

STATE OF HAWAI‘I  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the House Committee on  
Judiciary & Hawaiian Affairs**

February 16, 2023

H.B. No. 277: RELATING TO MOTOR VEHICLE INSURANCE

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Office of the Public Defender strongly opposes H.B. No. 277, which will increase the fines for violating motor vehicle insurance requirements.

First, the fines for violating motor vehicle insurance requirements are already substantial. The minimum fine for a first offense is a minimum of \$500. The minimum fine for a subsequent offense is \$1,500.<sup>1</sup>

Second, the timing of this bill is particularly cruel given the ongoing challenges our poorest residents currently face. We live in the State with the one of the highest cost of living in the nation, if not the highest. Prices in stores continue to soar, property rents are astronomical, and pandemic-related federal economic support is ending. Now is certainly not the time to enact legislation that will impose an even greater financial burden on those who can least afford it.

Third, our office has seen firsthand how exorbitant traffic fines, fees, and surcharges can disrupt the lives of otherwise law-abiding residents. When money is tight, a resident may have to choose between paying the rent or paying their fines. If unable to pay their fines, the resident will not be able to renew the registration for their vehicle. With a lapsed registration, the resident will not be able to update their safety check, even if their car is in perfectly working order. This resident still needs to be able to get to work, often to more than one job, and take their children to school while they save up the money to pay for the registration, the safety check, their insurance, and the late fees that will attach. While driving to work one day, the resident is pulled over due to their expired stickers, and suddenly they find themselves with a citation for another couple hundred of dollars, which they are also

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<sup>1</sup> In a special session in 1993, the Hawai‘i Legislature amended HRS § 431:10C-117, reducing the minimum fine for a first offense from \$1,000 to \$500, and the minimum fine for a second or subsequent offense from \$3,000 to \$1,500. *See* Laws 1993, Sp. Sess. Ch. 4 § 4.

unable to pay. Thirty days later, the fine is sent to a collection agency on the mainland, and a stopper is placed on to the resident's license. As long as the stopper is in place, the resident will be unable to legally register their car to themselves. In practical terms, this often means that the resident will continue to pick up similar citations while they are saving up to pay the first citation. This resident could save up money for months to pay off their delinquent registration, safety check, and court fines, only to discover that they do not have the money to cover the interest charged by the collection agency. Finally, the resident's driver's license expires, and the next time that they are stopped for expired stickers, they receive a citation for the criminal offense of Driving Without a Valid License.

Furthermore, when a person is convicted of a second or subsequent offense for driving without motor vehicle insurance, the fine is not sent to a collection agency. Instead, because a second or subsequent offense is a crime (petty misdemeanor), the person must appear in court at a proof of compliance hearing if they are unable to pay the fine. At the hearing, an extension to pay the fine is granted or the fines may be converted to community service work. Much too often, after several court proof of compliance hearings, a person eventually misses their court date, resulting in a warrant for their arrest. Once arrested, the person will be brought to court after spending a night/weekend in jail. The person will likely be released, be ordered to pay the fine or perform community service work and be ordered to attend a proof of compliance hearing. The cycle continues until either the judge and/or the person gives up; the person ends up serving a term of jail in lieu of paying the fine or performing community service work.

Increased fines for violating motor vehicle insurance requirements simply make a difficult situation more difficult. The increased fines will not deter those who need to drive from driving despite not having motor vehicle insurance. The increase fines, however, will most definitely increase the financial hardships on an already challenged segment of our communities.

Thank you for the opportunity to testify on this measure.

**HB-277**

Submitted on: 2/14/2023 10:45:57 AM

Testimony for JHA on 2/15/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Juanita Kawamoto Brown	Individual	Support	In Person

Comments:

Please pass this bill.

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Juanita Mahienaena Brown Kawamoto

**HB-277**

Submitted on: 2/14/2023 3:41:53 PM

Testimony for JHA on 2/15/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

Oppose.

**HB-277**

Submitted on: 2/15/2023 10:13:38 AM

Testimony for JHA on 2/15/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruth Love	Individual	Comments	Written Testimony Only

Comments:

They aren't enforcing the expired tags, inspection or insurance requirements now for vehicles. But sure on paper make it look like something is going to change