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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. The legislature finds that traffic fatalities  
2 and injuries in Hawaii have increased, with 2022 having a record  
3 high of one hundred seventeen traffic fatalities and five  
4 hundred seventy serious traffic-related injuries. In the first  
5 six months of 2023, Hawaii had forty-three traffic fatalities,  
6 with two deaths occurring immediately outside of public schools.  
7 The legislature recognizes that these tragic events demonstrate  
8 the need for greater safeguards and deterrents to improve safety  
9 on Hawaii's streets and better protect Hawaii's residents.

10           The legislature recognizes that the increase in traffic  
11 violations committed by repeat offenders, including driving  
12 without a license and speeding, is jeopardizing the safety and  
13 welfare of Hawaii residents. The legislature acknowledges that  
14 increased fines for these repeat offenders are necessary to both  
15 deter repeat violations of Hawaii's traffic laws and hold these  
16 individuals accountable for their actions.



1           The legislature further finds that repeated violations of  
2 the State's minimum motor vehicle insurance policy requirements  
3 have increased, burdening innocent victims of motor vehicle  
4 accidents with the cost of accidents caused by repeat offenders.  
5 Motor vehicle insurance minimums have remained unamended for  
6 nearly twenty-five years, making the required liability  
7 insurance minimums insufficient to protect Hawaii residents from  
8 repeat offenders.

9           The legislature also finds that with rising inflation,  
10 failure to increase motor vehicle insurance will operate as a  
11 financial burden imposed on tort victims throughout Hawaii. The  
12 legislature notes that the State is experiencing medical  
13 inflation, which has substantially increased the average cost of  
14 motor vehicle accident-related injuries since the required motor  
15 vehicle insurance minimums were last amended. The legislature  
16 also notes that Hawaii's outdated liability insurance minimum  
17 requirements disproportionately impact residents injured in  
18 motor vehicle accidents, and are no longer sufficient to protect  
19 law-abiding drivers and pedestrians. The legislature believes  
20 that it is necessary to mitigate these impacts on Hawaii



1 residents through legislation to increase certain traffic fines  
2 and required motor vehicle insurance minimums.

3 Accordingly, the purpose of this Act is to amend:

- 4 (1) Section 286-136, Hawaii Revised Statutes, to change  
5 the penalties for repeated traffic violations;
- 6 (2) Section 291-2, Hawaii Revised Statutes, to change the  
7 penalties for repeated reckless driving violations;
- 8 (3) Section 291C-105, Hawaii Revised Statutes, to change  
9 the penalties for repeated violations of excessive  
10 speeding;
- 11 (4) Section 431:10C-117, Hawaii Revised Statutes, to  
12 change fines for driving without motor vehicle  
13 liability insurance; and
- 14 (5) Section 431:10C-301, Hawaii Revised Statutes, to  
15 change motor vehicle insurance minimums to protect  
16 residents from repeat offenders.

17 SECTION 2. Section 286-136, Hawaii Revised Statutes, is  
18 amended by amending subsection (b) to read as follows:

19 "(b) Any person who is convicted of violating section  
20 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134  
21 shall be subject to a minimum fine of [~~\$500~~] \$\_\_\_\_\_ and a



1 maximum fine of [~~\$1,000,~~] \$ \_\_\_\_\_, or imprisoned [~~no~~] not  
2 less than thirty days nor more than one year, or both, if the  
3 person has two or more prior convictions for the same offense in  
4 the preceding five-year period."

5 SECTION 3. Section 291-2, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§291-2 Reckless driving of a vehicle or riding of  
8 [~~animals,~~] an animal; penalty. [~~Whoever~~] (a) Any person who  
9 operates any vehicle or rides any animal recklessly in disregard  
10 of the safety of persons or property [~~is~~] shall be guilty of  
11 reckless driving of a vehicle or reckless riding of an animal,  
12 as appropriate, and shall be fined not more than \$1,000 or  
13 imprisoned not more than thirty days, or both.

14 (b) Any person who is convicted of violating subsection  
15 (a) shall be subject to a minimum fine of \$ \_\_\_\_\_, and a  
16 maximum fine of \$ \_\_\_\_\_, or imprisoned not less than thirty  
17 days nor more than one year, or both, if the person has two or  
18 more prior convictions for the same offense in the preceding  
19 five-year period."

