

CHAPTER 105
GOVERNMENT MOTOR VEHICLES

Section

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" **§105-1 Government motor vehicles; certain uses prohibited.** Except as provided in section 105-2, it shall be unlawful for any person to use, operate, or drive any motor vehicle owned or controlled by the State, or by any county thereof, for personal pleasure or personal use (as distinguished from official or governmental service or use) including, without limitation to the generality of the foregoing, travel by or conveyance of any officer or employee of the State, or of any county thereof, directly or indirectly, from his place of service or from his work to or near his place of abode, or, directly or indirectly, from such place of abode to his place of service or to his work. [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-10; HRS §105-1]

Attorney General Opinions

State may hold employee responsible for negligent damage to vehicle under the employee's control. Att. Gen. Op. 63-31.

- " **§105-2 Exceptions.** Section 105-1 shall not apply to:
- (1) The governor;
 - (2) The mayor of any county;
 - (3) Any member of a police department or a fire department or of the staff of a hospital, or any officer or employee of the board of water supply of the city and county of Honolulu, when using a motor vehicle for a personal purpose incidental to the person's service or work (but not for pleasure);
 - (4) Any officer or employee of the State who, upon written recommendation of the comptroller, is given written permission by the governor to use, operate, or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the State;
 - (5) Any officer or employee of any county who, upon written recommendation of the budget director, is given written permission by the mayor, to use, operate or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the county;
 - (6) Any officer or employee of the State, or of any county, who, in case of emergency, because of the person's illness, or the person's incapacity caused by accident while at work, or because of the illness of a member of the person's immediate family including a reciprocal beneficiary while the person is at work, is conveyed in a motor vehicle to the person's place of abode, or to a hospital or other place, but every such use of such a motor vehicle shall be certified to by

the officer or by the head of the department, commission, board, bureau, agency, or instrumentality controlling or possessing the motor vehicle immediately thereafter, and the certificate shall be forthwith filed with the comptroller, in the case of the State, or with the budget director, in the case of a county; and

- (7) The assigned driver of a Van Go Hawaii vehicle or any other state ridesharing program vehicle. [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-11; am L 1965, c 11, §1; HRS §105-2; am L 1981, c 49, §1; gen ch 1993; am L 1997, c 383, §34]

Attorney General Opinions

Narcotics enforcement division investigators have authority for personal use of state vehicles incident to law enforcement purposes where prior written permission has been obtained from governor upon written recommendation of comptroller. Att. Gen. Op. 91-03.

" **§105-3 Permits revocable.** Permits under section 105-2 may be limited to hours, routes, purposes or character of use, may extend to general classes of officers or employees, and may be canceled or revoked at any time without notice. The burden of proof shall be upon any officer or employee given a written permit under subdivisions (4) or (5) of section 105-2 to prove, in any proceedings, that the officer or employee had, at the time of so using, operating, or driving any such motor vehicle, an unrevoked written permit to so use, operate, or drive the same. Likewise, the burden of proof shall be upon any person conveyed in any such motor vehicle as provided in subdivision (6), section 105-2 to prove, in any proceedings, that the officer, or head of the department, commission, board, bureau, agency, or instrumentality, controlling or possessing such motor vehicle certified to such use and filed such certificate as required by subdivision (6). [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-12; HRS §105-3; gen ch 1985]

" **§105-4 Enforcement; duties of sheriffs and police officers.** The sheriff and the sheriff's deputies, or any police officer, within their respective jurisdictions, shall investigate any violation, or suspected violation of, and shall enforce section 105-1. [L 1949, c 389, pt of §1(d); RL 1955, §7-13; am L 1963, c 85, §3; HRS §105-4; gen ch 1985]

" **§105-5 Penalties; dismissal.** Every person who violates section 105-1 shall be fined not more than \$50 or imprisoned not more than ten days, or both.

Any person, then being an appointed officer or an employee of the State or of any county, who is found guilty more than twice by a court of competent jurisdiction of violating section 105-1 may be dismissed or discharged from the person's office or employment, any provision of chapter 76, or of any other law, to the contrary notwithstanding. [L 1949, c 389, pt of §1(d); RL 1955, §7-14; HRS §105-5; gen ch 1985]

Cross References

Classification of offense and authorized punishment, see §§701-107, 706-640, 663.

