

JAN 19 2024

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16 also notes that Hawaii's outdated liability insurance minimum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 increase fines for driving without motor vehicle
13 liability insurance; and

14 (5) Section 431:10C-301, Hawaii Revised Statutes, to
15 increase 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
20 section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or
21 286-134 shall be subject to a minimum fine of [~~\$500~~] \$1,000 and



1 a maximum fine of [~~\$1,000,~~] \$5,000, or imprisoned [~~no~~] not less
2 than thirty days nor more than one year, or both, if the person
3 has two or more prior convictions for the same offense in the
4 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 \$1,000 and a maximum
16 fine of \$5,000, or imprisoned not less than thirty days nor more
17 than one year, or both, if the person has two or more prior
18 convictions for the same offense in the preceding five-year
19 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~~] \$1,000 and not
 - 17 more than [~~\$1,000~~] \$2,500;
 - 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~~] \$500
6 to be deposited into the trauma system special
7 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,~~] \$2,500;



- 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 more than
- 7 [~~thirty~~] ninety days of imprisonment of which at
- 8 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~~] \$1,000
- 13 to be deposited into the trauma system special
- 14 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 less than
10 [~~\$100~~] \$500 nor more than [~~\$5,000~~] \$7,000, which
11 shall not be suspended except as provided in
12 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~~] \$1,000 for the first offense and a minimum
17 of [~~\$1,500~~] \$2,500 for each subsequent offense
18 that occurs within a five-year period from any
19 prior offense; provided that the court:

20 (i) Shall have the discretion to suspend all or
21 any portion of the fine if the defendant



1 provides proof of having a current motor
2 vehicle insurance policy; provided further
3 that upon the defendant's request, the court
4 may grant community service in lieu of the
5 fine, of no less than seventy-five hours and
6 no more than one hundred hours for the first
7 offense, and no less than [~~two~~ five hundred
8 hours nor more than [~~two hundred seventy-~~
9 ~~five~~] seven hundred fifty hours for the
10 second offense; and

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

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

16 (A) Suspend the driver's license of the driver or of
17 the registered owner for:

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

19 (ii) One year for any subsequent offense within a
20 five-year period from a previous offense;



1 provided that the driver or the registered owner
2 shall not be required to obtain proof of
3 financial responsibility pursuant to section
4 287-20; or

5 (B) Require the driver or the registered owner to
6 keep a nonrefundable motor vehicle insurance
7 policy in force for six months;

8 (4) Any person subject to a fine under this section and
9 who fails to timely pay the fine shall be given an
10 opportunity to petition the court to demonstrate that
11 the person's nonpayment or inability to pay is not
12 wilful; provided that if the person petitions the
13 court, the court shall make an individualized
14 assessment of the person's ability to pay based upon
15 the totality of the circumstances, including the
16 person's disposable income, financial obligations, and
17 liquid assets; provided further that if the court
18 determines that the person's nonpayment or inability
19 to pay is not wilful, the court may enter an order
20 that allows additional time for payment; reduces the
21 amount of each installment; revokes the fee or fine,



1 or unpaid portion thereof, in whole or in part; or
2 converts any outstanding fine to community service;
3 (5) Any person cited under this section shall have an
4 opportunity to present a good faith defense, including
5 lack of knowledge or proof of insurance; provided that
6 the general penalty provision of this section shall
7 not apply to:
8 (A) Any operator of a motor vehicle owned by another
9 person if the operator's own insurance covers
10 such driving;
11 (B) Any operator of a motor vehicle owned by that
12 person's employer during the normal scope of that
13 person's employment; or
14 (C) Any operator of a borrowed motor vehicle if the
15 operator holds a reasonable belief that the
16 subject vehicle is insured;
17 (6) In the case of multiple convictions for driving
18 without a valid motor vehicle insurance policy within
19 a five-year period from any prior offense, the court,
20 in addition to any other penalty, shall impose the
21 following penalties:



- 1 (A) Imprisonment of no more than thirty days;
- 2 (B) Suspension or revocation of the motor vehicle
- 3 registration plates of the vehicle involved;
- 4 (C) Impoundment, or impoundment and sale, of the
- 5 motor vehicle for the costs of storage and other
- 6 charges incident to seizure of the vehicle, or
- 7 any other cost involved pursuant to section
- 8 431:10C-301; or
- 9 (D) Any combination of those penalties; and
- 10 (7) Any violation as provided in paragraph (2) (B) shall
- 11 not be deemed to be a traffic infraction as defined by
- 12 chapter 291D."

