
A BILL FOR AN ACT

RELATING TO NO FAULT INSURANCE.

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

1 SECTION 1. Chapter 431:10C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§431:10C- Motor vehicle accident while uninsured.

5 (a) A person commits the offense of motor vehicle accident
6 while uninsured if the person:

7 (1) Operates a motor vehicle that is not insured by a
8 motor vehicle insurance policy; and

9 (2) While operating the uninsured vehicle, is involved in
10 a motor vehicle accident on any public street, road,
11 or highway of the state; and

12 (3) Knows the vehicle is not insured by a motor vehicle
13 insurance policy; or

14 (4) Recklessly disregards the fact that the vehicle is not
15 insured by a motor vehicle insurance policy.

16 (b) Motor vehicle accident while uninsured is a
17 misdemeanor."



1 SECTION 2. Section 431:10C-117, Hawaii Revised Statutes,
2 is amended by amending subsection (a) to read as follows:

3 "(a) (1) Any person subject to this article in the capacity
4 of the operator, owner, or registrant of a motor vehicle
5 operated in this State, or registered in this State, who
6 violates any applicable provision of this article, shall be
7 subject to citation for the violation by any county police
8 department in a form and manner approved by the traffic
9 violations bureau of the district court of the first circuit;

10 (2) Notwithstanding any provision of the Hawaii Penal
11 Code:

12 (A) Each violation shall be deemed a separate offense
13 and shall be subject to a fine of not less than
14 \$100 nor more than \$5,000 which shall not be
15 suspended except as provided in subparagraph (B);
16 and

17 (B) If the person is convicted of not having had a
18 motor vehicle insurance policy in effect at the
19 time the citation was issued, the fine shall be
20 \$500 for the first offense and a minimum of
21 \$1,500 for each subsequent offense that occurs



1 within a five-year period from any prior offense;
2 provided that the judge:

3 — (i) Shall have the discretion to suspend all or
4 any portion of the fine if the defendant
5 provides proof of having a current motor
6 vehicle insurance policy; provided further
7 that, upon the defendant's request, the judge
8 may grant community service in lieu of the
9 fine, of not less than seventy-five hours
10 and not more than one hundred hours for the
11 first offense, and not less than two hundred
12 hours nor more than two hundred seventy-five
13 hours for the second offense; [~~and~~]

14 (ii) Shall have the discretion to sentence the
15 defendant to a forty-eight-hour jail term in
16 lieu of a fine or community service; and

17 [~~(ii)~~] (iii) May grant community service in lieu
18 of the fine for subsequent offenses at the
19 judge's discretion;

20 (3) In addition to the fine in paragraph (2), the court
21 shall either:



- 1 (A) Suspend the driver's license of the driver or of
2 the registered owner for:
- 3 (i) Three months for the first conviction; and
4 (ii) One year for any subsequent offense within a
5 five-year period from a previous offense;
6 provided that the driver or the registered owner
7 shall not be required to obtain proof of
8 financial responsibility pursuant to section 287-
9 20; or
- 10 (B) Require the driver or the registered owner to
11 keep a nonrefundable motor vehicle insurance
12 policy in force for six months;
- 13 (4) Any person cited under this section shall have an
14 opportunity to present a good faith defense, including
15 but not limited to lack of knowledge or proof of
16 insurance. The general penalty provision of this
17 section shall not apply to:
- 18 (A) Any operator of a motor vehicle owned by another
19 person if the operator's own insurance covers
20 such driving;



- 1 (B) Any operator of a motor vehicle owned by that
2 person's employer during the normal scope of that
3 person's employment; or
- 4 (C) Any operator of a borrowed motor vehicle if the
5 operator holds a reasonable belief that the
6 subject vehicle is insured; and
- 7 (5) In the case of multiple convictions for driving
8 without a valid motor vehicle insurance policy within
9 a five-year period from any prior offense, the court,
10 in addition to any other penalty, shall impose the
11 following penalties:
- 12 (A) Imprisonment of not more than thirty days;
- 13 (B) Suspension or revocation of the motor vehicle
14 registration plates of the vehicle involved;
- 15 (C) Impoundment, or impoundment and sale, of the
16 motor vehicle for the costs of storage and other
17 charges incident to seizure of the vehicle, or
18 any other cost involved pursuant to section
19 431:10C-301; or
- 20 (D) Any combination of those penalties."



H.B. NO. 2575

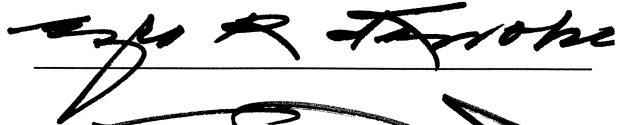

1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

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

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY:

M L

JAN 24 2006



HB 2575

Report Title:

No Fault Insurance

Description:

Establishes the offense of "motor vehicle accident while uninsured" if a person is involved in a motor vehicle accident while the motor vehicle operated by the person is uninsured. Provides the option of a forty-eight hour jail term in lieu of a fine or community service as penalty for the offense.

