KAUAI COUNTY DEPARTMENT OF FINANCE
RULES OF THE ADMINISTRATION OF THE
MOTOR VEHICLE SAFETY RESPONSIBILITY ACT,
CHAPTER 287, HAWAII REVISED STATUTES

Section 1. HEARING PRACTICES AND PROCEDURES.

1.1 PETITION FOR HEARING.

Any person aggrieved by any order or act of the Director of Finance under the Motor Vehicle Safety Responsibility Act may request a hearing by filing a petition in writing. The petition shall contain the following information:

- a. Petitioner's name, address, telephone number and place of employment.
- b. A designation of the specific order or act of the Director of Finance in question.
- A complete statement of all relevant facts.
- d. A complete statement of petitioner's interest and his position or contention, including any legal authorities in support of such position or contention.
- e. Petitioner's signature and date petition is submitted to the Director of Finance.
 The Director of Finance may reject any petition which does not conform to the requirements set forth hereinabove.

1.2 PROCESSING OF PETITION.

Within ten(10) days from the receipt of the petition, the Director of Finance shall notify the petitioner in writing as to the date, time and place of the hearing. Such notice shall be

in conformity with Chapter 91, Hawaii Revised Statutes, Administrative Procedure.

[1.3 <u>Hearing Board.</u> The Hearing Board shall consist of at least three(3) persons appointed by the Director of Finance.

1.3 HEARING.

At such hearing, the Director of Finance
shall afford the applicant or licensee
an opportunity to be heard. Such hearing shall
be conducted in conformity with the applicable
provisions of said Chapter 91, Hawaii Revised
Statutes.

1.4 DISPOSITION OF PETITION. [Within thirty(30) days after a hearing is held, the] The Director of Finance shall either affirm or deny the petition[. Such notice shall be] in conformity with Chapter 91, Hawaii Revised Statutes, Administrative Procedure.

Section 2. APPEAL TO CIRCUIT COURT.

Any final order or act of the Director of Finance pursuant to the authority given by the provisions of the Motor Vehicle Safety Responsibility Act or by rules or regulations, shall be subject to appeal to the Circuit Court, as provided in Section 91-14, Hawaii Revised Statutes.

Section 3. DESCRIPTION OF FORMS.

3.1 ACCIDENT REPORT REQUIRED.

The written accident report form required under Section 287-4, Hawaii Revised Statutes, shall be shown in Appendix (Exhibit 1).

3.2 EVIDENCE OF INSURANCE.

The form which is acceptable as evidence that a liability insurance policy was in effect at the time of any reportable accident under Section 287-4, Hawaii Revised Statutes, shall be shown in Appendix (Exhibit 2).

3.3 RELEASE FROM LIABILITY.

The form which is acceptable and preferred as evidence of one's release from liability shall be as shown in Appendix (Exhibit 3), although other types of release forms may also be accepted. All release forms shall be signed and verified before a person authorized to administer oaths. If the person giving the release is in the United States military service, the release form shall be executed in conformity with Section 502-47, Hawaii Revised Statutes.

• 3.4 INSTALLMENT AGREEMENT.

Any installment agreement filed with the Director of Finance as provided under the Motor Vehicle Safety Responsibility Act, shall state the names of the parties thereto, the date and location of the accident, the total amount of all installments payable, the amount of each installment and the date each installment payment is due. All installment agreements

shall be duly acknowledged by filing a copy with the Department of Finance.

3.5 FINAL ADJUDICATION OF NON-LIABILITY.

A certified copy of a judgment with respect to damages shall be acceptable as evidence of a final adjudication of non-liability for any operator or registered owner involved in a reportable accident.

3.6 SECURITY REQUIRED.

The Director of Finance shall accept the forms shown in Appendix (Exhibit 1), or any other relevant information and documents which may assist in determining the amount of security required under Section 287-5, Hawaii Revised Statutes.

3.7 ORDER OF SECURITY REQUIREMENT OF SUSPENSION.

The notice required under Section 287-6,
Hawaii Revised Statutes, shall be in the form as
shown in Appendix (Exhibit 4).

3.8 SECURITY DEPOSIT.

In conformity with Section 287-11, Hawaii Revised Statutes, the receipt form as shown in Appendix (Exhibit 5), shall be issued for security deposit.