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

15 "(b) [A] Each motor vehicle insurance policy shall
 16 include:

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

18 [~~(1)~~] (A) Liability coverage of not less than [~~\$20,000~~]
 19 \$50,000 per person, with an aggregate limit of
 20 [~~\$40,000~~] \$100,000 per accident, for all damages
 21 arising out of accidental harm sustained as a



1 result of any one accident and arising out of
2 ownership, maintenance, use, loading, or unloading
3 of a motor vehicle; and

4 [~~2~~] (B) Liability coverage of not less than [~~\$10,000~~]
5 \$20,000 for all damages arising out of damage to
6 or destruction of property including motor
7 vehicles and including the loss of use thereof,
8 but not including property owned by, being
9 transported by, or in the charge of the insured,
10 as a result of any one accident arising out of
11 ownership, maintenance, use, loading, or
12 unloading, of the insured vehicle;

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

14 (A) Liability coverage of not less than \$75,000 per
15 person, with an aggregate limit of \$200,000 per
16 accident, for all damages arising out of
17 accidental harm sustained as a result of any one
18 accident and arising out of ownership,
19 maintenance, use, loading, or unloading of a motor
20 vehicle; and



1 (B) Liability coverage of not less than \$40,000 for
2 all damages arising out of damage to or
3 destruction of property including motor vehicles
4 and including the loss of use thereof, but not
5 including property owned by, being transported by,
6 or in the charge of the insured, as a result of
7 any one accident arising out of ownership,
8 maintenance, use, loading, or unloading, of the
9 insured vehicle;

10 ~~(3)~~ (4) With respect to any motor vehicle registered or
11 principally garaged in this State, liability coverage
12 provided therein or supplemental thereto, in limits
13 for bodily injury or death set forth in ~~paragraph~~
14 ~~(1)~~, paragraph (1)(A) or (2)(A), as applicable, under
15 provisions filed with and approved by the
16 commissioner, for the protection of persons insured
17 thereunder who are legally entitled to recover damages
18 from owners or operators of uninsured motor vehicles
19 because of bodily injury, sickness, or disease,
20 including death, resulting therefrom; provided that
21 the coverage required under this paragraph shall not



1 be applicable where any named insured in the policy
2 shall reject the coverage in writing; and
3 ~~(4)~~ (5) Coverage for loss resulting from bodily injury or
4 death suffered by any person legally entitled to
5 recover damages from owners or operators of
6 underinsured motor vehicles. An insurer may offer the
7 underinsured motorist coverage required by this
8 paragraph in the same manner as uninsured motorist
9 coverage; provided that the offer of both shall:
10 (A) Be conspicuously displayed so as to be readily
11 noticeable by the insured;
12 (B) Set forth the premium for the coverage adjacent
13 to the offer in a manner that the premium is
14 clearly identifiable with the offer and may be
15 easily subtracted from the total premium to
16 determine the premium payment due in the event
17 the insured elects not to purchase the option;
18 and
19 (C) Provide for written rejection of the coverage by
20 requiring the insured to affix the insured's



1 signature in a location adjacent to or directly
2 below the offer."

3 SECTION 7. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect upon its approval.

9

INTRODUCED BY:

Karl Rhoads



S.B. NO. 2742

Report Title:

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

Description:

Changes the penalties for violations of certain traffic laws and required motor vehicle insurance minimums.

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