

ACT 195

H.B. NO. 509

A Bill for an Act Relating to Motor Vehicles.

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

SECTION 1. Chapter 287, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated, and to read as follows:

“§287- Certificate of insurance as proof; mandatory, when. Any person required to show proof of financial responsibility pursuant to section 287-20(a)(3) shall show proof by filing a certificate of insurance pursuant to section 287-22, or, if the person is a nonresident, section 287-23.”

SECTION 2. Section 287-20, Hawaii Revised Statutes, is amended to read as follows:

“§287-20 Proof of financial responsibility required upon conviction of certain offenses. (a) 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,] listed in this section, 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, driving while under the influence of drugs and driving while that person's license has been suspended or revoked;
- (2) Conviction or adjudication under part V of chapter 571 by reason of any moving violation offense involving a motor vehicle 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[.];
- (3) Failure to have an effective no-fault insurance policy [required by section 294-8(a)].

(b) If any person, at any time of [his] conviction of, or adjudication under part V of chapter 571 by reason of, any of the offenses [hereinabove named,] in subsection (a), 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] the person furnishes and thereafter maintains proof of financial responsibility."

SECTION 3. Section 294-39, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person subject to [the provisions of] this chapter in the capacity of the operator, owner, or registrant of a motor vehicle in this State, or registered in this State, who violates any applicable provision of this chapter, shall be subject to citation for [such] the violation by any county police department in a form and manner approved by the violations bureau of the district court of the first circuit. Notwithstanding any provision of the Hawaii Penal Code, each violation shall be deemed a separate offense and shall be subject to a fine not less than \$100 nor more than \$1,000 and [such] the fine shall not be suspended[.]; provided if the person is convicted of not having had a no-fault policy in effect at the time the citation was issued, the fine for the first offense shall be \$100, with a minimum of \$400 for each additional offense. Any operator of a motor vehicle owned by another person shall not be considered in violation of this section if the operator's own insurance covers such driving.

In the case of multiple violations the court shall in addition to any other penalty, impose the following penalties:

- (1) Imprisonment of not more than thirty days; [or]

- (2) Suspension or revocation of driver's license of the driver and of the registered owner; [or]
- (3) Suspension or revocation of the motor vehicle registration plates of the vehicle involved; [or]
- (4) Impoundment, or impoundment and sale, of the motor vehicle for the costs of storage and other charges incident to seizure of the vehicle; or any other cost involved pursuant to section 294-10; or
- (5) Any combination of such penalties."

SECTION 4. This Act does not affect rights and duties which matured, penalties which were incurred, or proceedings which were begun prior to its effective date.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 3, 1985.)