20 SECTION 4. Section 291C-105, Hawaii Revised Statutes, is  
21 amended by amending subsection (c) to read as follows:



1           "(c) Any person who violates this section shall be guilty  
2 of a petty misdemeanor and shall be sentenced as follows without  
3 the possibility of probation or suspension of sentence:

4           (1) For a first offense not preceded by a prior conviction  
5 for an offense under this section in the preceding  
6 five years:

7           (A) A fine of not less than \$500 and not more than  
8 \$1,000;

9           (B) Thirty-day prompt suspension of license and  
10 privilege to operate a vehicle during the  
11 suspension period, or the court may impose, in  
12 lieu of the thirty-day prompt suspension of  
13 license, a minimum fifteen-day prompt suspension  
14 of license with absolute prohibition from  
15 operating a vehicle and, for the remainder of the  
16 thirty-day period, a restriction on the license  
17 that allows the person to drive for limited  
18 work-related purposes;

19           (C) Attendance in a course of instruction in driver  
20 retraining;



- 1 (D) A surcharge of \$25 to be deposited into the
- 2 neurotrauma special fund;
- 3 (E) May be charged a surcharge of up to \$100 to be
- 4 deposited into the trauma system special fund if
- 5 the court so orders;
- 6 (F) An assessment for driver education pursuant to
- 7 section 286G-3; and
- 8 (G) Either one of the following:
  - 9 (i) Thirty-six hours of community service work;
  - 10 or
  - 11 (ii) Not less than forty-eight hours and not more
  - 12 than five days of imprisonment;
- 13 (2) For an offense that occurs within five years of a
- 14 prior conviction for an offense under this section,
- 15 by:
  - 16 (A) A fine of not less than [~~\$750~~] \$\_\_\_\_\_ and
  - 17 not more than [~~\$1,000~~] \$\_\_\_\_\_;
  - 18 (B) Prompt suspension of license and privilege to
  - 19 operate a vehicle for a period of thirty days
  - 20 with an absolute prohibition from operating a
  - 21 vehicle during the suspension period;



- 1 (C) Attendance in a course of instruction in driver
- 2 retraining;
- 3 (D) A surcharge of \$25 to be deposited into the
- 4 neurotrauma special fund;
- 5 (E) May be charged a surcharge of up to [~~\$100~~]
- 6 \$ \_\_\_\_\_ to be deposited into the trauma
- 7 system special fund if the court so orders;
- 8 (F) An assessment for driver education pursuant to
- 9 section 286G-3; and
- 10 (G) Either one of the following:
  - 11 (i) Not less than one hundred twenty hours of
  - 12 community service work; or
  - 13 (ii) Not less than five days but not more than
  - 14 fourteen days of imprisonment of which at
  - 15 least forty-eight hours shall be served
  - 16 consecutively; and
- 17 (3) For an offense that occurs within five years of two
- 18 prior convictions for offenses under this section, by:
  - 19 (A) A fine of [~~\$1,000~~] \$ \_\_\_\_\_ ;



1 (B) Revocation of license and privilege to operate a  
2 vehicle for a period of not less than ninety days  
3 but not more than one year;

4 (C) Attendance in a course of instruction in driver  
5 retraining;

6 (D) No fewer than [~~ten~~] thirty days but [~~no~~] not more  
7 than [~~thirty~~] ninety days of imprisonment of  
8 which at least forty-eight hours shall be served  
9 consecutively;

10 (E) A surcharge of \$25 to be deposited into the  
11 neurotrauma special fund;

12 (F) May be charged a surcharge of up to [~~\$100~~]  
13 \$ \_\_\_\_\_ to be deposited into the trauma  
14 system special fund if the court so orders; and

15 (G) An assessment for driver education pursuant to  
16 section 286G-3."

17 SECTION 5. Section 431:10C-117, Hawaii Revised Statutes,  
18 is amended by amending subsection (a) to read as follows:

19 "(a) (1) Any person subject to this article in the capacity of  
20 the operator, owner, or registrant of a motor vehicle  
21 operated in this State, or registered in this State,





1 who violates any applicable provision of this article,  
2 shall be subject to citation for the violation by any  
3 county police department in a form and manner approved  
4 by the traffic and emergency period violations bureau  
5 of the district court of the first circuit;

6 (2) Notwithstanding any provision of the Hawaii Penal  
7 Code:

8 (A) Each violation shall be deemed a separate offense  
9 and shall be subject to a fine of [~~no~~] not less  
10 than [~~\$100~~] \$ \_\_\_\_\_ nor more than [~~\$5,000~~]  
11 \$ \_\_\_\_\_, which shall not be suspended except  
12 as provided in subparagraph (B); and

