

JAN 23 2006

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# 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-           Natural parents required to pay foster child's  
5 motor vehicle insurance. The natural parents of a foster child  
6 who has obtained a driver's license shall pay the costs of the  
7 child's motor vehicle insurance, unless determined by the court  
8 to be financially unable to pay the costs, in which case the  
9 child's insurance costs shall be paid pursuant to sections  
10 431:10C-407 and 431:10C-410."

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

13           "(a) The application of any person under the age of  
14 eighteen years for an instruction permit, provisional license,  
15 or driver's license shall be signed and verified before a person  
16 authorized to administer oaths by the appropriate one of the  
17 following:



- 1 (1) If both the father and mother of the applicant have  
2 custody of the applicant, by both the father and  
3 mother of the applicant;
- 4 (2) If only one parent has custody of the applicant, by  
5 the custodial parent;
- 6 (3) If neither parent has custody of the applicant, and  
7 the applicant has a custodial guardian or has  
8 custodial guardians, by the custodial guardian or by  
9 all the custodial guardians; provided that the  
10 department of human services may sign and verify the  
11 application of any applicant who is under foster care;  
12 or
- 13 (4) If neither parent has custody of the applicant, and  
14 the applicant has no custodial guardian, by an  
15 employer of the applicant or by any responsible person  
16 who is willing to assume the obligation imposed under  
17 this part upon a person signing the application of a  
18 minor."

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

21 "(a) Eligible former foster youths shall be eligible for  
22 higher education board allowances after reaching the age of



1 majority and the higher education board payments for that former  
2 foster youth shall be paid to an accredited institution of  
3 higher learning, another intermediary contracted by the  
4 department, the former foster youth, or to the former foster  
5 youth's former foster parents, as appropriate, provided that:

- 6 (1) The former foster youth is twenty-one years old or  
7 younger; and
- 8 (2) Within one school year after high school completion,  
9 the former foster youth is attending or has been  
10 accepted to attend an accredited institution of higher  
11 learning on a full-time basis, or on a part-time basis  
12 for the first academic year, if approved by the  
13 director upon such terms and conditions as the  
14 director deems appropriate."

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

17 "(b) The plan shall provide all personal injury protection  
18 benefits and services and bodily injury and property damage  
19 liability coverages to the limits and coverages specified in  
20 this article for all classes of persons, motor vehicles, and  
21 motor vehicle uses specified in this part upon the payment of  
22 premiums as provided in subpart C, as follows:



- 1           (1) The plan shall provide personal injury protection  
2           benefits and policies for each of the following  
3           classes, and each class shall be able to secure a  
4           personal injury protection and bodily injury and  
5           property damage liability policy through the plan:
- 6           (A) All motor vehicles owned by licensed assigned  
7           risk drivers as the commissioner, by rules, shall  
8           define. The commissioner shall regulate the  
9           class in accordance with the general practice of  
10          the industry, the applicable results, if any, of  
11          the commissioner's examination of the motor  
12          vehicle insurers' business records and  
13          experience, and any applicable and scientifically  
14          credible governmental or academic studies of the  
15          multi-accident or high-risk motor vehicle driver;
- 16          (B) All motor vehicles owned by licensed drivers  
17          convicted within the thirty-six months  
18          immediately preceding the date of application, in  
19          any jurisdiction of any one or more of the  
20          offenses of, or of the offenses cognate to:
- 21               (i) Heedless and careless driving;
- 22               (ii) Driving while license suspended or revoked;



- 1 (iii) Leaving the scene of an accident;
- 2 (iv) Manslaughter, if resulting from the
- 3 operation of a motor vehicle;
- 4 (v) Operating a vehicle under the influence of
- 5 an intoxicant as provided in section 291E-
- 6 61; or
- 7 (vi) Driving under the influence of an
- 8 intoxicating liquor as provided in section
- 9 291-4 or any drug as provided in section
- 10 291-7, as those sections were in effect on
- 11 or before December 31, 2001;
- 12 (C) All commercial uses, first class, defined as any
- 13 commercial use engaged in the transport of
- 14 passengers for hire or gratuity;
- 15 (D) All commercial uses, second class, defined as any
- 16 commercial, business, or institutional use other
- 17 than the transport of passengers as described in
- 18 subparagraph (C) or the exclusive use of a
- 19 vehicle for domestic-household-familial purposes;
- 20 and
- 21 (E) All other motor vehicles, not classified under
- 22 subparagraph (A), (B), (C), or (D), owned by



1 licensed drivers who are unable to obtain motor  
2 vehicle insurance policies and optional  
3 additional insurance through ordinary methods;

4 (2) The plan shall provide personal injury protection  
5 benefits and bodily injury and property damage  
6 policies for all classes of persons, motor vehicles,  
7 and motor vehicle uses, at the premiums specified  
8 under subpart C, at the option of the owners, for the  
9 following classes, which the commissioner, by rules,  
10 shall further define and regulate:

11 (A) All licensed drivers, or unlicensed permanently  
12 disabled individuals unable to operate their  
13 motor vehicles, who are receiving public  
14 assistance benefits consisting of direct cash  
15 payments, or who received public assistance  
16 benefits in the form of medical services prior to  
17 July 1, 1994, and are still receiving the  
18 benefits, through the department of human  
19 services, or benefits from the Supplemental  
20 Security Income program under the Social Security  
21 Administration; provided that the licensed  
22 drivers, or unlicensed permanently disabled



