

JON N. IKENAGA
STATE PUBLIC DEFENDER



HAYLEY CHENG
ASSISTANT PUBLIC
DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HILO OFFICE
275 PONAHAHAWAI STREET
HILO, HAWAII 96720
TEL. NO. 974-4571
FAX NO. 974-4574

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

KONA OFFICE
82-6127 MAMALAHOA HIGHWAY
P.O. BOX 1219
CAPTAIN COOK, HAWAII 96704
TEL. NO. 323-7562
FAX NO. 323-7565

APPEALS SECTION
TEL. NO. 586-2080

STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

DISTRICT COURT SECTION
TEL. NO. 586-2100

FAMILY COURT SECTION
TEL. NO. 586-2300

FELONY SECTION
TEL. NO. 586-2200

FAX (808) 586-2222

KAUAI OFFICE
3060 EIWA STREET
LIHUE, HAWAII 96766
TEL. NO. 274-3418
FAX NO. 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. 984-5018
FAX NO. 984-5022

January 27, 2025

Committee on Transportation
Rep. Darius K. Kila, Chair
Rep. Tina Nakada Grandinetti, Vice Chair
415 South Beretania Street, Conf. Rm. 430
State Capital
Honolulu, HI 96813

Re: Testimony in Opposition to H.B. 231
Hearing: January 27, 2024, 10:00 AM

Dear Chair Kila, Vice Chair Nakada Grandinetti and Committee Members:

The Office of the Public Defender strongly opposes H.B. 231 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 \$1,500.¹ 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 residents routinely struggle to make ends meet. A large portion of our population work more than one job just to keep a roof over their family and food on the table. Now is not the time to enact legislation that will impose an even greater financial burden on those who can least afford it. Third, the Office of the Public Defender 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

¹ 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.

Page Two

citation for another couple hundred of dollars, which they are also 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, which can now be charged as a class C felony offense.

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. In addition, the person's driver's license is suspended for a full year and if they are caught driving, they could be charged with Driving Without a Valid License as a Class C felony punishable by 5 years in prison.

Increasing the penalties for driving without valid insurance beyond the current \$500 and \$1500 fines, and there are also additional court fees, have far reaching consequences that will punish the most economically vulnerable in our state – which is a majority of our population. Similarly, community service is not a viable option for many of those impacted. Often times, these individuals work multiple jobs, take care of elderly or disabled family members, have young children or have other obligations and responsibilities that do not enable them to take off time to complete community service. Rather, much too often, after several court proof of compliance hearings related to community service, 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. Often times, they have missed work and lost their job as a result of the time 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 and community service hours for violating motor vehicle insurance requirements simply make a difficult situation more difficult. The increased fines and increased community service hours will not deter those who need to drive from driving despite not having motor vehicle insurance. The increase fines and increased community service hours, however, will most definitely increase the financial hardships on an already challenged segment of our communities.

Thank you for taking these comments into consideration.

Sincerely,
/s/ Taryn Tomasa
Deputy Public Defender