

ACT 110

S.B. NO. 2049-84

A Bill for an Act Relating to Motor Vehicle Safety Responsibility Act.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 287-8, Hawaii Revised Statutes, is amended to read as follows:

“§287-8 **Further exceptions to requirement of security.** The requirements as to security and suspension of sections 287-5 and 287-6 shall not apply:

- (1) To the driver or the registered owner of a motor vehicle involved in an accident where no injury or damage was caused to the person or property of any one other than the driver or registered owner;
- (2) To the driver or the registered owner of the motor vehicle legally parked at the time of accident;
- (3) To the driver of a motor vehicle owned by that person’s employer involved in an accident during the normal scope of that person’s employment;
- [(3)] (4) To the registered owner of the motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating the motor vehicle without such permission; nor
- [(4)] (5) If prior to the date the administrator would otherwise suspend the license or permit under section 287-6, there is filed with the administrator evidence satisfactory to him that the driver who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a duly

acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.”

SECTION 2. Section 287-9, Hawaii Revised Statutes, is amended to read as follows:

“§287-9 Duration of suspension. The license and permit suspended as provided in section 287-6 shall remain so suspended and shall not be renewed nor shall any new license or permit be issued to any of such persons until:

- (1) The person whose license or permit is suspended deposits or there is deposited on his behalf the security required under section 287-6; or
- (2) [One year has] Two years have elapsed following the date of the suspension and evidence satisfactory to the administrator has been filed with him that during such period no action for damages arising out of the accident has been commenced; or
- (3) Evidence satisfactory to the administrator has been filed with him of a release of the driver from liability, or a final adjudication of nonliability of the driver, or a duly acknowledged written agreement, in accordance with section 287-8(4); provided, in the event there is any default in the payment of any installment under any duly acknowledged written agreement, then upon notice of the default, the administrator shall forthwith suspend the license of the person defaulting thereunder which shall not be restored unless and until (A) the person deposits and thereafter maintains security as required under section 287-6 in such amount as the administrator may then determine, or (B) [one year has] two years have elapsed following the date when such security was required and during such period no action upon the agreement has been instituted for enforcement thereof.”

SECTION 3. Section 287-20, Hawaii Revised Statutes, is amended to read as follows:

“§287-20 Proof of financial responsibility required upon conviction of certain offenses. Whenever a driver’s license has been suspended or revoked pursuant to section 286-155, or upon a conviction of any offense pursuant to law, or in the case of minors, suspended or revoked pursuant to part V of chapter 571, the license shall not at any time thereafter be issued to the person whose license has been suspended or revoked, nor shall the person thereafter operate a motor vehicle, unless and until the person has furnished and thereafter maintains proof of financial responsibility. Whenever by reason of a conviction of, or adjudication under part V of chapter 571 by reason of, any of the offenses hereinafter named, under the laws of the State or ordinances of any political

subdivision, a court of competent jurisdiction has discretion to revoke or suspend a driver's license but does not revoke or suspend the license, the administrator shall nevertheless after the expiration of thirty days from the date of conviction or adjudication suspend the license and shall keep the same suspended, and the person so convicted or adjudicated shall not thereafter operate a motor vehicle, unless and until the person so convicted or adjudicated furnishes and thereafter maintains proof of financial responsibility. The offenses referred to are:

- (1) Reckless or inattentive driving, driving while under the influence of intoxicating liquor, [and] driving while under the influence of drugs[.]; and driving while that person's license has been suspended or revoked;
- (2) Conviction or adjudication under part V of chapter 571 by reason of any moving violation offense involving a motor vehicle if the motor vehicle is in any manner involved in an accident in which any person is killed or injured, or in which damage to property results to an apparent extent in excess of \$300 and there are reasonable grounds for the administrator to believe that the defendant is at fault[.]; and
- (3) Failure to have an effective no-fault insurance policy required by section 294-8(a).

If any person, at the time of his conviction of, or adjudication under part V of chapter 571 by reason of, any of the offenses hereinabove named, does not hold a valid driver's license, no such license shall at any time thereafter be issued to the person unless and until he furnishes and thereafter maintains proof of financial responsibility."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 18, 1984.)