

PROPOSED

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

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

- 1 SECTION 1. 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
4 capacity of the operator, owner, or registrant of a
5 motor vehicle operated in this State, or registered in
6 this State, who violates any applicable provision of
7 this article, shall be subject to citation for the
8 violation by any county police department in a form
9 and manner approved by the traffic violations bureau
10 of the district court of the first circuit;
- 11 (2) Notwithstanding any provision of the Hawaii Penal
12 Code:
- 13 (A) Each violation shall be deemed a separate offense
14 and shall be subject to a fine of not less than
15 \$100 nor more than \$5,000 which shall not be
16 suspended except as provided in subparagraph (B);
17 and

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1 (B) If the person is convicted of not having had a
2 motor vehicle insurance policy in effect at the
3 time the citation was issued, the fine shall be
4 \$500 for the first offense and a minimum of
5 \$1,500 for each subsequent offense that occurs
6 within a five-year period from any prior offense;
7 provided that the judge:

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

19 (ii) May grant community service in lieu of the
20 fine for subsequent offenses at the judge's
21 discretion;



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

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- 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 ~~[-]~~; and
- 21 (6) Any violation as provided in subparagraph (a) (2) (B)
22 shall not be deemed to be a traffic infraction as



1 defined by chapter 291D."

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

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Motor Vehicle Insurance; Offenses

Description:

Specifies that the violation of not having a valid motor vehicle insurance policy is not a "traffic infraction" as defined in chapter 291D in order to allow district court judges to consider a first offense for purposes of finding multiple convictions.
(SD1)

