
A BILL FOR AN ACT

RELATING TO FOSTER CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 587, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§587- Foster children; payment of motor vehicle
5 insurance. The costs of a foster child's motor vehicle
6 insurance shall be paid by the natural parents of the foster
7 child; provided that in the event the natural parents are unable
8 to pay, the foster parents of the foster child shall pay the
9 costs of the motor vehicle insurance; provided further that if
10 the court determines the natural parents and foster parents to
11 be financially unable to pay the costs, the costs of the motor
12 vehicle insurance shall be paid pursuant to sections 431:10C-407
13 and 431:10C-410."

14 SECTION 2. Section 286-112, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) The application of any person under the age of
17 eighteen years for an instruction permit, provisional license,
18 or driver's license shall be signed and verified before a person



1 authorized to administer oaths by the appropriate one of the
2 following:

3 (1) If both the father and mother of the applicant have
4 custody of the applicant, by both the father and
5 mother of the applicant;

6 (2) If only one parent has custody of the applicant, by
7 the custodial parent;

8 (3) If neither parent has custody of the applicant, and
9 the applicant has a custodial guardian or has
10 custodial guardians, by the custodial guardian or by
11 all the custodial guardians; provided that the
12 department of human services shall sign and verify the
13 application of any applicant who is under foster care;
14 provided further that the department of human services
15 shall not have any liability in the event that the
16 foster child is involved in a motor vehicle accident
17 or a lawsuit arising as a result of the foster child's
18 driving; or

19 (4) If neither parent has custody of the applicant, and
20 the applicant has no custodial guardian, by an
21 employer of the applicant or by any responsible person
22 who is willing to assume the obligation imposed under



1 this part upon a person signing the application of a
2 minor."

3 SECTION 3. Section 346-17.4, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Eligible former foster youths shall be eligible for
6 higher education board allowances after reaching the age of
7 majority and the higher education board payments for that former
8 foster youth shall be paid to an accredited institution of
9 higher learning, another intermediary contracted by the
10 department, the former foster youth, or to the former foster
11 youth's former foster parents, as appropriate, provided that:

12 (1) The former foster youth is twenty-one years old or
13 younger; and

14 (2) Within one school year after high school completion,
15 the former foster youth is attending or has been
16 accepted to attend an accredited institution of higher
17 learning on a full-time basis, or on a part-time basis
18 for the first academic year, if approved by the
19 director upon such terms and conditions as the
20 director deems appropriate."

21 SECTION 4. Section 431:10C-407, Hawaii Revised Statutes,
22 is amended by amending subsection (b) to read as follows:



1 "(b) The plan shall provide all personal injury protection
2 benefits and services and bodily injury and property damage
3 liability coverages to the limits and coverages specified in
4 this article for all classes of persons, motor vehicles, and
5 motor vehicle uses specified in this part upon the payment of
6 premiums as provided in subpart C, as follows:

7 (1) The plan shall provide personal injury protection
8 benefits and policies for each of the following
9 classes, and each class shall be able to secure a
10 personal injury protection and bodily injury and
11 property damage liability policy through the plan:

12 (A) All motor vehicles owned by licensed assigned
13 risk drivers as the commissioner, by rules, shall
14 define. The commissioner shall regulate the
15 class in accordance with the general practice of
16 the industry, the applicable results, if any, of
17 the commissioner's examination of the motor
18 vehicle insurers' business records and
19 experience, and any applicable and scientifically
20 credible governmental or academic studies of the
21 multi-accident or high-risk motor vehicle driver;



- 1 (B) All motor vehicles owned by licensed drivers
2 convicted within the thirty-six months
3 immediately preceding the date of application, in
4 any jurisdiction of any one or more of the
5 offenses of, or of the offenses cognate to:
- 6 (i) Heedless and careless driving;
 - 7 (ii) Driving while license suspended or revoked;
 - 8 (iii) Leaving the scene of an accident;
 - 9 (iv) Manslaughter, if resulting from the
10 operation of a motor vehicle;
 - 11 (v) Operating a vehicle under the influence of
12 an intoxicant as provided in section 291E-
13 61; or
 - 14 (vi) Driving under the influence of an
15 intoxicating liquor as provided in section
16 291-4 or any drug as provided in section
17 291-7, as those sections were in effect on
18 or before December 31, 2001;
- 19 (C) All commercial uses, first class, defined as any
20 commercial use engaged in the transport of
21 passengers for hire or gratuity;



1 (D) All commercial uses, second class, defined as any
2 commercial, business, or institutional use other
3 than the transport of passengers as described in
4 subparagraph (C) or the exclusive use of a
5 vehicle for domestic-household-familial purposes;
6 and

7 (E) All other motor vehicles, not classified under
8 subparagraph (A), (B), (C), or (D), owned by
9 licensed drivers who are unable to obtain motor
10 vehicle insurance policies and optional
11 additional insurance through ordinary methods;

12 (2) The plan shall provide personal injury protection
13 benefits and bodily injury and property damage
14 policies for all classes of persons, motor vehicles,
15 and motor vehicle uses, at the premiums specified
16 under subpart C, at the option of the owners, for the
17 following classes, which the commissioner, by rules,
18 shall further define and regulate:

19 (A) All licensed drivers, or unlicensed permanently
20 disabled individuals unable to operate their
21 motor vehicles, who are receiving public
22 assistance benefits consisting of direct cash



