

JAN 17 2014

S.B. NO. 2616

---

---

# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1           SECTION 1. Section 286-116, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§286-116 License, insurance identification card,**  
4 **possession, exhibition.** (a) Every licensee shall have a valid  
5 driver's license in the licensee's immediate possession at all  
6 times, and a valid motor vehicle or liability insurance  
7 identification card applicable to the motor vehicle operated as  
8 required under section 431:10C-107 and section 431:10G-106, when  
9 operating a motor vehicle, and shall display the same upon  
10 demand of a police officer. Every police officer or law  
11 enforcement officer when stopping a vehicle or inspecting a  
12 vehicle for any reason shall demand that the driver or owner  
13 display the driver's or owner's driver's license and insurance  
14 identification card. No person charged with violating this  
15 section shall be convicted if the person produces in court, or  
16 proves from the proper official or other records that the person  
17 was the holder of a driver's license or a motor vehicle or  
18 liability insurance identification card and policy conforming to



1 article 10C and article 10G of chapter 431 or a certificate of  
2 self-insurance issued by the insurance commissioner pursuant to  
3 section 431:10C-107 and section 431:10G-103, theretofore issued  
4 to the person and valid at the time of the person's arrest.

5 (b) At any time a law enforcement officer finds a motor  
6 vehicle in operation by a driver not in possession of the motor  
7 vehicle or liability insurance identification card required  
8 under section 431:10C-107 and section 431:10G-106, the officer  
9 shall issue a citation with the earliest possible date for court  
10 appearance in every instance.

11 (c) In all instances in which a citation shall be issued  
12 under subsection (b), whenever the driver cited is not found to  
13 be the registered owner of the motor vehicle under operation,  
14 the citation shall also be issued to the driver as the owner's  
15 agent and to the registered owner of the motor vehicle.

16 Whenever the registered owner of any motor vehicle permits any  
17 person to operate the registered owner's motor vehicle, the  
18 registered owner appoints, designates, and constitutes the  
19 driver the registered owner's agent for all purposes under this  
20 section and section 431:10C-107, section 431:10G-106, and  
21 section 805-13.



1 (d) The operation of any motor vehicle required to be  
2 licensed on a highway by a driver, whether or not licensed, who  
3 knows, or has reason to believe, that the motor vehicle is not  
4 insured in compliance with article 10C and article 10G of  
5 chapter 431, shall constitute a violation of this chapter.

6 (e) Any registered owner of any motor vehicle required to  
7 be licensed, who directly or indirectly permits the operation of  
8 such motor vehicle on any highway at any time the motor vehicle  
9 is not insured in compliance with article 10C and article 10G of  
10 chapter 431, shall be guilty of a violation of this chapter.  
11 The registered owner shall, in all cases, be presumed to know  
12 whether a motor vehicle is insured in compliance with article  
13 10C and article 10G of chapter 431.

14 (f) Notwithstanding any other law to the contrary, if a  
15 person fails to display a valid insurance identification card as  
16 required under subsection (a), the director of finance, any  
17 police officer, or any law enforcement officer may apply or  
18 cause to be applied a wheel boot to the motor vehicle. The  
19 motor vehicle shall be subject to redemption by its owner only  
20 after paying the applicable charges incident to the booting of  
21 the motor vehicle and by showing a valid insurance  
22 identification card, as required under subsection (a). The



1 director of finance, chief of police, any police officer, or any  
2 law enforcement officer shall be deemed to have booted a motor  
3 vehicle after having securely applied or caused to be applied a  
4 wheel boot to the motor vehicle and posting a notice upon the  
5 motor vehicle, setting forth the fact that a wheel boot has been  
6 applied for failure to display a valid insurance identification  
7 card, as required under subsection (a), and warning all other  
8 persons from tampering with the motor vehicle. Any person who  
9 tampers with or disturbs any motor vehicle that has been booted  
10 pursuant to this section shall be fined not more than \$500.