3.9 RETURN OF SECURITY.

In conformity with Section 287-12, Hawaii Revised Statutes, application for the return of security may be made through the form as shown in Appendix (Exhibit 6).

3.10 EVIDENCE OF NO ACTION OF DAMAGES.

In conformity with Section 287-9(2), Hawaii Revised Statutes, the form acceptable as evidence that no action for damages arising out of the accident has been commenced shall be as shown in Appendix (Exhibit 6).

3.11 ORDER OF REQUIREMENT FOR PROOF OF FINANCIAL RESPONSIBILITY OR SUSPENSION.

Notice to file and maintain proof of financial responsibility under Section 287-20, Hawaii Revised Statutes, shall be in the form as shown in Appendix (Exhibit 7).

3.12 CERTIFICATE OF INSURANCE AS PROOF OF FINANCIAL RESPONSIBILITY.

In conformity with Section 287-22 and Section 287-23, Hawaii Revised Statutes, the acceptable form of the certificate of insurance as proof of financial responsibility shall be as shown in Appendix (Exhibit 8 or 9).

3.13 NOTICE OF CHANGE OF VEHICLE.

In conformity with Section 287-25, Hawaii Revised Statutes, the form which is acceptable evidence of a change of vehicle hereunder shall be as shown in Appendix (Exhibit 10).

3.14 NOTICE OF CANCELLATION OR TERMINATION OF INSURANCE.

In conformity with Section 287-33,
Hawaii Revised Statutes, the acceptable
cancellation or termination form shall be as
shown in Appendix (Exhibit 11).

NOTE: Material repealed is bracketed. New material is underscored.

These Amended Rules were adopted by the Department of Finance and shall take effect ten days after filing with the County Clerk, County of Kauai.

CECILIA N. RAMONES Director of Finance

Approved this day of 1988

APPENDIX

Exhibit	1	MOTOR VEHICLE ACCIDENT REPORT
Exhibit	2	SR-21 NOTICE OF POLICY
Exhibit	3	RELEASE ON AGREEMENT TO PAY DAMAGES (Form deleted; refer to attorney for advice)
Exhibit	4	NOTICE OF SUSPENSION OF LICENSE (DF/DL 42)
Exhibit	5	SECURITY DEPOSIT (DF/DL 27)
Exhibit	6	AFFIDAVIT FOR REFUND OF SECURITY DEPOSITED
Exhibit	7	ORDER OF SECURITY REQUIREMENT OR SUSPENSION
Exhibit	8	SR-22 CERTIFICATE OF INSURANCE
Exhibit	9	SR-23 NOTICE FOR FLEETS
Exhibit	10	SR-24 NOTICE OF CHANGE OF VEHICLE
Exhibit	11	SR-26 NOTICE OF CANCELLATION OR TERMINATION

EXHIBIT 1

PAGE 1 OF 2

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Does this pol		ve owner? Yes No Ab	ove operator? Yes No RILITY NOTICE OF POLICY
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Date	By		

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DEPARTMENT OF FINANCE DRIVER LICENSE SECTION 4280-A RICE STREET LIHUE, HI 96766

TO:		Report No.
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RE:	SUSPENSION OF LICENSE No	
uuc	are hereby notified that all driving to your failure to furnish PROOF of Fyour:	privileges granted you have been suspended INANCIAL RESPONSIBILITY as required follow-
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, ()	conviction or adjudication on	
(cancellation (Form SR 26) from that your insurance policy No ED, effective	advising has been CANCELLED/TERMINAT-
You	r driving privileges will remain suspe	nded for:
(_	until proof of financial responsibility is
	1. A certificate of insurance (SR21) sent to the D ment of Finance, 4280-A Rice Stre	river License Section, Depart- et, Lihue, III 96766.
	2. A Release from Liability from all	
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av de	4. A Conditional Agreement to pay da	mages.
	5. A final adjudication of NON-LIABI	
(.		1 conviction/adjudication unless you provide
	1. A Certificate of Insurance (SR22) sent to the I insurance company.	
	2. A bond as provided for in Section	287-35. Hawaii Revised Statutes
	3. A Certificate of Deposit from Ins	urance Commissioner in the amount of \$25,000
	4. A Certificate of Self-Insurance.	desimilationer in the amount of \$25,000
You Lice	are required to surrender any and all licenses or pense Section, Department of Finance, 4280-A Rice S	mits evidencing your privilege to drive to the Driver treet, Lihue, Kauai within ten days.
Ope	ration of a vehicle after receipt of t	his notice or failure to surrender all lic-
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		그림까? 늘이 그리는 100일을 보고를 끊었습니다.
		이 문화는 이번만 시원으로 한다.
FOR	THE DIRECTOR	나는 아시는 하는 것 같다. 그런 나는 아니는 살았다.
D	RIVER LICENSE SECTION	