13 (B) If the person is convicted of not having had a  
14 motor vehicle insurance policy in effect at the  
15 time the citation was issued, the fine shall be  
16 [~~\$500~~] \$ \_\_\_\_\_ for the first offense and a  
17 minimum of [~~\$1,500~~] \$ \_\_\_\_\_ for each  
18 subsequent offense that occurs within a five-year  
19 period from any prior offense; provided that the  
20 court:



1 (i) Shall have the discretion to suspend all or  
2 any portion of the fine if the defendant  
3 provides proof of having a current motor  
4 vehicle insurance policy; provided further  
5 that upon the defendant's request, the court  
6 may grant community service in lieu of the  
7 fine, of no less than seventy-five hours and  
8 no more than one hundred hours for the first  
9 offense, and [~~no~~] not less than [~~two~~] five  
10 hundred hours nor more than [~~two hundred~~  
11 ~~seventy-five~~] seven hundred fifty hours for  
12 the second offense; and

13 (ii) May grant community service in lieu of the  
14 fine for subsequent offenses at the court's  
15 discretion;

16 (3) In addition to the fine in paragraph (2), the court  
17 shall either:

18 (A) Suspend the driver's license of the driver or of  
19 the registered owner for:

20 (i) Three months for the first conviction; and



1           (ii) One year for any subsequent offense within a  
2                         five-year period from a previous offense;  
3           provided that the driver or the registered owner  
4           shall not be required to obtain proof of  
5           financial responsibility pursuant to section  
6           287-20; or  
7           (B) Require the driver or the registered owner to  
8           keep a nonrefundable motor vehicle insurance  
9           policy in force for six months;  
10         (4) Any person subject to a fine under this section and  
11         who fails to timely pay the fine shall be given an  
12         opportunity to petition the court to demonstrate that  
13         the person's nonpayment or inability to pay is not  
14         wilful; provided that if the person petitions the  
15         court, the court shall make an individualized  
16         assessment of the person's ability to pay based upon  
17         the totality of the circumstances, including the  
18         person's disposable income, financial obligations, and  
19         liquid assets; provided further that if the court  
20         determines that the person's nonpayment or inability  
21         to pay is not wilful, the court may enter an order



1 that allows additional time for payment; reduces the  
2 amount of each installment; revokes the fee or fine,  
3 or unpaid portion thereof, in whole or in part; or  
4 converts any outstanding fine to community service;

5 (5) Any person cited under this section shall have an  
6 opportunity to present a good faith defense, including  
7 lack of knowledge or proof of insurance; provided that  
8 the general penalty provision of this section shall  
9 not apply to:

10 (A) Any operator of a motor vehicle owned by another  
11 person if the operator's own insurance covers  
12 such driving;

13 (B) Any operator of a motor vehicle owned by that  
14 person's employer during the normal scope of that  
15 person's employment; or

16 (C) Any operator of a borrowed motor vehicle if the  
17 operator holds a reasonable belief that the  
18 subject vehicle is insured;

19 (6) In the case of multiple convictions for driving  
20 without a valid motor vehicle insurance policy within  
21 a five-year period from any prior offense, the court,



1 in addition to any other penalty, shall impose the  
2 following penalties:

3 (A) Imprisonment of [~~no~~] not more than thirty days;

4 (B) Suspension or revocation of the motor vehicle  
5 registration plates of the vehicle involved;

6 (C) Impoundment, or impoundment and sale, of the  
7 motor vehicle for the costs of storage and other  
8 charges incident to seizure of the vehicle, or  
9 any other cost involved pursuant to section  
10 431:10C-301; or

11 (D) Any combination of those penalties; and

12 (7) Any violation as provided in paragraph (2)(B) shall  
13 not be deemed to be a traffic infraction as defined by  
14 chapter 291D."

