
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 capacity of
4 the operator, owner, or registrant of a motor vehicle
5 operated in this State, or registered in this State,
6 who violates any applicable provision of this article,
7 shall be subject to citation for the violation by any
8 county police department in a form and manner approved
9 by the traffic and emergency period violations bureau
10 of the district court of the 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~~] no less
15 than [~~\$100~~] \$200 nor more than [~~\$5,000~~] \$5,500,
16 which shall not be suspended except as provided
17 in subparagraph (B); 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~~] \$600 for the first offense and a minimum
5 of [~~\$2,000~~] \$2,500 for each subsequent offense
6 that occurs within a five-year period from any
7 prior offense; 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 the defendant's request, the court
13 may grant community service in lieu of the
14 fine, of no less than seventy-five hours and
15 no more than one hundred hours for the first
16 offense, and [~~not~~] no less than two hundred
17 hours nor more than two hundred seventy-five
18 hours for the second offense; and

19 (ii) May grant community service in lieu of the
20 fine for subsequent offenses at the court's
21 discretion;



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

3 (A) Suspend the driver's license of the driver or of
4 the registered owner for:

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

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

8 provided that the driver or the registered owner

9 shall not be required to obtain proof of

10 financial responsibility pursuant to section

11 287-20; or

12 (B) Require the driver or ~~the~~ registered owner to

13 keep a nonrefundable motor vehicle insurance

14 policy in force for six months;

15 (4) Any person subject to a fine under this section ~~and~~

16 who fails to timely pay the fine shall be given an

17 opportunity to petition the court to demonstrate that

18 the person's nonpayment or inability to pay is not

19 wilful; provided that if the person petitions the

20 court, the court shall make an individualized

21 assessment of the person's ability to pay based upon



1 the totality of the circumstances, including the
2 person's disposable income, financial obligations, and
3 liquid assets; provided further that if the court
4 determines that the person's nonpayment or inability
5 to pay is not wilful, the court may enter an order
6 that ~~[allows]~~:

7 (A) Allows additional time for payment; ~~[reduces]~~

8 (B) Reduces the amount of each installment; ~~[revokes]~~

9 (C) Revokes the fee or fine, or unpaid portion
10 thereof, in whole or in part; or ~~[converts]~~

11 (D) Converts any outstanding fine to community
12 service;

13 (5) Any person cited under this section shall have an
14 opportunity to present a good faith defense, including
15 lack of knowledge or proof of insurance; provided that
16 the general penalty provision of this section shall
17 not apply to~~[+]~~ any operator of:

18 (A) ~~[Any operator of a]~~ A motor vehicle owned by
19 another person if the operator's own insurance
20 covers such driving;



1 (B) ~~[Any operator of a]~~ A motor vehicle owned by that
2 person's employer during the normal scope of that
3 person's employment; or

4 (C) ~~[Any operator of a]~~ A borrowed motor vehicle if
5 the operator holds a reasonable belief that the
6 subject vehicle is insured;

7 (6) In the case of multiple convictions for driving
8 without a valid motor vehicle insurance policy within
9 a five-year period from any prior offense, the court,
10 in addition to any other penalty, shall impose the
11 following penalties:

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

13 (B) Suspension or revocation of the motor vehicle
14 registration plates of the vehicle involved;

15 (C) Impoundment, or impoundment and sale, of the
16 motor vehicle for the costs of storage and other
17 charges incident to seizure of the vehicle, or
18 any other cost involved pursuant to section
19 431:10C-301; or

20 (D) Any combination of those penalties; and



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

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Motor Vehicle Insurance; Fines

Description:

Increases the fines for violating motor vehicle insurance requirements. 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.

