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

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

12 "(a) The application of any person under the age of
13 eighteen years for an instruction permit, provisional license,
14 or driver's license shall be signed and verified before a person
15 authorized to administer oaths by the appropriate one of the
16 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 director of human services, or the director's
11 designee, shall sign and verify the application of any
12 applicant who is under foster care; provided further
13 that the department of human services shall not have
14 any liability in the event that the foster child is
15 involved in a motor vehicle accident or a lawsuit
16 arising as a result of the foster child's driving; or
- 17 (4) If neither parent has custody of the applicant, and
18 the applicant has no custodial guardian, by an
19 employer of the applicant or by any responsible person
20 who is willing to assume the obligation imposed under
21 this part upon a person signing the application of a
22 minor. "

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

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

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

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

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

21 "(b) The plan shall provide all personal injury protection
22 benefits and services and bodily injury and property damage



1 liability coverages to the limits and coverages specified in
2 this article for all classes of persons, motor vehicles, and
3 motor vehicle uses specified in this part upon the payment of
4 premiums as provided in subpart C, as follows:

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

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

20 (B) All motor vehicles owned by licensed drivers
21 convicted within the thirty-six months
22 immediately preceding the date of application, in



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

1 vehicle for domestic-household-familial purposes;

2 and

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

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

15 (A) All licensed drivers, or unlicensed permanently
16 disabled individuals unable to operate their
17 motor vehicles, who are receiving public
18 assistance benefits consisting of direct cash
19 payments, or who received public assistance
20 benefits in the form of medical services prior to
21 July 1, 1994, and are still receiving the
22 benefits, through the department of human



1 services, or benefits from the Supplemental
2 Security Income program under the Social Security
3 Administration; provided that the licensed
4 drivers, or unlicensed permanently disabled
5 individuals unable to operate their motor
6 vehicles, are the sole registered owners of the
7 motor vehicles to be insured; provided further
8 that not more than one vehicle per public
9 assistance unit shall be insured under this part,
10 unless extra vehicles are approved by the
11 department of human services as being necessary
12 for medical or employment purposes; provided
13 further that the motor vehicle to be insured
14 shall be used strictly for personal purposes, and
15 not for commercial purposes; [~~and~~]

16 (B) Any licensed physically handicapped driver,
17 including drivers with any auditory
18 limitation[-]; and

19 (C) Any licensed driver who is a minor under foster
20 care and whose parents are unable to pay for the
21 minor's motor vehicle insurance as provided in
22 section 587- .



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

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

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



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

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

13 "**§431:10C-410 Schedules.** The commissioner shall:

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



- 1 (2) Prior to setting rates in accordance with paragraph
2 (1), hold a public hearing on the proposed rates to
3 afford all interested persons an opportunity to be
4 heard. Notice shall be published and the hearing
5 shall be held in accordance with chapter 91;
- 6 (3) Establish rates for the following classes within the
7 following restrictions:
- 8 (A) For the licensed public assistance driver, as
9 defined in section 431:10C-407(b) (2) (A), or the
10 licensed foster care driver, as defined in
11 section 431-10C-407(b) (2) (C), no premium shall be
12 assessed for the mandatory minimum personal
13 injury protection, bodily injury, or property
14 damage coverages; and all policies shall conform
15 to section 431:10C-407(b) (2); and
- 16 (B) For the licensed physically handicapped driver,
17 including drivers with any auditory limitation,
18 defined in section 431:10C-407, no rate shall be
19 set higher than that assessed a comparable driver
20 without limitation, except that a higher rate may
21 be surcharged under any applicable standard
22 conforming with section 431:10C-409(3); and

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

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect July 1, 2006.

Report Title:
Foster Children

Description:

Requires the Department of Human Services to provide written consent for foster children to apply for a driver's license. Requires a foster child's 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. (CD1)

