
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 PART I

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

11 The legislature also recognizes that the increase in
12 traffic violations committed by repeat offenders, including
13 driving without a license and speeding, is jeopardizing the
14 safety and welfare of Hawaii residents. The legislature
15 acknowledges that increased fines for these repeat offenders are
16 necessary to both deter repeat violations of Hawaii's traffic
17 laws and hold these 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16 also notes that Hawaii's outdated liability insurance minimum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 part is to amend the
4 penalties for repeated traffic violations, reckless driving
5 violations, violations of excessive speeding, and driving
6 without motor vehicle liability insurance.

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

9 "(b) Any person who is convicted of violating section
10 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134
11 shall be subject to a minimum fine of [~~\$500~~] \$_____ and a
12 maximum fine of [~~\$1,000,~~] \$_____, or imprisoned no less
13 than thirty days and no more than one year, or both, if the
14 person has two or more prior convictions for the same offense in
15 the preceding five-year period."

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

18 "~~§291-2~~ **Reckless driving of a vehicle or riding of**
19 **[~~animals;~~] an animal; penalty.** [~~Whoever~~] (a) Any person who
20 operates any vehicle or rides any animal recklessly in disregard
21 of the safety of persons or property [~~is~~] shall be guilty of



1 reckless driving of a vehicle or reckless riding of an animal,
2 as appropriate, and shall be fined [~~not~~] no more than \$1,000 or
3 imprisoned [~~not~~] no more than thirty days, or both.

4 (b) Any person who is convicted of violating subsection
5 (a) shall be subject to a minimum fine of \$ _____, and a
6 maximum fine of \$ _____, or imprisoned no less than thirty
7 days and no more than one year, or both, if the person has two
8 or more prior convictions for the same offense in the preceding
9 five-year period."

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

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

15 (1) For a first offense not preceded by a prior conviction
16 for an offense under this section in the preceding
17 five years:

18 (A) A fine of [~~not~~] no less than \$500 and [~~not~~] no
19 more than \$1,000;

20 (B) Thirty-day prompt suspension of license and
21 privilege to operate a vehicle during the



1 suspension period, or the court may impose, in
2 lieu of the thirty-day prompt suspension of
3 license, a minimum fifteen-day prompt suspension
4 of license with absolute prohibition from
5 operating a vehicle and, for the remainder of the
6 thirty-day period, a restriction on the license
7 that allows the person to drive for limited
8 work-related purposes;

9 (C) Attendance in a course of instruction in driver
10 retraining;

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

13 (E) May be charged a surcharge of up to \$100 to be
14 deposited into the trauma system special fund if
15 the court so orders;

16 (F) An assessment for driver education pursuant to
17 section 286G-3; and

18 (G) Either one of the following:

19 (i) Thirty-six hours of community service work;

20 or



1 (ii) [~~Not~~] No less than forty-eight hours and
2 [~~not~~] no more than five days of
3 imprisonment;

4 (2) For an offense that occurs within five years of a
5 prior conviction for an offense under this section,
6 by:

7 (A) A fine of [~~not~~] no less than [\$750]
8 \$_____ and [~~not~~] no more than [~~\$1,000~~;
9 \$_____];

10 (B) Prompt suspension of license and privilege to
11 operate a vehicle for a period of thirty days
12 with an absolute prohibition from operating a
13 vehicle during the suspension period;

14 (C) Attendance in a course of instruction in driver
15 retraining;

16 (D) A surcharge of \$25 to be deposited into the
17 neurotrauma special fund;

18 (E) May be charged a surcharge of up to [~~\$100~~]
19 \$_____ to be deposited into the trauma
20 system special fund if the court so orders;



- 1 (F) An assessment for driver education pursuant to
- 2 section 286G-3; and
- 3 (G) Either one of the following:
- 4 (i) [~~Not~~] No less than one hundred twenty hours
- 5 of community service work; or
- 6 (ii) [~~Not~~] No less than five days [~~but not~~] and
- 7 no more than fourteen days of imprisonment
- 8 of which at least forty-eight hours shall be
- 9 served consecutively; and
- 10 (3) For an offense that occurs within five years of two
- 11 prior convictions for offenses under this section, by:
- 12 (A) A fine of [~~\$1,000;~~] \$ _____ ;
- 13 (B) Revocation of license and privilege to operate a
- 14 vehicle for a period of [~~not~~] no less than ninety
- 15 days [~~but not~~] and no more than one year;
- 16 (C) Attendance in a course of instruction in driver
- 17 retraining;
- 18 (D) No fewer than [~~ten~~] thirty days [~~but~~] and no more
- 19 than [~~thirty~~] ninety days of imprisonment of
- 20 which at least forty-eight hours shall be served
- 21 consecutively;