11 For purposes of this section, "wheel boot" shall have the  
12 same meaning as in section 291C-115(b)."

13 SECTION 2. Section 291C-115, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 **"[+]§291C-115[+] Wheel boots prohibited.** (a) It shall be  
16 unlawful for a person or entity[~~, including any county police~~  
17 ~~department,~~] to apply or cause to be applied, a wheel boot to a  
18 motor vehicle located on any public or private street, roadway,  
19 or highway, as applicable, or on any public or private property,  
20 as applicable.

21 (b) For purposes of this section, "wheel boot" includes a  
22 tire lock, denver boot, wheel clamp, or wheel immobilizer.



1 (c) Any person~~[7]~~ or entity~~[7, or police department]~~  
2 violating this section shall be fined \$100 for each application  
3 of a wheel boot.

4 (d) This section shall not apply to any county police  
5 department, state law enforcement agency, police officer, law  
6 enforcement officer, or the director of finance who applies or  
7 causes to be applied a wheel boot to a motor vehicle."

8 SECTION 3. Section 431:10C-104, Hawaii Revised Statutes,  
9 is amended to read as follows:

10 **"§431:10C-104 Conditions of operation and registration of**  
11 **motor vehicles.** (a) Except as provided in section 431:10C-105,  
12 no person shall operate or use a motor vehicle upon any public  
13 street, road, or highway of this State at any time unless such  
14 motor vehicle is insured at all times under a motor vehicle  
15 insurance policy.

16 (b) Every owner of a motor vehicle used or operated at any  
17 time upon any public street, road, or highway of this State  
18 shall obtain a motor vehicle insurance policy upon such vehicle  
19 which provides the coverage required by this article and shall  
20 maintain the motor vehicle insurance policy at all times for the  
21 entire motor vehicle registration period.



1 (c) Any person who violates the provisions of this section  
2 shall be subject to the provisions of section 431:10C-117(a).

3 (d) The provisions of this article shall not apply to any  
4 vehicle owned by or registered in the name of any agency of the  
5 federal government, or to any antique motor vehicle as defined  
6 in section 249-1.

7 (e) Notwithstanding any other law to the contrary, if a  
8 person fails to display a valid insurance identification card  
9 required under subsection (a), the director of finance, any  
10 police officer, or any law enforcement officer may apply or  
11 apply or cause to be applied a wheel boot to the motor vehicle.  
12 The motor vehicle shall be subject to redemption by its owner  
13 only after paying the applicable charges incident to the booting  
14 of the motor vehicle and by showing a valid insurance  
15 identification card, as required under subsection (a). The  
16 director of finance, chief of police, any police officer, or any  
17 law enforcement officer shall be deemed to have booted a motor  
18 vehicle after having securely applied or caused to be applied a  
19 wheel boot to the motor vehicle and posting a notice upon the  
20 motor vehicle, setting forth the fact that a wheel boot has been  
21 applied for failure to display a valid insurance identification  
22 card, as required under subsection (a), and warning all other



1 persons from tampering with the motor vehicle. Any person who  
2 tampers with or disturbs any motor vehicle that has been booted  
3 pursuant to this section shall be fined not more than \$500.

4 For purposes of this section, "wheel boot" shall have the  
5 same meaning as in section 291C-115(b)."

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

9 SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

12

INTRODUCED BY: Michelle Sudani (BR)



# S.B. NO. 2616

**Report Title:**

Motor Vehicles; Insurance; Wheel Boots

**Description:**

Authorizes and sets forth procedures for applying a wheel boot to a motor vehicle if a person fails to display a valid insurance identification card or fails to insure the motor vehicle at all times under a motor vehicle insurance policy. Exempts county police departments, state law enforcement agencies, police officers, law enforcement officers, and the director of finance from the prohibition against wheel booting.

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





JAN 17 2014

---

---

# A BILL FOR AN ACT

RELATING TO PUBLIC WORKS OF ART.

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

1 SECTION 1. Act 281, Session Laws of Hawaii 2013, section  
2 2, is amended as follows:

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

4 "(a) The comptroller and the state foundation on culture  
5 and the arts shall commission a permanent [~~three-dimensional~~]  
6 work of art to portray the life, vision, accomplishments,  
7 impact, and legacy of the late United States Senator Daniel K.  
8 Inouye so as to properly honor his memory and to utilize his  
9 example as an inspiration for current and future generations."

