
A BILL FOR AN ACT

RELATING TO UNINSURED MOTOR VEHICLES.

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

- 1 SECTION 1. Chapter 431, Hawaii Revised Statutes, is
2 amended by adding a new section to article 10C to be
3 appropriately designated and to read as follows:
- 4 "§431:10C- Operators and passengers of uninsured motor
5 vehicles; limitation on the right to sue. (a) Notwithstanding
6 section 431:10C-306 or any other law to the contrary:
- 7 (1) If the operator of an uninsured motor vehicle is
8 involved in a motor vehicle accident occurring in this
9 state, the operator, or that person's legal
10 representative if the operator has died as a result of
11 that accident, may not maintain an action for damages
12 against any other person for the operator's injuries
13 or death arising out of that accident; and
- 14 (2) If the passenger of an uninsured motor vehicle is
15 involved in a motor vehicle accident occurring in this
16 state, the passenger, or that person's legal
17 representative if the passenger has died as a result
18 of that accident, may maintain an action for damages



1 only against the operator of that uninsured motor
2 vehicle for the passenger's injuries or death arising
3 out of that accident.

4 (b) Subsection (a) shall apply regardless of whether the
5 operator or passenger of an uninsured motor vehicle operated or
6 used that vehicle without reason to believe it to be an
7 uninsured motor vehicle."

8 SECTION 2. Section 431:10C-118, Hawaii Revised Statutes,
9 is repealed.

10 ~~["**§431:10C-118 Fee in lieu of fine, defense.** (a) Any~~
11 ~~person bringing an action in tort under this article who was~~
12 ~~uninsured at the time of the accident shall pay a fee of \$1,000~~
13 ~~in lieu of any fine which could have been levied as a criminal~~
14 ~~penalty for failing to obtain the motor vehicle insurance~~
15 ~~coverage required by this article.~~

16 ~~(b) The fee required under subsection (a) shall be paid by~~
17 ~~the person directly, or deducted from any settlement or verdict~~
18 ~~received, or both.~~

19 ~~(c) No person shall be required to pay the fee in~~
20 ~~subsection (a) if the person can show proof of having been~~
21 ~~convicted in a prior criminal proceeding for failing to have~~



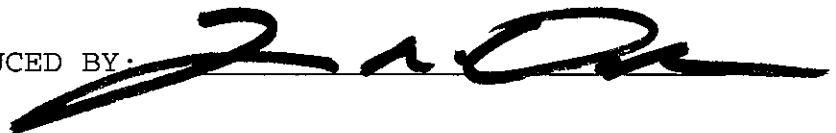
1 ~~motor vehicle insurance coverage on the date of the accident~~
2 ~~which is the subject of the tort action."]~~

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

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

6

INTRODUCED BY:

A large, bold, handwritten signature in black ink, appearing to be "Z. R. O.", written over a horizontal line.

JAN 20 2011



Report Title:

Uninsured Motor Vehicles; Right to Sue

Description:

Prohibits the driver of an uninsured motor vehicle that is involved in an accident from suing any other person. Allows a passenger in an uninsured motor vehicle involved in an accident to sue only the driver of that vehicle.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