- 1 (E) A surcharge of \$25 to be deposited into the
- 2 neurotrauma special fund;
- 3 (F) May be charged a surcharge of up to [~~\$100~~]
- 4 \$_____ to be deposited into the trauma
- 5 system special fund if the court so orders; and
- 6 (G) An assessment for driver education pursuant to
- 7 section 286G-3."

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

10 "(a) (1) Any person subject to this article in the capacity of
 11 the operator, owner, or registrant of a motor vehicle
 12 operated in this State, or registered in this State,
 13 who violates any applicable provision of this article,
 14 shall be subject to citation for the violation by any
 15 county police department in a form and manner approved
 16 by the traffic and emergency period violations bureau
 17 of the district court of the first circuit;

18 (2) Notwithstanding any provision of the Hawaii Penal
 19 Code:

20 (A) Each violation shall be deemed a separate offense
 21 and shall be subject to a fine of no less than



1 [~~\$100 nor~~] \$ _____ and no more than [~~\$5,000~~]
2 \$ _____, which shall not be suspended except
3 as provided in subparagraph (B); and

4 (B) If the person is convicted of not having had a
5 motor vehicle insurance policy in effect at the
6 time the citation was issued, the fine shall be
7 [~~\$500~~] \$ _____ for the first offense and a
8 minimum of [~~\$1,500~~] \$ _____ for each
9 subsequent offense that occurs within a five-year
10 period from any prior offense; provided that the
11 court:

12 (i) Shall have the discretion to suspend all or
13 any portion of the fine if the defendant
14 provides proof of having a current motor
15 vehicle insurance policy; provided further
16 that upon the defendant's request, the court
17 may grant community service in lieu of the
18 fine, of no less than seventy-five hours and
19 no more than one hundred hours for the first
20 offense, and no less than [~~two~~] five hundred
21 hours [~~nor~~] and no more than [~~two hundred~~



1 ~~seventy-five]~~ seven hundred fifty hours for
2 the second offense; and
3 (ii) May grant community service in lieu of the
4 fine for subsequent offenses at the court's
5 discretion;
6 (3) In addition to the fine in paragraph (2), the court
7 shall either:
8 (A) Suspend the driver's license of the driver or of
9 the registered owner for:
10 (i) Three months for the first conviction; and
11 (ii) One year for any subsequent offense within a
12 five-year period from a previous offense;
13 provided that the driver or the registered owner
14 shall not be required to obtain proof of
15 financial responsibility pursuant to section
16 287-20; or
17 (B) Require the driver or the registered owner to
18 keep a nonrefundable motor vehicle insurance
19 policy in force for six months;
20 (4) Any person subject to a fine under this section and
21 who fails to timely pay the fine shall be given an



1 opportunity to petition the court to demonstrate that
2 the person's nonpayment or inability to pay is not
3 wilful; provided that if the person petitions the
4 court, the court shall make an individualized
5 assessment of the person's ability to pay based upon
6 the totality of the circumstances, including the
7 person's disposable income, financial obligations, and
8 liquid assets; provided further that if the court
9 determines that the person's nonpayment or inability
10 to pay is not wilful, the court may enter an order
11 that allows additional time for payment; reduces the
12 amount of each installment; revokes the fee or fine,
13 or unpaid portion thereof, in whole or in part; or
14 converts any outstanding fine to community service;

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



- 1 (A) Any operator of a motor vehicle owned by another
- 2 person if the operator's own insurance covers
- 3 such driving;
- 4 (B) Any operator of a motor vehicle owned by that
- 5 person's employer during the normal scope of that
- 6 person's employment; or
- 7 (C) Any operator of a borrowed motor vehicle if the
- 8 operator holds a reasonable belief that the
- 9 subject vehicle is insured;
- 10 (6) In the case of multiple convictions for driving
- 11 without a valid motor vehicle insurance policy within
- 12 a five-year period from any prior offense, the court,
- 13 in addition to any other penalty, shall impose the
- 14 following penalties:
- 15 (A) Imprisonment of no more than thirty days;
- 16 (B) Suspension or revocation of the motor vehicle
- 17 registration plates of the vehicle involved;
- 18 (C) Impoundment, or impoundment and sale, of the
- 19 motor vehicle for the costs of storage and other
- 20 charges incident to seizure of the vehicle, or



