



GOV. MSG. NO. 1183

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 21, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 21, 2016, the following bill was signed into law:

HB1705 SD1

RELATING TO MOTOR VEHICLE INSURANCE
ACT 082 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

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

1 SECTION 1. The legislature finds that many motor vehicle
2 insurance companies offer insurance documents through
3 applications on mobile electronic devices. This electronic
4 proof of coverage gives drivers a convenient, paperless way to
5 display up-to-date insurance information.

6 The legislature further finds that more states are
7 recognizing the widespread use of mobile technology and updating
8 motor vehicle insurance laws accordingly. Currently, thirty-
9 seven states permit drivers to use an electronic copy of their
10 insurance card as valid proof of insurance. The acceptance of
11 this technology has grown rapidly since March 2012, when Idaho
12 became the first state in the country to accept electronic motor
13 vehicle insurance cards.

14 The legislature concludes that owners and drivers of motor
15 vehicles in Hawaii should also be provided with electronic
16 options for proof of insurance.

17 Accordingly, the purpose of this Act is to allow electronic
18 insurance cards, in addition to paper insurance cards, to be



1 used as proof of insurance for motor vehicles, motorcycles, and
2 motor scooters.

3 SECTION 2. Section 286-116, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Every licensee shall have a valid driver's license in
6 the licensee's immediate possession at all times, and a valid
7 motor vehicle or liability insurance identification card
8 applicable to the motor vehicle operated as required under
9 section 431:10C-107 and section 431:10G-106, when operating a
10 motor vehicle, and shall display the same upon demand of a
11 police officer. Every police officer or law enforcement officer
12 when stopping a vehicle or inspecting a vehicle for any reason
13 shall demand that the driver or owner display the driver's or
14 owner's driver's license and insurance identification card.

15 Upon demand, the driver or owner may display the driver's
16 or owner's electronic motor vehicle insurance identification
17 card on a mobile electronic device, as defined in section 291C-
18 137. For the purposes of this section, when a person uses a
19 mobile electronic device to display an electronic motor vehicle
20 insurance identification card to a police officer or law
21 enforcement officer, the officer may only view the electronic

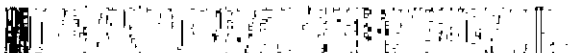


1 motor vehicle insurance identification card and shall be
 2 otherwise prohibited from viewing any other content on the
 3 mobile electronic device. Whenever a person presents a mobile
 4 electronic device pursuant to this section, that person assumes
 5 all liability for any damage to the mobile electronic device.

6 No person charged with violating this section shall be
 7 convicted if the person produces in court, or proves from the
 8 proper official or other records that the person was the holder
 9 of a driver's license or a motor vehicle or liability insurance
 10 identification card and policy conforming to article 10C and
 11 article 10G of chapter 431 or a certificate of self-insurance
 12 issued by the insurance commissioner pursuant to section
 13 431:10C-107 and section 431:10G-103, theretofore issued to the
 14 person and valid at the time of the person's arrest."

15 SECTION 3. Section 431:10C-107, Hawaii Revised Statutes,
 16 is amended by amending subsections (a) and (b) to read as
 17 follows:

18 "(a) Every insurer shall issue to its insureds a paper or
 19 electronic motor vehicle insurance identification card for each
 20 motor vehicle for which the basic motor vehicle insurance
 21 coverage is written. The electronic motor vehicle insurance



1 identification card may be accessed directly through the
2 licensed insurer's website, application, or database. The
3 identification card shall contain the following:

4 (1) Name of make and factory or serial number of the motor
5 vehicle; provided that insurers of five or more motor
6 vehicles which are under common registered ownership
7 and used in the regular course of business shall not
8 be required to indicate the name of make and the
9 factory or serial number of each motor vehicle;

10 (2) Policy number;

11 (3) Names of the insured and the insurer; and

12 (4) Effective dates of coverage including the expiration
13 date.

14 (b) The identification card shall be in the insured motor
15 vehicle or accessible on a mobile electronic device, as defined
16 in section 291C-137, at all times and shall be exhibited to a
17 law enforcement officer upon demand."

18 SECTION 4. Section 431:10G-106, Hawaii Revised Statutes,
19 is amended to read as follows:

20 "§431:10G-106 **Verification of insurance.** Every insurer
21 shall issue to each of its insureds a paper or electronic proof



1 of insurance card for each motorcycle or motor scooter for which
2 a liability policy under this article is written. The
3 electronic proof of insurance card may be accessed directly
4 through the licensed insurer's website, application, or
5 database. The proof of insurance card shall show the following:

- 6 (1) Name, make, year, and factory or serial number of the
7 motorcycle or motor scooter; provided that insurers of
8 five or more motorcycles or motor scooters that are
9 under common registered ownership and used in the
10 regular course of business shall not be required to
11 indicate the name, make, year, and the factory or
12 serial number of each motorcycle or motor scooter;
- 13 (2) Policy number;
- 14 (3) Names of the insured and the insurer; and
- 15 (4) Effective dates of coverage including the expiration
16 date.

17 The proof of insurance card shall be carried on, or accessible
18 on a mobile electronic device, as defined in section 291C-137,
19 by the person operating the insured motorcycle or motor scooter
20 at all times and shall be exhibited to a law enforcement officer
21 upon demand."

1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 6. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2016.

6

APPROVED this 21 day of JUN , 2016



GOVERNOR OF THE STATE OF HAWAII