
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]~~ \$200 nor more than \$5,000 which shall not
16 be suspended except as provided in subparagraph
17 (B); and



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~~] but \$100 of the fine if the
10 defendant provides proof of having a current
11 motor vehicle insurance policy; provided
12 further that upon the defendant's request,
13 the judge may grant community service in
14 lieu of the fine, of not less than seventy-
15 five hours and not more than one hundred
16 hours for the first offense, and not less
17 than two hundred hours nor more than two
18 hundred seventy-five hours for the second
19 offense; and

20 (ii) May grant community service in lieu of the
21 fine for subsequent offenses at the judge's
22 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 287-
- 11 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) In addition to the fine in paragraph (2), and the
- 16 license suspension or nonrefundable motor vehicle
- 17 insurance policy in paragraph (3), the court shall
- 18 sentence the person to imprisonment for five days;
- 19 [~~4~~] (5) Any person cited under this section shall have an
- 20 opportunity to present a good faith defense, including
- 21 but not limited to lack of knowledge or proof of



1 insurance. The general penalty provision of this
2 section shall not apply to:

3 (A) Any operator of a motor vehicle owned by another
4 person if the operator's own insurance covers
5 such driving;

6 (B) Any operator of a motor vehicle owned by that
7 person's employer during the normal scope of that
8 person's employment; or

9 (C) Any operator of a borrowed motor vehicle if the
10 operator holds a reasonable belief that the
11 subject vehicle is insured;

12 [~~5~~] (6) In the case of multiple convictions for driving
13 without a valid motor vehicle insurance policy within
14 a five-year period from any prior offense, the court,
15 in addition to any other penalty, shall impose the
16 following penalties:

17 (A) Imprisonment of not more than thirty days;

18 (B) Suspension or revocation of the motor vehicle
19 registration plates of the vehicle involved;

20 (C) Impoundment, or impoundment and sale, of the
21 motor vehicle for the costs of storage and other
22 charges incident to seizure of the vehicle, or



1 any other cost involved pursuant to section
2 431:10C-301; or

3 (D) Any combination of those penalties; and
4 ~~(6)~~ (7) Any violation as provided in subsection (a)(2)(B)
5 shall not be deemed to be a traffic infraction as
6 defined by chapter 291D."

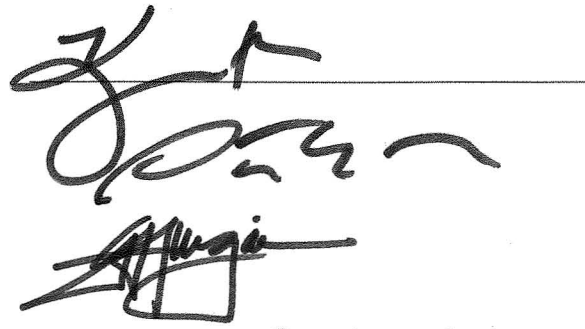
7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13

INTRODUCED BY:


Della A. Belatti



Report Title:

Motor Vehicle Insurance; Penalty

Description:

Establishes a mandatory minimum fine of \$100 and 5 days in prison for operating a motor vehicle without insurance.

