

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

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

SECTION 1. Section 287-1, Hawaii Revised Statutes, is amended by amending the definition of "proof of financial responsibility" to read:

"Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the [amount of \$10,000 because of bodily injury to or death of one person in any one accident, and, subject to such limit for one person, in the amount of \$20,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident] amounts prescribed by section 294-10(a);"

SECTION 2. Section 287-3, Hawaii Revised Statutes, is amended to read as follows:

"§287-3 **Furnishing of operating records.** [The administrator shall upon request furnish any person a certified abstract of the operating record, if any, of any person showing whether there has or has not been any conviction of the person for violating any law relating to the operation of a motor vehicle or of any injury or damage caused by the person. The administrator may collect a fee to be a realization of the general fund of not in excess of 50 cents for any such certificate.] The traffic violations bureau of the district courts shall upon request furnish any person a certified abstract of the bureau's record, if any, of any person relating to all alleged moving violations, as well as any convictions resulting therefrom, arising from the operation of a motor vehicle. The traffic violations bureau may collect a fee, to be a realization of the general fund of not in excess of \$2.00 for any such certificate."

SECTION 3. Section 287-7, Hawaii Revised Statutes, is amended to read as follows:

"§287-7 **Exceptions.** Section 287-5 and 287-6 shall not apply under the conditions stated in section 287-8 nor:

- (1) To the driver or registered owner if the registered owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in the accident;

- (2) To the driver, if not the registered owner of the motor vehicle if there was in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;
- (3) To the driver or registered owner if the liability of the operator or registered owner for damages resulting from such action is, in the judgment of the administrator, covered by any other form of liability insurance policy or bond;
- (4) To any person qualifying as a self-insurer under section 287-42, or to any driver of a motor vehicle for the self-insurer where the self-insurer is responsible for the acts of the driver.

No automobile liability policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in the State, except that if the motor vehicle is registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, the policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in the State, executes a power of attorney authorizing the insurance commissioner to accept service on its behalf of notice of process in any action upon the policy or bond arising out of the action; provided every such policy or bond is subject[, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, to a limit of not less than \$20,000 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000 because of injury to or destruction of property of others in any one accident.] to a limit, exclusive of interest and costs, of not less than the liability coverages stated in section 294-10(a)."

SECTION 4. Section 287-17, Hawaii Revised Statutes, is amended to read as follows:

"§287-17 Suspension to continue until judgments paid and proof given. The license shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of the person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided, and until the person gives proof of financial responsibility subject to the exceptions stated in sections 287-16 and 287-19.

[A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor of any of the requirements of this chapter.]"

SECTION 5. Section 287-18, Hawaii Revised Statutes, is amended to read as follows:

"§287-18 Payment sufficient to satisfy requirements. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

- [(1) When \$10,000 is credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as a result of any one accident; or
- (2) When, subject to such limit of \$10,000 because of bodily injury to or death of one person, the sum of \$20,000 is credited upon any judgment

- or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or
- (3) When \$5,000 is credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.]
 - (1) When \$25,000 is credited upon any judgment or judgments rendered in excess of that amount because of accidental harm sustained by any one person as a result of any one accident applicable to each person sustaining accidental harm; or
 - (2) When \$10,000 is credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

Payments made in settlement of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

SECTION 6. Section 287-20, Hawaii Revised Statutes, is amended to read as follows:

"§287-20 Proof of financial responsibility required upon conviction of certain offenses. Whenever a driver's license has been suspended or revoked pursuant to section 286-155, or upon a conviction of any offense pursuant to law, or in the case of minors, suspended or revoked pursuant to part V of chapter 571, 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 part V of chapter 571 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 administrator 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) Reckless or inattentive driving, driving while under the influence of intoxicating liquor, and driving while under the influence of drugs;
- (2) Conviction or adjudication under part V of chapter 571 by reason of any moving violation 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[.] and there are reasonable grounds for the administrator to believe that the defendant is at fault.

If any person, at the time of his conviction of, or adjudication under part V of chapter 571 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 there-

after be issued to the person unless and until he furnishes and thereafter maintains proof of financial responsibility.”

SECTION 7. The passage of this Act shall not affect prior financial responsibility determinations of the administrator under section 287-20, Hawaii Revised Statutes; provided, however, that any person presently required to maintain proof of financial responsibility by prior order of the administrator, may, upon application to the administrator, within one year of the effective date of this Act, have a redetermination made as to whether the person is required to file and maintain proof of financial responsibility under the amended provisions of section 287-20, Hawaii Revised Statutes, as applied to the facts which led to the prior order of the administrator. The ruling of the administrator on any such application shall be final and prospective only in its application.

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved June 12, 1982.)