10 2. By amending subsection (b) to read:

11 "(b) The state foundation on culture and the arts, at the  
12 earliest opportunity, shall issue a call for design entries;  
13 provided that the design [~~shall include but~~] is not limited to a  
14 likeness of Daniel K. Inouye [~~at some stage of his life~~]."

15 3. By amending subsection (e) to read:

16 "(e) The state foundation on culture and the arts and the  
17 department of accounting and general services shall permanently  
18 install the work of art commemorating Daniel K. Inouye [~~in time~~]



1 ~~for unveiling on December 17, 2014, the second anniversary of~~  
2 ~~his death]."~~

3 SECTION 2. Act 281, Session Laws of Hawaii 2013, section  
4 3, is amended by amending subsection (b) to read as follows:

5 "(b) The state foundation on culture and the arts, at the  
6 earliest opportunity, shall issue a call for design entries;  
7 provided that the design [~~shall include but~~] is not limited to a  
8 likeness of Patsy T. Mink [~~at some stage of her life~~]."

9 SECTION 3. Act 281, Session Laws of Hawaii 2013, is  
10 amended by amending section 4 to read as follows:

11 "SECTION 4. There is appropriated out of the works of art  
12 special fund [~~the~~] an adequate sum [~~of \$250,000 or so much~~  
13 ~~thereof as may be~~] necessary for fiscal year 2013-2014 and the  
14 same sum or so much thereof as may be necessary for fiscal year  
15 2014-2015 for the comptroller and state foundation on culture  
16 and the arts to commission art pursuant to sections 2 and 3 of  
17 this Act.

18 The sums appropriated shall be expended by the [~~department~~  
19 ~~of accounting and general services~~] state foundation on culture  
20 and the arts for the purposes of this Act."

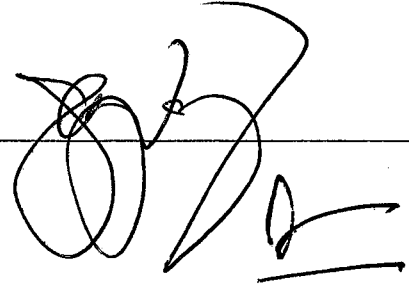
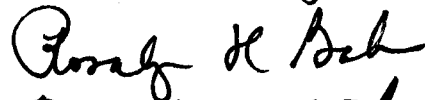
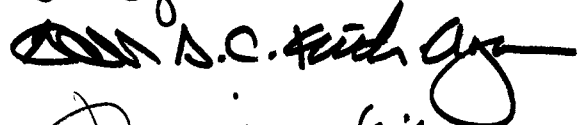
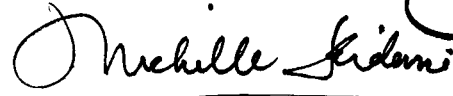
21 SECTION 4. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2014.

2

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line.A handwritten signature in black ink, appearing to be "Paul R.".A handwritten signature in black ink, appearing to be "Clarence D. ...".A handwritten signature in black ink, appearing to be "Mc ...".A handwritten signature in black ink, appearing to be "George H. ...".A handwritten signature in black ink, appearing to be "D.C. ...".A handwritten signature in black ink, appearing to be "Michelle Sidani".A handwritten signature in black ink, appearing to be "JM".A handwritten signature in black ink, appearing to be "Will ...".A handwritten signature in black ink, appearing to be "David ...".

# S.B. NO. 2617

**Report Title:**

Public Art; State Foundation on Culture and the Arts; Daniel Inouye; Patsy Mink; Appropriation

**Description:**

Amends the criteria for the works of art to be commissioned to honor the late U.S. Senator Daniel K. Inouye and the late U.S. Representative Patsy T. Mink pursuant to Act 281, SLH 2013. Amends the appropriation to an adequate sum for each year of the 2013-2015 fiscal biennium.

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