1 any other cost involved pursuant to section
 2 431:10C-301; or
 3 (D) Any combination of those penalties; and
 4 (7) Any violation as provided in paragraph (2)(B) shall
 5 not be deemed to be a traffic infraction as defined by
 6 chapter 291D."

PART II

8 SECTION 6. Section 431:10C-103, Hawaii Revised Statutes,
 9 is amended as follows:

10 1. By adding a new definition to be appropriately inserted
 11 and to read:

12 ""U-drive motor vehicle insurance policy" means a motor
 13 vehicle insurance policy that meets the requirements set forth
 14 in section 431:10C-301(c)."

15 2. By amending the definitions of "insured" and "insured
 16 motor vehicle" to read:

17 ""Insured" means:

18 (1) The person identified by name as insured in a motor
 19 vehicle insurance policy complying with section
 20 431:10C-301; [and]



1 (2) A person residing in the same household with a named
2 insured, specifically:

3 (A) A spouse or reciprocal beneficiary or other
4 relative of a named insured; and

5 (B) A minor in the custody of a named insured or of a
6 relative residing in the same household with a
7 named insured~~[-]~~; and

8 (3) A customer who rents a U-drive motor vehicle from a
9 U-drive rental business.

10 ~~[A person resides]~~ As used in this definition, "person residing
11 in the same household [~~if the~~]" means a person who usually makes
12 the person's home in the same family unit~~[, which may include]~~
13 and includes reciprocal beneficiaries, [~~even though~~] regardless
14 of whether the person temporarily lives elsewhere.

15 "Insured motor vehicle" means a motor vehicle:

16 (1) ~~[which]~~ That is insured under a motor vehicle
17 insurance policy; ~~[or]~~

18 (2) The owner of which is a self-insurer with respect to
19 ~~[such]~~ the vehicle~~[-]~~; or

20 (3) That is U-drive motor vehicle."



1 SECTION 7. Section 431:10C-301, Hawaii Revised Statutes,
2 is amended to read as follows:

3 **"§431:10C-301 Required motor vehicle policy coverage. (a)**

4 An insurance policy covering a motor vehicle shall provide:

- 5 (1) Coverage specified in section 431:10C-304; and
6 (2) Insurance to pay on behalf of the owner or any
7 operator of the insured motor vehicle using the motor
8 vehicle with a reasonable belief that the person is
9 entitled to operate the motor vehicle, sums [~~which~~]
10 that the owner or operator may legally be obligated to
11 pay for injury, death, or damage to property of
12 others, except property owned by, being transported
13 by, or in the charge of the insured, [~~which~~] that
14 arise out of the ownership, operation, maintenance, or
15 use of the motor vehicle; provided that in the case of
16 a U-drive motor vehicle, insurance to pay on behalf of
17 the renter or any operator of the insured motor
18 vehicle using the motor vehicle with the express
19 permission of the renter or lessee, sums [~~which~~] that
20 the renter or operator may be legally obligated to pay
21 for damage or destruction of property of others



1 (except property owned by, being transported by, or in
2 the charge of the renter or operator) arising out of
3 the operation or use of the motor vehicle with
4 coverage in an amount that is equal to or greater than
5 the amounts set forth in subsection (c) unless the
6 motor vehicle is reported stolen by the owner within
7 three days of notification of the incident; provided
8 that the insurer and owner of a U-drive motor vehicle
9 shall have the right of subrogation against the renter
10 and operator for breach of the rental contract between
11 owner and renter; [~~and~~] provided further that, in the
12 event that any motor vehicle offered for rental or
13 lease is involved in an accident, the lessor shall
14 provide all information it has or obtains relevant to
15 the accident to all other involved parties upon their
16 request, including but not limited to information
17 about the lessee, and the driver of the vehicle if
18 other than the lessee.

