

JAN 17 2025

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

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

1 SECTION 1. Section 431:10C-117, Hawaii Revised Statutes,
2 is amended by amending subsection (a) to read as follows:

3 "(a) (1) Any person subject to this article in the
4 capacity of the operator, owner, or registrant of a motor
5 vehicle operated in this State, or registered in this State, who
6 violates any applicable provision of this article, shall be
7 subject to citation for the violation by any county police
8 department in a form and manner approved by the traffic and
9 emergency period violations bureau of the district court of the
10 first circuit;

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

13 (A) Each violation shall be deemed a separate offense
14 and shall be subject to a fine of not less than
15 \$100 nor more than \$5,000 which shall not be
16 suspended except as provided in subparagraph (B);
17 and



1 (B) If the person is convicted of not having had a
2 motor vehicle insurance policy in effect at the
3 time the citation was issued, the fine shall be
4 \$500 for the first offense and a minimum of
5 \$2,000 for each subsequent offense that occurs
6 within a five-year period from any prior offense;
7 provided that the court:

8 (i) Shall have the discretion to suspend all or
9 any portion of the fine if the defendant
10 provides proof of having a current motor
11 vehicle insurance policy; [~~provided further~~
12 ~~that upon]~~

13 (ii) Upon the defendant's request, [~~the court]~~
14 may grant community service in lieu of the
15 fine, of no less than seventy-five hours and
16 no more than one hundred hours for the first
17 offense, and not less than two hundred hours
18 nor more than two hundred seventy-five hours
19 for the second offense; [~~and]~~



1 [~~(ii)~~] (iii) May grant community service in lieu of
2 the fine for subsequent offenses at the
3 court's discretion; and
4 (iv) Shall, in addition to the fine imposed by
5 this subparagraph, suspend the driver's
6 license of the driver or of the registered
7 owner for six months for the first
8 conviction and two years for any subsequent
9 offense within a five-year period from a
10 previous offense; provided that the driver
11 or the registered owner shall not be
12 required to obtain proof of financial
13 responsibility pursuant to section 287-20;

14 (3) In addition to the fine in paragraph [~~(2)~~], (2) (A),
15 the court shall either:

16 (A) Suspend the driver's license of the driver or of
17 the registered owner for:

- 18 (i) Three months for the first conviction; and
19 (ii) One year for any subsequent offense within a
20 five-year period from a previous offense;



1 provided that the driver or the registered owner
2 shall not be required to obtain proof of
3 financial responsibility pursuant to section
4 287-20; or

5 (B) Require the driver or the registered owner to
6 keep a nonrefundable motor vehicle insurance
7 policy in force for six months;

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



1 or unpaid portion thereof, in whole or in part; or
2 converts any outstanding fine to community service;

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

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

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

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

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



- 1 (A) Imprisonment of no more than thirty days;
- 2 (B) Suspension or revocation of the motor vehicle
- 3 registration plates of the vehicle involved;
- 4 (C) Impoundment, or impoundment and sale, of the
- 5 motor vehicle for the costs of storage and other
- 6 charges incident to seizure of the vehicle, or
- 7 any other cost involved pursuant to section
- 8 431:10C-301; or
- 9 (D) Any combination of those penalties; and
- 10 (7) Any violation as provided in paragraph (2)(B) shall
- 11 not be deemed to be a traffic infraction as defined by
- 12 chapter 291D."

13 SECTION 2. 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 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 2025.



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INTRODUCED BY:

Alan



S.B. NO. 1207

Report Title:

Motor Vehicle Insurance; Suspension; Driver's License; Penalty

Description:

Makes mandatory the suspension of the driver's license of a driver or registered owner of a vehicle for operating a motor vehicle without a motor vehicle insurance policy.

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