

ACT 23

S.B. NO. 348

A Bill for an Act Relating to the Hawaii Motor Vehicle Safety Responsibility Act.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The purpose of this Act is to amend the Motor Vehicle Safety Responsibility Act to:

- (1) Increase the property damage threshold in accident cases from \$100 to \$300 to coincide with the State Traffic Code threshold on damages and keep pace with repair costs.
- (2) Eliminate the 60 day period required for Administrators to process accident reports because the timetable is unrealistic. Often the investigation of accident cases takes longer than 60 days.

SECTION 2. Section 287-4, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 287-4 Report required following accident. The driver of every motor vehicle which is in any manner involved in an accident within this State in which any person is killed or injured or in which damage to the property of any one person, including himself, to an apparent extent in excess of \$300 is sustained shall at the earliest practical time, and in any event within twenty-four hours after the accident, report the matter in writing or in person to the chief of police. The report, the form of which shall be prescribed by the chief of police, shall contain information to enable the chief of police to determine whether the requirements for the deposit of security under sections 287-5 and 287-6 are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter. If the driver is physically incapable of making the report any other occupant in the vehicle at the time of the accident capable of making the report shall make or cause to be made the report not made by the driver, and the registered owner of the motor vehicle involved in the accident shall, unless the report is filed, within ten days after learning of the accident make the report. The driver, occupant, and registered owner shall furnish such additional relevant information as the chief of police shall require. If the reports required hereunder are made pursuant to any ordinance or other provision or requirement of law, no additional report, except as specifically provided herein, shall be required hereby."

SECTION 3. Section 287-5, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 287-5 Security required unless evidence of insurance. If twenty days after the receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death or damage to property of any one person in excess of \$300, the chief of police does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under section 287-6 has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the chief of police shall determine the amount of security which is sufficient in his judgment to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against each driver or owner. This section shall be applicable to each driver or owner notwithstanding that the chief of police determines that the amount of security required hereunder shall as to any such driver or owner be less than \$300."

SECTION 4. Section 287-6, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 287-6 Suspension of license. The chief of police shall suspend the license or permit of each driver and the license of the registered owner of the motor vehicle in any manner involved in the accident and if the driver is a nonresident, any privilege of operating the motor vehicle within the State shall cease, and if the owner of the motor vehicle is a nonresident, the privilege of the use within the State of any motor vehicle owned by him shall also cease, unless the driver or owner or both have satisfied the requirements of section 287-5 or have deposited security in the sum determined by the chief of police. Notice of the suspension shall be sent by the chief of police to the driver and registered owner and the nonresident owner not less than ten days prior to the effective date of the suspension and shall state the amount required as security. Where erroneous information is given the chief of police with respect to the matters set forth in subdivision (1), (2), or (3) of section 287-7, he shall take appropriate action as hereinbefore provided within sixty days after receipt by him of correct information with respect to those matters."

SECTION 5. Section 287-20, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 287-20 Proof of financial responsibility required upon conviction of certain offenses. Whenever a driver's license has been suspended or revoked upon a conviction of any offense pursuant to law, or in the case of minors, upon being adjudicated under section 571-11 (1) and whose license is suspended or revoked, the license shall not at any time thereafter be issued to the person whose license has been suspended or revoked, nor shall the person thereafter operate a motor vehicle, unless and until the person has furnished and thereafter maintains proof of financial responsibility. Whenever by reason of a conviction of, or adjudication under section 571-11 (1) by reason of, any of the offenses

hereinafter named, under the laws of the State or ordinances of any political subdivision, a court of competent jurisdiction has discretion to revoke or suspend a driver's license but does not revoke or suspend the license, the chief of police shall nevertheless after the expiration of thirty days from the date of conviction or adjudication suspend the license and shall keep the same suspended, and the person so convicted or adjudicated shall not thereafter operate a motor vehicle, unless and until the person so convicted or adjudicated furnishes and thereafter maintains proof of financial responsibility. The offenses referred to are:

- (1) Heedless, careless, reckless, or negligent driving.
- (2) Conviction or adjudication under section 271-11 (1)† by reason of any offense involving a motor vehicle in motion if the motor vehicle is in any manner involved in an accident in which any person is killed or injured, or in which damage to property results to an apparent extent in excess of \$300.

If any person, at the time of his conviction of, or adjudication under section 571-11(1) by reason of, any of the offenses hereinabove named, or of any offense for which a court of competent jurisdiction may suspend or revoke a driver's license, does not hold a valid driver's license, no such license shall at any time thereafter be issued to the person unless and until he furnishes and thereafter maintains proof of financial responsibility."

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring. *

SECTION 7. This Act shall take effect upon its approval.

(Approved May 3, 1977.)

† Probably should be 571-11 (1).

* Edited accordingly.