

**ACT 101**

**H.B. NO. 2375-86**

**A Bill for an Act Relating to Motor Vehicle Insurance.**

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

**SECTION 1.** Section 294-39, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

**“(a) Any person subject to 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 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 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.

The general penalty provision of this section shall not apply to:

- (1) 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[.]; nor
- (2) Any operator of a motor vehicle owned by that person's employer during the normal scope of that person's employment.

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;
- (2) Suspension or revocation of driver's license of the driver and of the registered owner;
- (3) Suspension or revocation of the motor vehicle registration plates of the vehicle involved;
- (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 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 28, 1986.)