1 individuals unable to operate their motor  
2 vehicles, are the sole registered owners of the  
3 motor vehicles to be insured; provided further  
4 that not more than one vehicle per public  
5 assistance unit shall be insured under this part,  
6 unless extra vehicles are approved by the  
7 department of human services as being necessary  
8 for medical or employment purposes; provided  
9 further that the motor vehicle to be insured  
10 shall be used strictly for personal purposes, and  
11 not for commercial purposes; [~~and~~]

12 (B) Any licensed physically handicapped driver,  
13 including drivers with any auditory  
14 limitation[~~-~~]; and

15 (C) Any licensed driver who is a minor under foster  
16 care and whose natural parents are unable to pay  
17 for the minor's motor vehicle insurance as  
18 provided under section 587-B.

19 Each category of driver/owner under subparagraphs (A)  
20 [~~and~~], (B), and (C) may secure motor vehicle insurance  
21 coverage through the plan at the individual's option;  
22 provided any previous motor vehicle insurance policy



1 has expired or has been canceled. Any person becoming  
2 eligible for plan coverage under subparagraph (A)  
3 shall first exhaust all paid coverage under any motor  
4 vehicle insurance policy then in force before becoming  
5 eligible for plan coverage.

6 Any person eligible or becoming eligible under  
7 rules adopted by the commissioner under subparagraph  
8 (B) [~~7~~] or (C) may at any time elect coverage under the  
9 plan and terminate any prior private insurer's  
10 coverage.

11 A certificate shall be issued by the department  
12 of human services indicating that the person is a bona  
13 fide public assistance recipient as defined in  
14 subparagraph (A). The certificate shall be deemed a  
15 policy for the purposes of this chapter upon the  
16 issuance of a valid motor vehicle insurance  
17 identification card pursuant to section 431:10C-107;  
18 and

19 (3) Under the joint underwriting plan, the required motor  
20 vehicle policy coverages as provided in section  
21 431:10C-301 shall be offered by every insurer to each  
22 eligible applicant assigned by the bureau. In





1           addition, uninsured motorist and underinsured motorist  
 2           coverages shall be offered in conformance with section  
 3           431:10C-301, and optional additional coverages shall  
 4           be offered in conformance with section 431:10C-302,  
 5           for each class except the class defined in paragraph  
 6           (2)(A), as the commissioner, by rules, shall provide."

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

9           "**§431:10C-410 Schedules.** The commissioner shall:

10          (1) Set rate schedules periodically, but not less  
 11           frequently than annually, for all classes in  
 12           accordance with this part and the criteria in  
 13           paragraph (3), so that the total premium income, from  
 14           all plan motor vehicle insurance, when combined with  
 15           the investment income, shall annually fund the costs  
 16           of all joint underwriting plan classes, the joint  
 17           underwriting assigned claims plan, and the  
 18           administration of the plans;

19          (2) Prior to setting rates in accordance with paragraph  
 20           (1), hold a public hearing on the proposed rates to  
 21           afford all interested persons an opportunity to be



1 heard. Notice shall be published and the hearing  
2 shall be held in accordance with chapter 91;

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

5 (A) For the licensed public assistance driver, as  
6 defined in section 431:10C-407(b) (2) (A), or the  
7 licensed foster care driver, as defined in  
8 section 431-10C-407(b) (2) (C), no premium shall be  
9 assessed for the mandatory minimum personal  
10 injury protection, bodily injury, or property  
11 damage coverages; and all policies shall conform  
12 to section 431:10C-407(b) (2); and

13 (B) For the licensed physically handicapped driver,  
14 including drivers with any auditory limitation,  
15 defined in section 431:10C-407, no rate shall be  
16 set higher than that assessed a comparable driver  
17 without limitation, except that a higher rate may  
18 be surcharged under any applicable standard  
19 conforming with section 431:10C-409(3); and

20 (4) Set various systems and schedules of rates based upon  
21 the risks involved, the experience with various  
22 exposures, uses, and drivers, and may include the



1 establishment of surcharges for specific risks,  
2 drivers, and uses for each of the enumerated classes  
3 except the classes limited under paragraph (3)."

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

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

7 "(a) The department shall disclose to [~~foster parents and~~]  
8 the foster child's principal treating physician copies of the  
9 foster child's complete medical records in the department's  
10 physical custody and relevant social history within thirty days  
11 of foster placement."

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

13 "(c) Any records or information released to a [~~foster~~  
14 ~~child's foster parents, or the~~] foster child's principal  
15 treating physician pursuant to subsection (a), or any  
16 information shared by one physician with another physician  
17 pursuant to subsection (b), shall remain confidential in  
18 accordance with section 350-1.4."

19 SECTION 7. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY: Shiranne Chun Oakland

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SB 2162

**Report Title:**

Foster Children

**Description:**

Allows foster children to apply for a driver's license with the written consent of the Department of Human Services. Requires a foster child's natural parents to pay for the child's car insurance and provides for free insurance if the child's parents are unable to pay. Allows higher education board allowances to be paid directly to former foster children.

