shall issue a
2 memorandum to solicit rate filings from motor vehicle insurers
3 to reflect amendments made to section 431:10C-301(b)(1)(A) and
4 (B), Hawaii Revised Statutes, by section 6 of this Act no later
5 than July 1, 2024. Rate filings shall be due no later than
6 December 1, 2024, and the relevant rate changes shall be
7 effective for new and renewal policies on or after July 1, 2025.

8 SECTION 8. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 9. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect on July 1, 3000;
14 provided that section 7 shall take effect on January 1, 2026.



S.B. NO. 2342
S.D. 2
H.D. 2

Report Title:

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

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. (HD2)

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