" **§105-6 Inscription on state motor vehicles.** Unless excepted, every motor vehicle owned or controlled by the State shall bear on both sides thereof a facsimile of the state seal and beneath the seal the words "For Official Use Only" and the name of the department, commission, board, bureau, office, agency, or instrumentality thereof controlling or possessing such motor vehicle. This section shall not apply to such motor vehicles as are furnished the governor, lieutenant governor, chief justice of the supreme court, and the president of the University of Hawaii or to such motor vehicles as are used in any ridesharing program of the State, for undercover investigative work, law enforcement, and other functions as approved by the comptroller. Motor vehicles owned or controlled by the University of Hawaii may bear the University of Hawaii logo or seal, or both, in lieu of the state seal. [L 1919, c 227, pt of §2; RL 1945, pt of §463; am L 1949, c 389, pt of §1(b); RL 1955, §7-15; HRS §105-6; am L 1969, c 38, §1; am L 1981, c 49, §2; am L 1998, c 115, §14]

" **§105-7 Inscription on county motor vehicles.** Unless excepted every motor vehicle owned or controlled by any county shall bear on both sides thereof the following inscription: "For Official Use Only". Underneath the inscription shall be the name or title of the county and the name of the department, commission, board, bureau, [office], agency, or instrumentality thereof controlling or possessing the motor vehicle; except that every motor vehicle owned or controlled by the board of water supply of the city and county of Honolulu shall bear on both sides thereof the following inscription: "Board of Water Supply - Conserve Water". This section shall not apply to motor

vehicles that are furnished to the mayor of the city and county of Honolulu or to the chairperson and executive officer of the council of any county, or to the chief of police and deputy chief of police of the city and county and counties or manager of the board of water supply of the city and county of Honolulu. [L 1919, c 227, pt of §2; RL 1945, pt of §463; am L 1949, c 389, pt of §1(b); RL 1955, §7-16; HRS §105-7; gen ch 1993; am L 1998, c 124, §9]

" **§105-8 Character of inscription.** The letters of such words as are required by sections 105-6 and 105-7 shall be painted or applied on all such motor vehicles in characters of a plain, bold size. [L 1919, c 227, pt of §2; RL 1945, §463; am L 1949, c 389, pt of §1(b); RL 1955, §7-17; HRS §105-8; am L 1969, c 38, §2]

" **§105-9 Duty of performance.** The duty of carrying out sections 105-6 to 105-8, insofar as they relate to motor vehicles, the property, or under the control, of the State, shall be vested in the comptroller, and, insofar as they relate to the several counties, shall be vested in the respective county councils, and insofar as they relate to independent boards and commissions having charge of their own funds shall be vested in the respective boards or commissions. [L 1919, c 227, §3; RL 1945, §464; am L 1949, c 389, §1(c); RL 1955, §7-18; am L Sp 1959 2d, c 1, §12; HRS §105-9]

Revision Note

"County councils" substituted for "boards of supervisors or city council".

" **§105-10 Motor vehicles; shelter.** Except as otherwise permitted by section 105-2, every motor vehicle owned or controlled by the State, or by any county thereof, when not being used for official or governmental business or purposes, shall be kept in parking areas under cover if feasible at, or in the vicinity of, the office or place of business of the department, commission, board, bureau, officer, agency, or instrumentality controlling or possessing such motor vehicle. The comptroller, in the case of the State and the county councils, in the case of the counties, or the respective board or commission, in case of an independent board or commission having charge of its own funds, shall direct and see that this section is carried out, and, in that regard, each officer and each head of a department, commission, board, bureau, agency, or instrumentality controlling or possessing any such motor vehicle

shall, when so directed, provide such parking areas and shelter for such motor vehicles controlled or possessed by him or it. [L 1949, c 389, pt of §1(d); RL 1955, §7-19; am L Sp 1959 2d, c 1, §12; HRS §105-10]

Revision Note

"County councils" substituted for "respective boards of supervisors or city council".

" **[\$105-11] State motor pool revolving fund.** (a) There shall be in the state treasury, a state motor pool revolving fund for acquisition, operation, repair, maintenance, storage, and disposal of state-owned vehicles assigned to the motor pool.

(b) All proceeds collected from motor pool rentals shall be deposited in the state motor pool revolving fund and be expended by the comptroller to carry out the purposes of this section. [L 1986, c 68, §1]