19 (b) [A] Except as otherwise provided in this section, each
20 motor vehicle insurance policy shall include:

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



1 [~~(1)~~] (A) Liability coverage of [~~not~~] no less than
 2 [\$20,000] \$ _____ per person, with an
 3 aggregate limit of [~~\$40,000~~] \$ _____ per
 4 accident, for all damages arising out of
 5 accidental harm sustained as a result of any one
 6 accident and arising out of the ownership,
 7 maintenance, use, loading, or unloading of a
 8 motor vehicle; and

9 [~~(2)~~] (B) Liability coverage of [~~not~~] no less than
 10 [\$10,000] \$ _____ for all damages arising out
 11 of damage to or destruction of property including
 12 motor vehicles and including the loss of use
 13 thereof, but not including property owned by,
 14 being transported by, or in the charge of the
 15 insured, as a result of any one accident arising
 16 out of the ownership, maintenance, use, loading,
 17 or unloading, of the insured vehicle;

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

19 (A) Liability coverage of no less than \$ _____ per
 20 person, with an aggregate limit of \$ _____ per
 21 accident, for all damages arising out of



1 accidental harm sustained as a result of any one
2 accident and arising out of the ownership,
3 maintenance, use, loading, or unloading of a motor
4 vehicle; and

5 (B) Liability coverage of no less than \$ _____ for
6 all damages arising out of damage to or
7 destruction of property including motor vehicles
8 and including the loss of use thereof, but not
9 including property owned by, being transported by,
10 or in the charge of the insured, as a result of
11 any one accident arising out of the ownership,
12 maintenance, use, loading, or unloading, of the
13 insured vehicle;

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



1 from owners or operators of uninsured motor vehicles
2 because of bodily injury, sickness, or disease,
3 including death, resulting therefrom; provided that
4 the coverage required under this paragraph shall not
5 be applicable where any named insured in the policy
6 shall reject the coverage in writing; and

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

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

16 (B) Set forth the premium for the coverage adjacent
17 to the offer in a manner that the premium is
18 clearly identifiable with the offer and may be
19 easily subtracted from the total premium to
20 determine the premium payment due in the event



1 the insured elects not to purchase the option;
2 and

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

7 (c) Each U-drive rental business shall ensure that during
8 each rental period, the U-drive motor vehicle is insured under a
9 motor vehicle insurance policy that includes:

10 (1) Primary insurance coverage for each U-drive motor
11 vehicle amounting to no less than times the
12 amounts set forth in subsection (b) for death, bodily
13 injury, and property damage per accident, and costs of
14 defense outside the limits;

15 (2) Primary insurance coverage for each U-drive motor
16 vehicle for personal injury protection coverage that
17 meets the minimum coverage amounts required by section
18 431:10C-103.5; and

19 (3) The following optional coverages that any named
20 insured, renter, or operator may elect to reject or
21 purchase and that provide primary coverage for each



1 U-drive motor vehicle obtained and used from a U-drive
2 rental business:

3 (A) Uninsured and underinsured motorist coverages as
4 provided for in this section, which shall be
5 equal to the primary liability limits specified
6 in this subsection; provided that uninsured and
7 underinsured motorist coverage offers shall
8 provide for written rejection of the coverages as
9 provided in this section;

10 (B) Uninsured and underinsured motorist coverage
11 stacking options as provided in subsection (e);
12 provided that the offer of the stacking options
13 shall provide for written rejection as provided
14 in this section; and

15 (C) An offer of required optional additional
16 insurance coverages as provided in section
17 431:10C-302.

18 (d) If the only named insured under the motor vehicle
19 insurance policy issued pursuant to subsection (c) is the U-
20 drive rental business, the insurer or the U-drive rental
21 business shall:

- 1 (1) Disclose the coverages in writing to the customer;
- 2 (2) Disclose to the customer in writing that all optional
- 3 coverages available may not have been purchased under
- 4 this section and section 431:10C-302; and
- 5 (3) Obtain a written acknowledgment from the customer of
- 6 receipt of the written disclosures required in
- 7 paragraphs (1) and (2).

8 Within fifteen days after providing the disclosure to the
9 customer, the standard disclosure forms used in paragraphs (1)
10 and (2), and any modifications of these forms intended to be
11 used, shall be filed with the commissioner. Within fifteen days
12 after the filing a modified disclosure, the insurer or U-drive
13 rental business shall send to the customer each modified
14 disclosure form and obtain written acknowledgment from the
15 customer. The disclosures and acknowledgment may be sent and
16 received by electronic means.

