

---

---

# 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17 outdated liability insurance minimum requirements  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 Accordingly, the purpose of this Act is to:

4 (1) Amend the penalties for repeated traffic violations;

5 (2) Amend the penalties for repeated reckless driving  
6 violations;

7 (3) Amend the penalties for repeated violations of  
8 excessive speeding;

9 (4) Increase fines for driving without motor vehicle  
10 liability insurance; and

11 (5) Increase motor vehicle insurance minimums to protect  
12 residents 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  
16 section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or  
17 286-134 shall be subject to a minimum fine of [~~\$500~~] \$1,000 and  
18 a maximum fine of [~~\$1,000~~] \$5,000, or imprisoned [~~no~~] not less  
19 than thirty days nor more than one year, or both, if the person  
20 has two or more prior convictions for the same offense in the  
21 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 more than \$1,000 or  
9 imprisoned not 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 \$1,000 and a maximum  
12 fine of \$5,000, or imprisoned not less than thirty days nor more  
13 than one year, or both, if the person has two or more prior  
14 convictions for the same offense in the preceding five-year  
15 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 less than \$500 and not more than
- 5                               \$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 less than forty-eight hours and not more
  - 10 than five days of imprisonment;
- 11 (2) For an offense that occurs within five years of a
- 12 prior conviction for an offense under this section,
- 13 by:
  - 14 (A) A fine of not less than [~~\$750~~] \$1,000 and not
  - 15 more than [~~\$1,000~~] \$2,500;
  - 16 (B) Prompt suspension of license and privilege to
  - 17 operate a vehicle for a period of thirty days
  - 18 with an absolute prohibition from operating a
  - 19 vehicle during the suspension period;
  - 20 (C) Attendance in a course of instruction in driver
  - 21 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~~] \$500
- 4 to be deposited into the trauma system special
- 5 fund if 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) Not less than one hundred twenty hours of
- 10 community service work; or
- 11 (ii) Not less than five days but not more than
- 12 fourteen days of imprisonment of which at
- 13 least forty-eight hours shall be served
- 14 consecutively; and
- 15 (3) For an offense that occurs within five years of two
- 16 prior convictions for offenses under this section, by:
- 17 (A) A fine of [~~\$1,000~~] \$2,500;
- 18 (B) Revocation of license and privilege to operate a
- 19 vehicle for a period of not less than ninety days
- 20 but not more than one year;



- 1 (C) Attendance in a course of instruction in driver
- 2 retraining;
- 3 (D) No fewer than [~~ten~~] thirty days but no more than
- 4 [~~thirty~~] ninety days of imprisonment of which at
- 5 least forty-eight hours shall be served
- 6 consecutively;
- 7 (E) A surcharge of \$25 to be deposited into the
- 8 neurotrauma special fund;
- 9 (F) May be charged a surcharge of up to [~~\$100~~] \$1,000
- 10 to be deposited into the trauma system special
- 11 fund if the court so orders; and
- 12 (G) An assessment for driver education pursuant to
- 13 section 286G-3."

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

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





1 by the traffic and emergency period violations bureau  
2 of the district court of the first circuit;

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

5 (A) Each violation shall be deemed a separate offense  
6 and shall be subject to a fine of no less than  
7 [~~\$100~~] \$500 nor more than [~~\$5,000~~] \$7,000, which  
8 shall not be suspended except as provided in  
9 subparagraph (B); and

10 (B) If the person is convicted of not having had a  
11 motor vehicle insurance policy in effect at the  
12 time the citation was issued, the fine shall be  
13 [~~\$500~~] \$1,000 for the first offense and a minimum  
14 of [~~\$1,500~~] \$2,500 for each subsequent offense  
15 that occurs within a five-year period from any  
16 prior offense; provided that the court:

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



1                   may grant community service in lieu of the  
2                   fine, of no less than seventy-five hours and  
3                   no more than one hundred hours for the first  
4                   offense, and no less than [~~two~~] five hundred  
5                   hours nor more than [~~two hundred seventy-~~  
6                   ~~five~~] seven hundred fifty hours for the  
7                   second offense; and

8                   (ii) May grant community service in lieu of the  
9                   fine for subsequent offenses at the court's  
10                  discretion;

11               (3) In addition to the fine in paragraph (2), the court  
12                  shall either:

13               (A) Suspend the driver's license of the driver or of  
14                  the registered owner for:

15                   (i) Three months for the first conviction; and

16                   (ii) One year for any subsequent offense within a  
17                   five-year period from a previous offense;

18                  provided that the driver or the registered owner

19                  shall not be required to obtain proof of

20                  financial responsibility pursuant to section

21                  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 less than [~~\$20,000~~]  
 16 \$\_\_\_\_\_ per person, with an aggregate limit of  
 17 [~~\$40,000~~] \$\_\_\_\_\_ per accident, for all  
 18 damages arising out of accidental harm sustained  
 19 as a result of any one accident and arising out of  
 20 ownership, maintenance, use, loading, or unloading  
 21 of a motor vehicle; and



1        [~~2~~] (B) Liability coverage of not less than [~~\$10,000~~]  
 2                \$ \_\_\_\_\_ for all damages arising out of damage  
 3                to or destruction of property including motor  
 4                vehicles and including the loss of use thereof,  
 5                but not including property owned by, being  
 6                transported by, or in the charge of the insured,  
 7                as a result of any one accident arising out of  
 8                ownership, maintenance, use, loading, or  
 9                unloading, of the insured vehicle;

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

11                (A) Liability coverage of not less than  
 12                \$ \_\_\_\_\_ per person, with an aggregate limit of  
 13                \$ \_\_\_\_\_ per accident, for all damages arising  
 14                out of accidental harm sustained as a result of  
 15                any one accident and arising out of ownership,  
 16                maintenance, use, loading, or unloading of a motor  
 17                vehicle; and

18                (B) Liability coverage of not less than  
 19                \$ \_\_\_\_\_ for all damages arising out of damage  
 20                to or destruction of property including motor  
 21                vehicles and including the loss of use thereof,



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

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

20           (4) Coverage for loss resulting from bodily injury or  
21           death suffered by any person legally entitled to



1 recover damages from owners or operators of  
 2 underinsured motor vehicles. An insurer may offer the  
 3 underinsured motorist coverage required by this  
 4 paragraph in the same manner as uninsured motorist  
 5 coverage; provided that the offer of both shall:

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

8 (B) Set forth the premium for the coverage adjacent  
 9 to the offer in a manner that the premium is  
 10 clearly identifiable with the offer and may be  
 11 easily subtracted from the total premium to  
 12 determine the premium payment due in the event  
 13 the insured elects not to purchase the option;  
 14 and

15 (C) Provide for written rejection of the coverage by  
 16 requiring the insured to affix the insured's  
 17 signature in a location adjacent to or directly  
 18 below the offer."

19 SECTION 7. This Act does not affect rights and duties that  
 20 matured, penalties that were incurred, and proceedings that were  
 21 begun before its effective date.





1 SECTION 8. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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



H.B. NO. 1539  
H.D. 1

**Report Title:**

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

**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. Effective 7/1/3000. (HD1)

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

2024-1187 HB1539 HD1 HMSO

