



**Office of the Public Defender  
State of Hawaii**



**Testimony of the Office of the Public Defender  
to the House Committee on Judiciary**

February 5, 2018

H.B. No. 2415: RELATING TO MOTOR VEHICLE INSURANCE.

Chair Scott Y. Nishimoto and Members of the Committee:

The Office of the Public Defender strongly opposes passage of H.B. No. 2415. Our office is deeply concerned that the penalties proposed in this measure would cause severe, long lasting and detrimental effects to anyone convicted for not having a current motor vehicle insurance policy. A conviction for this offense already carries with it heavy fines and financial consequences. An individual subject to these proposed increases in penalties would lose their vehicle and their license thus further preventing individuals who may already be struggling financially from recovering. A family in financial crisis that may let their motor vehicle insurance lapse would in effect lose their family vehicle and the ability to drive legally – thus causing irreparable harm like the loss of employment, the inability to transport children to school, and the inability to get their insurance reinstated.

This Bill requires impoundment and requires the individual to pay for the impoundment. This is no small amount of money and could result in thousands of dollars that would again prevent a family from obtaining current automobile insurance. Creating onerous financial penalties and the impoundment of a vehicle fails to encourage members of the public to get their car up to date and current with insurance, registration, safety checks, and vehicle maintenance. In general, most individuals cited for this offense are first time offenders who quickly remedy the lapse. The ability of an individual to quickly remedy a lapse – instead of making it virtually impossible to financially rebound – would be more in the public interest.

We would also note that the City and State are already have problems with the storage and maintenance of impounded vehicles and the addition of these vehicles would only compound the problem.

For these reasons, we strongly oppose H.B. No. 2415.

Thank you for the opportunity to provide testimony in this matter.

**HB-2415**

Submitted on: 2/5/2018 2:00:36 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Maui Police Department	Support	No

Comments:

**HB-2415**

Submitted on: 2/5/2018 2:19:59 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez		Oppose	No

Comments:

**LATE**

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Twenty-Ninth State Legislature**  
**Regular Session of 2018**  
**State of Hawai'i**

February 7, 2018

**RE: H.B. 2415; RELATING TO MOTOR VEHICLE INSURANCE.**

Chair Nishimoto, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (Department) submits the following testimony supporting the intent of H.B. 2415, with the following concerns.

The purpose of H.B. 2415 is to expand the penalty section under Chapter 431 of the Hawaii Revised Statutes to include the impoundment of the driver or registered owner's vehicle when convicted of the offense of section 431:10C-104, H.R.S.

Currently, when an individual pleads guilty or no contest or is found guilty at trial for section 431:10C-104, H.R.S., as a first offense, a mandatory minimum fine of \$500 and a three month driver's license suspension is imposed. When an individual is convicted a second or subsequent time within a 5 year period, a court is mandated to impose a fine of \$1500 along with a one year driver's license suspension. Although the proposed amendments in H.B. 2415 provides a strong deterrent for a violation of Chapter 431, H.R.S., the Department is concerned that the proposed bill does not provide the appropriate mechanisms for the court to implement H.B. 2415 properly. Specifically, H.B. 2415 does not appear to account for the space required to impound the amount of vehicles that would be subject to H.B. 2415 each year, nor does it account for the possibility that impoundment of a number of motor vehicles could be indefinite. The bill also does not designate an enforcement/monitoring agency to ensure that vehicles are properly impounded in a timely manner pursuant to H.B. 2415. The Department believes that if the Legislature views violations of section 431:10C-104, H.R.S. as serious offenses, which warrant additional penalties, raising the severity of these specific offenses may also be an alternative. Viewing a first offense as a petty misdemeanor rather than a violation as currently

classified may allow the courts if necessary to impose a myriad of additional penalties that would not otherwise be allowed under the current H.R.S.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of H.B. 2415 with concerns. Thank you for the opportunity to testify on this matter.