17 [~~e~~] (e) The stacking or aggregating of uninsured
18 motorist coverage or underinsured motorist coverage is
19 prohibited, except as provided in subsection [~~d~~] (f).

20 [~~d~~] (f) An insurer shall offer the insured the
21 opportunity to purchase uninsured motorist coverage and



1 underinsured motorist coverage by offering the following options
2 with each motor vehicle insurance policy:

- 3 (1) The option to stack uninsured motorist coverage and
4 underinsured motorist coverage; and
5 (2) The option to select uninsured motorist coverage and
6 underinsured motorist coverage, whichever is
7 applicable, up to but not greater than the bodily
8 injury liability coverage limits in the insured's
9 policy.

10 These offers are to be made when a motor vehicle insurance
11 policy is first applied for or issued. For any existing
12 policies, an insurer shall offer [~~such~~] the coverage at the
13 first renewal after January 1, 1993. Once an insured has been
14 provided the opportunity to purchase or reject the coverages in
15 writing under the options, no further offer is required to be
16 included with any renewal or replacement policy issued to the
17 insured.

18 [~~(e)~~] (g) If uninsured motorist coverage or underinsured
19 motorist coverage is rejected, pursuant to [~~section~~
20 ~~431:10C-301(b):~~] subsection (b):



- 1 (1) The offers required by [~~section 431:10C-301(d)~~]
- 2 subsection (f) are not required to be made;
- 3 (2) No further offers or notice of the availability of
- 4 uninsured motorist coverage and underinsured motorist
- 5 coverage are required to be made in connection with
- 6 any renewal or replacement policy; and
- 7 (3) The written rejections required by [~~section~~
- 8 ~~431:10C-301(b)~~] subsection (b) shall be presumptive
- 9 evidence of the insured's decision to reject the
- 10 options.

11 (h) The requirements of this part shall apply in the same
 12 manner to any U-drive rental business that self-insures pursuant
 13 to section 431:10C-105."

14 SECTION 8. Section 431:10C-303.5, Hawaii Revised Statutes,
 15 is amended to read as follows:

16 "**§431:10C-303.5 U-drive insurance policy; primary.** [~~(a)~~]
 17 A U-drive motor vehicle insurance policy, as provided for in
 18 section 431:10C-301, shall be primary; provided that [~~its~~] the
 19 bodily injury and property damage liability coverages provided
 20 for in the operator's or renter's motor vehicle insurance

1 policies shall be secondary to the [~~operator's or renter's~~]

2 U-drive motor vehicle insurance policy [~~if:~~

3 ~~(1) The U-drive rental business provides any claimant or~~
4 ~~person sustaining accidental harm or damages, as a~~
5 ~~result of the operation of the rental vehicle, the~~
6 ~~identity and address of the operator or renter, along~~
7 ~~with any information available to the U-drive rental~~
8 ~~business as to the identity and address of any insurer~~
9 ~~under any liability policies applicable to the~~
10 ~~operator or renter; provided that the U-drive rental~~
11 ~~business shall make reasonable efforts to obtain such~~
12 ~~information;~~

13 ~~(2) A suit may be filed and service upon the responsible~~
14 ~~operator or renter can be effectuated; and~~

15 ~~(3) An insurer responds on behalf of the operator or~~
16 ~~renter to a claim or suit.~~

17 ~~(b) In cases where the U-drive motor vehicle insurance~~
18 ~~policy is primary because of:~~

19 ~~(1) A failure of a renter or operator to cooperate with~~
20 ~~the U-drive rental business in providing the~~
21 ~~information described in subsection (a) (1);~~



1 ~~(2) The failure to file suit and effectuate service as~~
2 ~~described in subsection (a) (2); or~~
3 ~~(3) The failure of an insurer to respond as described in~~
4 ~~subsection (a) (3) or defend a claim or pay required~~
5 ~~benefits or a judgment;~~
6 ~~the U-drive rental business may recover from the renter,~~
7 ~~operator, or insurer, the sums the U-drive rental business~~
8 ~~expended in payments or benefits, along with reasonable~~
9 ~~attorneys' fees and expenses]."~~