15 SECTION 6. Section 431:10C-301, Hawaii Revised Statutes,  
16 is amended by amending subsection (b) to read as follows:

17 "(b) [A] Each motor vehicle insurance policy shall  
18 include:

19 (1) If issued before January 1, 2027:

20 [~~(1)~~] (A) Liability coverage of not less than [~~\$20,000~~]

21 \$ \_\_\_\_\_ per person, with an aggregate limit of



1            [~~\$40,000~~] \$ \_\_\_\_\_ per accident, for all  
 2            damages arising out of accidental harm sustained  
 3            as a result of any one accident and arising out of  
 4            ownership, maintenance, use, loading, or unloading  
 5            of a motor vehicle; and

6            [~~(2)~~] (B) Liability coverage of not less than [~~\$10,000~~]  
 7            \$ \_\_\_\_\_ for all damages arising out of damage  
 8            to or destruction of property including motor  
 9            vehicles and including the loss of use thereof,  
 10           but not including property owned by, being  
 11           transported by, or in the charge of the insured,  
 12           as a result of any one accident arising out of  
 13           ownership, maintenance, use, loading, or  
 14           unloading, of the insured vehicle;

15           (2) If issued on or after January 1, 2027:

16           (A) Liability coverage of not less than  
 17           \$ \_\_\_\_\_ per person, with an aggregate limit of  
 18           \$ \_\_\_\_\_ per accident, for all damages arising  
 19           out of accidental harm sustained as a result of  
 20           any one accident and arising out of ownership,



1           maintenance, use, loading, or unloading of a motor  
2           vehicle; and

3           (B) Liability coverage of not less than  
4           \$                  for all damages arising out of damage  
5           to or destruction of property including motor  
6           vehicles and including the loss of use thereof,  
7           but not including property owned by, being  
8           transported by, or in the charge of the insured,  
9           as a result of any one accident arising out of  
10          ownership, maintenance, use, loading, or  
11          unloading, of the insured vehicle;

12        [~~(3)~~] (4) With respect to any motor vehicle registered or  
13        principally garaged in this State, liability coverage  
14        provided therein or supplemental thereto, in limits  
15        for bodily injury or death set forth in [~~paragraph~~  
16        ~~(1)~~], paragraph (1)(A) or (2)(A), as applicable, under  
17        provisions filed with and approved by the  
18        commissioner, for the protection of persons insured  
19        thereunder who are legally entitled to recover damages  
20        from owners or operators of uninsured motor vehicles  
21        because of bodily injury, sickness, or disease,



1 including death, resulting therefrom; provided that  
2 the coverage required under this paragraph shall not  
3 be applicable where any named insured in the policy  
4 shall reject the coverage in writing; and

5 [~~4~~] (5) Coverage for loss resulting from bodily injury or  
6 death suffered by any person legally entitled to  
7 recover damages from owners or operators of  
8 underinsured motor vehicles. An insurer may offer the  
9 underinsured motorist coverage required by this  
10 paragraph in the same manner as uninsured motorist  
11 coverage; provided that the offer of both shall:

12 (A) Be conspicuously displayed so as to be readily  
13 noticeable by the insured;

14 (B) Set forth the premium for the coverage adjacent  
15 to the offer in a manner that the premium is  
16 clearly identifiable with the offer and may be  
17 easily subtracted from the total premium to  
18 determine the premium payment due in the event  
19 the insured elects not to purchase the option;  
20 and





1 (C) Provide for written rejection of the coverage by  
2 requiring the insured to affix the insured's  
3 signature in a location adjacent to or directly  
4 below the offer."

5 SECTION 7. (a) The insurance commissioner shall issue a  
6 memo to solicit rate filings from motor vehicle insurers to  
7 reflect amendments made to section 431:10C-301(b)(1)(A) and (B),  
8 Hawaii Revised Statutes, by Act 2, Session Laws of Hawaii 2024,  
9 no later than July 1, 2024. Rate filings shall be due no later  
10 than December 1, 2024, and the relevant rate changes shall be  
11 effective for new and renewal policies on or after July 1, 2025.

12 (b) The insurance commissioner shall issue a memo to  
13 solicit rate filings from motor vehicle insurers to reflect  
14 amendments made to section 431:10C-301(b)(2)(A) and (B), Hawaii  
15 Revised Statutes, by Act , Session Laws of Hawaii 2024, no  
16 later than January 1, 2026. Rate filings shall be due no later  
17 than July 1, 2026, and the relevant rate changes shall be  
18 effective for new and renewal policies on or after January 1,  
19 2027."

20 SECTION 8. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on January 1, 2025.



**Report Title:**

Transportation; Motor Vehicles; Traffic Laws; Penalties;  
Insurance Minimums; Insurance Rates

**Description:**

Changes the penalties for violations of certain traffic laws and required motor vehicle insurance minimums. Requires the insurance commissioner to solicit rate filings from motor vehicle insurers. Takes effect 1/1/2025. (SD1)

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

