

JAN 24 2024

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. The legislature finds that on February 15,
2 2023, at 6:45 a.m., sixteen-year-old Sara Yara was crossing
3 Kapiolani Boulevard in a marked crosswalk by McKinley High
4 School when she was struck and killed in a motor vehicle
5 collision. The alleged driver was not the registered owner of
6 the motor vehicle, did not have a valid drivers' license, had
7 been convicted of the offense of driving without a license six
8 times during the five-year period before the collision, and had
9 one hundred sixty-four prior traffic citations.

10 The legislature further finds that repeat violations of
11 driving without a license reflect a lack of concern of the
12 dangerousness of the act. The legislature also finds that
13 selling a vehicle to an unlicensed driver or allowing an
14 unlicensed driver to drive one's vehicle creates a situation of
15 potential danger to the community. The legislature believes
16 that the severity of the law should reflect these dangers and
17 serve to prevent tragedies like the untimely death of Sara Yara.



1 Accordingly, the purpose of this Act is to:

2 (1) Prohibit the:

3 (A) Purchase and sale of a motor vehicle to another
4 individual who is not duly licensed to operate
5 that category of motor vehicle; and

6 (B) Registered owner of a motor vehicle from allowing
7 an individual who is not duly licensed to operate
8 that category of motor vehicle to operate the
9 vehicle; and

10 (2) Impose penalties.

11 SECTION 2. This Act shall be known as "Sara's Law".

12 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
13 amended by adding two new sections to part I to be appropriately
14 designated and to read as follows:

15 **"§286-A Purchase and sale of motor vehicle to an**
16 **individual without a valid driver's license; prohibited.** (a)

17 No individual seller shall sell any motor vehicle to another
18 individual buyer who is not duly licensed to operate that
19 category of motor vehicle pursuant to parts VI and XIII of this
20 chapter.



1 (b) No individual buyer shall falsify any identification
2 or use any false identification or identification of another
3 person or of a fictitious person for the purpose of buying or
4 attempting to buy a motor vehicle for which the individual buyer
5 is not duly licensed to operate.

6 (c) The sale of a motor vehicle to an unlicensed
7 individual buyer shall not be deemed a violation of this section
8 if, in making the sale, the seller was misled by the appearance
9 of the individual buyer and the attending circumstances into
10 believing, in good faith, that the buyer held a valid driver's
11 license to operate the motor vehicle being offered for sale;
12 provided that it shall be incumbent upon the seller to prove
13 that the seller acted in good faith.

14 **§286-B Operation of a motor vehicle by an individual**
15 **without a valid driver's license; prohibited.** Except as
16 otherwise provided by law, the registered owner of a motor
17 vehicle shall not allow the operation of the vehicle upon the
18 public streets, roads, or highways of the State by any person
19 who is not duly licensed to operate that category of motor
20 vehicle pursuant to parts VI and XIII of chapter 286."



1 SECTION 4. Section 286-136, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§286-136 Penalty.** (a) Except as provided in
4 ~~[subsection]~~ subsections (b) ~~[7]~~ through (c), any person who
5 violates section 286-102, 286-122, 286-130, 286-131, 286-132,
6 286-133, ~~[or]~~ 286-134, 286-A, or 286-B, shall be fined no more
7 than \$1,000 or imprisoned no more than thirty days, or both.
8 Any person who violates any other section in this part shall be
9 fined no more than \$1,000.

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

17 (c) For any person who has multiple convictions in
18 violation of section 286-102 within a five-year period:

19 (1) Upon the third conviction, the person shall be guilty
20 of a misdemeanor and subject to a minimum fine of



1 \$ and a maximum fine of \$ and a mandatory
2 prison term of not more than years;

3 (1) Upon the fourth and subsequent conviction, the person
4 shall be guilty of a class C felony and subject to a
5 minimum fine of \$ and a maximum fine of
6 \$ and a mandatory prison term of not more
7 than years; and, or both; and

8 (2) The motor vehicle used in the commission of the
9 violation shall be subject to forfeiture.

10 ~~[(+e)]~~ (d) Notwithstanding subsections (a) [~~and (b),~~]
11 through (c), a minor under the age of eighteen under the
12 jurisdiction of the family court who is subject to this section
13 shall either lose the right to drive a motor vehicle until the
14 age of eighteen or be subject to a fine of \$500.

15 ~~[(+d)]~~ (e) Any person subject to a fine under this section
16 and who fails to timely pay the fine shall be given an
17 opportunity to petition the court to demonstrate that the
18 person's nonpayment or inability to pay is not wilful; provided
19 that if the person petitions the court, the court shall make an
20 individualized assessment of the person's ability to pay based
21 upon the totality of the circumstances, including the person's



1 disposable income, financial obligations, and liquid assets;
2 provided further that if the court determines that the person's
3 nonpayment or inability to pay is not wilful, the court may
4 enter an order that allows additional time for payment; reduces
5 the amount of each installment; revokes the fee or fine, or
6 unpaid portion thereof, in whole or in part; or converts any
7 outstanding fine to community service."

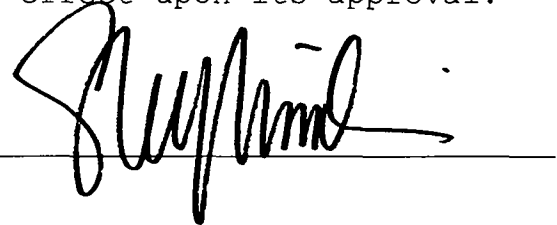
8 SECTION 5. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

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

13 SECTION 7. This Act shall take effect upon its approval.

14

INTRODUCED BY:



S.B. NO. 2990

Report Title:

Motor Vehicles; Purchase; Sale; Operation; License Required;
Penalties; Misdemeanor; Felony; Forfeiture; Sara's Law

Description:

Prohibits the purchase and sale of a motor vehicle to another individual who is not duly licensed to operate that category of motor vehicle. Prohibits the registered owner of a motor vehicle from allowing an individual who is not duly licensed to operate that category of motor vehicle to operate the vehicle. Imposes penalties.

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