10 SECTION 9. Section 431:10C-802, Hawaii Revised Statutes,
11 is amended by amending subsection (a) to read as follows:

12 "(a) A peer-to-peer car-sharing program shall ensure
13 that during each car-sharing period, the shared car is
14 insured under a motor vehicle insurance policy that provides:

15 (1) Primary insurance coverage for each shared car
16 available and used through a peer-to-peer
17 car-sharing program in amounts no less than
18 [~~four~~] ____ times the amounts set forth in section
19 431:10C-301(b) for death, bodily injury, and
20 property damage per accident, and costs of defense
21 outside the limits;



1 (2) Primary insurance coverage for each shared car
2 available and used through a peer-to-peer
3 car-sharing program for personal injury protection
4 coverage that meets the minimum coverage amounts
5 required by section 431:10C-103.5; and

6 (3) The following optional coverages, which any named
7 insured may elect to reject or purchase, that
8 provides primary coverage for each shared car
9 available and used through a peer-to-peer
10 car-sharing program:

11 (A) Uninsured and underinsured motorist coverages
12 as provided in section 431:10C-301, which shall
13 be equal to the primary liability limits
14 specified in this section; provided that
15 uninsured and underinsured motorist coverage
16 offers shall provide for written rejection of
17 the coverages as provided in section
18 431:10C-301;

19 (B) Uninsured and underinsured motorist coverage
20 stacking options as provided in section
21 431:10C-301; provided that the offer of the



1 stacking options shall provide for written
2 rejection as provided in section 431:10C-301;
3 (C) An offer of required optional additional
4 insurance coverages as provided in section
5 431:10C-302; and
6 (D) In the event the only named insured under the
7 motor vehicle insurance policy issued pursuant
8 to this section is the peer-to-peer car-sharing
9 program, the insurer or the peer-to-peer
10 car-sharing program shall:
11 (i) Disclose the coverages in writing to the
12 shared car driver;
13 (ii) Disclose to the shared car driver in
14 writing that all optional coverages
15 available may not have been purchased
16 under sections 431:10C-301 and
17 431:10C-302; and
18 (iii) Obtain a written acknowledgement from the
19 shared car driver of receipt of the
20 written disclosures required in paragraphs
21 (1) and (2). The standard disclosure



1 forms used in paragraphs (1) and (2), and
2 every modification of forms intended to be
3 used, shall be filed with the commissioner
4 within fifteen days of providing the
5 disclosure to the shared car driver. The
6 insurer or the peer-to-peer car-sharing
7 program shall also send to the shared car
8 driver every modified disclosure form
9 within fifteen days of the filing of the
10 modified disclosure form and comply with
11 paragraph (3). The disclosures and
12 acknowledgement may be sent and received
13 by electronic means."

14 PART III

15 SECTION 10. The insurance commissioner shall issue a
16 memorandum to solicit rate filings from motor vehicle insurers
17 to reflect amendments made to section 431:10C-301(b)(1)(A) and
18 (B), Hawaii Revised Statutes, by section 7 of this Act no later
19 than July 1, 2024. Rate filings shall be due no later than
20 December 1, 2024, and the relevant rate changes shall be
21 effective for new and renewal policies on or after July 1, 2025.



1 PART IV

2 SECTION 11. This Act does not affect rights and duties
3 that matured, penalties that were incurred, and proceedings that
4 were begun before its effective date.

5 SECTION 12. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 13. This Act shall take effect on July 1, 3000;
8 provided that part III shall take effect on January 1, 2026.



Report Title:

Transportation; Motor Vehicles; Traffic Laws; Penalties;
Insurance Minimums; Insurance Rates; Rate Filings; U-drive Motor
Vehicles; Peer-to-Peer Car Sharing; Insurance Coverage
Requirements

Description:

Amends the penalties for violations of certain traffic laws and required motor vehicle insurance minimums. Establishes primary and optional coverage requirements for U-drive motor vehicle insurance policies. Establishes disclosure requirements for U-drive motor vehicle insurance policies. Amends the required coverage for shared cars that are made available through a peer-to-peer car-sharing program during the car-sharing period. Requires the Insurance Commissioner to solicit rate filings from motor vehicle insurers. Effective 7/1/3000. (HD3)

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