1 payments, or who received public assistance
2 benefits in the form of medical services prior to
3 July 1, 1994, and are still receiving the
4 benefits, through the department of human
5 services, or benefits from the Supplemental
6 Security Income program under the Social Security
7 Administration; provided that the licensed
8 drivers, or unlicensed permanently disabled
9 individuals unable to operate their motor
10 vehicles, are the sole registered owners of the
11 motor vehicles to be insured; provided further
12 that not more than one vehicle per public
13 assistance unit shall be insured under this part,
14 unless extra vehicles are approved by the
15 department of human services as being necessary
16 for medical or employment purposes; provided
17 further that the motor vehicle to be insured
18 shall be used strictly for personal purposes, and
19 not for commercial purposes; [~~and~~]
20 (B) [~~Any~~] All licensed physically handicapped
21 [~~driver,~~] drivers, including drivers with any
22 auditory limitation[~~-~~]; and



1 (C) All licensed drivers who are minors under foster
2 care and whose natural parents and foster parents
3 are unable to pay for the minor's motor vehicle
4 insurance as provided under section 587- .

5 Each category of driver/owner under subparagraphs (A)
6 ~~and~~, (B), and (C) may secure motor vehicle insurance
7 coverage through the plan at the individual's option;
8 provided any previous motor vehicle insurance policy
9 has expired or has been canceled. Any person becoming
10 eligible for plan coverage under subparagraph (A)
11 shall first exhaust all paid coverage under any motor
12 vehicle insurance policy then in force before becoming
13 eligible for plan coverage.

14 Any person eligible or becoming eligible under
15 rules adopted by the commissioner under subparagraph
16 (B) ~~[7]~~ or (C) may at any time elect coverage under the
17 plan and terminate any prior private insurer's
18 coverage.

19 A certificate shall be issued by the department
20 of human services indicating that the person is a bona
21 fide public assistance recipient as defined in
22 subparagraph (A). The certificate shall be deemed a



1 policy for the purposes of this chapter upon the
2 issuance of a valid motor vehicle insurance
3 identification card pursuant to section 431:10C-107;
4 and

5 (3) Under the joint underwriting plan, the required motor
6 vehicle policy coverages as provided in section
7 431:10C-301 shall be offered by every insurer to each
8 eligible applicant assigned by the bureau. In
9 addition, uninsured motorist and underinsured motorist
10 coverages shall be offered in conformance with section
11 431:10C-301, and optional additional coverages shall
12 be offered in conformance with section 431:10C-302,
13 for each class except the class defined in paragraph
14 (2)(A), as the commissioner, by rules, shall provide."

15 SECTION 5. Section 431:10C-410, Hawaii Revised Statutes,
16 is amended to read as follows:

17 "**§431:10C-410 Schedules.** The commissioner shall:

18 (1) Set rate schedules periodically, but not less
19 frequently than annually, for all classes in
20 accordance with this part and the criteria in
21 paragraph (3), so that the total premium income, from
22 all plan motor vehicle insurance, when combined with



1 the investment income, shall annually fund the costs
2 of all joint underwriting plan classes, the joint
3 underwriting assigned claims plan, and the
4 administration of the plans;

5 (2) Prior to setting rates in accordance with paragraph
6 (1), hold a public hearing on the proposed rates to
7 afford all interested persons an opportunity to be
8 heard. Notice shall be published and the hearing
9 shall be held in accordance with chapter 91;

10 (3) Establish rates for the following classes within the
11 following restrictions:

12 (A) For the licensed public assistance driver, as
13 defined in section 431:10C-407(b)(2)(A), or the
14 licensed foster care driver, as defined in
15 section 431-10C-407(b)(2)(C), no premium shall be
16 assessed for the mandatory minimum personal
17 injury protection, bodily injury, or property
18 damage coverages; and all policies shall conform
19 to section 431:10C-407(b)(2); and

20 (B) For the licensed physically handicapped driver,
21 including drivers with any auditory limitation,
22 defined in section 431:10C-407, no rate shall be



1 set higher than that assessed a comparable driver
2 without limitation, except that a higher rate may
3 be surcharged under any applicable standard
4 conforming with section 431:10C-409(3); and

5 (4) Set various systems and schedules of rates based upon
6 the risks involved, the experience with various
7 exposures, uses, and drivers, and may include the
8 establishment of surcharges for specific risks,
9 drivers, and uses for each of the enumerated classes
10 except the classes limited under paragraph (3)."

11 SECTION 6. Section 587-87, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending subsection (a) to read:

14 "(a) The department shall disclose to [~~foster parents and~~
15 the foster child's principal treating physician copies of the
16 foster child's complete medical records in the department's
17 physical custody and relevant social history within thirty days
18 of foster placement."

19 2. By amending subsection (c) to read:

20 "(c) Any records or information released to a [~~foster
21 child's foster parents, or the~~] foster child's principal
22 treating physician pursuant to subsection (a), or any



1 information shared by one physician with another physician
2 pursuant to subsection (b), shall remain confidential in
3 accordance with section 350-1.4."

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Foster Children

Description:

Requires the Department of Human Services to provide written consent to allow foster children to apply for a driver's license. Requires a foster child's natural parents or foster parents to pay for the child's car insurance and establishes provisions for payment if the child's parents are unable to pay. Allows higher education board allowances to be paid directly to former foster children. (HB2078 HD1)