COUNTY OF KAUAI DF/DL 42 (Rev. 85)

EXHIBIT 5

DEPARTMENT OF FINANCE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

SECURITY DEPOSIT

	Report No
Received of	Receipt No
Allrogo	Deposit date
For deposit as evidence of fina Motor Vehicle Safety Responsib: Statutes, the following items to cident which occurred on	ancial responsibility in accordance with ility Act, Chapter 287, Hawaii Revised to cover security in connection with ac-
Cash	Money Order
Certified Check	Other Security
Cashier's Check	
Check Description (No., etc.)_	
Please appear at the Driver Lic 4280-A Rice Street, Lihue, Kaua to review your eligibility for	cense Section, Department of Finance, i, Hawaii on, 19 refund.
	CECILIA N. RAMONES Director of Finance
aa	By

IMPORTANT: Kindly allow about three (3) weeks to process your refund application.

DO NOT DESTROY THIS RECEIPT, IT MUST BE SUBMITTED TO OBTAIN ANY POSSIBLE REFUND.

DEPARTMENT OF FINANCE

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT AFFIDAVIT FOR REFUND OF SECURITY DEPOSITED

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DEPARTMENT OF FINANCE

Driver License Section

	4280-A Rice Street Lihue, Hawaii 96766	
	Telephone: 245-1644	Report No.
ODDED OF CECUPETY DESCRIBEMENT	OD CHEDENICIANI (M V. I. L. C	See Day - 12 Televis A. A.
ORDER OF SECURITY REQUIREMENT	OR SUSPENSION (Motor Vehicle Sat	ety Responsibility Act)
ACCIDENT DATELO	CATION:	
VEHICLE: DI	RIVER LICENSE	— DATE OF BIRTH:
		Division Division
TO:		
		•
As a result of your involvement in the subject as Hawaii Revised Statutes.	ecident, you are subject to the provisions	of the Motor Vehicle Safety Responsibility Act, Chapter 287,
THEREFORE, your driving privilege shall beco	me suspended pursuant to Section 287-6,	Hawaii Revised Statute unless you: (1) Appeal said suspension
by requesting a hearing 20 days prior to the effect Hawaii Revised Statutes. If you desire such a hear	tive date of this order. Such hearing shall baring, you may be represented by counsel.	be conducted in accordance with the provisions of Chapter 91, and you must contact the Driver License Section, Department
of Finance, for further information; or (2) SATIS required (indicated below) prior to the effective	SFY the appropriate conditions stated below	ow (See "NOTICE"): or (3) DEPOSIT the amount of security
required (moleated tellow) prior to the effective	coate of this ONDER (maleated below,).

ORDER OF SUSPENSION: In the event you do not comply with any of the requirements stated above, your driving privilege and all licenses evidencing such privilege to drive SHALL become suspended on the EFFECTIVE DATE OF THIS ORDER (indicated below). All such licenses MUST BE SURRENDERED to the Driver License Section on or before the suspension date. IF YOU POSSESSED A VALID INSURANCE POLICY AT THE TIME OF ACCIDENT, REFER TO ITEM (1) BELOW.

By:	Driver License Section	

FOR THE DIRECTOR

AMOUNT OF SECURITY REQUIRED: \$ THIS ORDER EFFECTIVE 10 DAYS FROM: ___

NOTICE

YOU MAY RETAIN YOUR DRIVING PRIVILEGE by satisfying any of the following conditions on or before the effective date of this Order (see above).

(1) INSURANCE AT TIME OF ACCIDENT

RE:

- File evidence (Form SR-21) with this Department that there was an auto liability insurance policy in effect at the time of the accident for your benefit issued by an insurance company authorized to do business in the State of Hawaii. Contact your insurance company for this prescribed
- certificate (Form SR-21). Insurance policies, binders, cards, letters, statements, etc. are not acceptable.

 NO INSURANCE AT TIME OF ACCIDENT

 (a) Deposit with this Department the AMOUNT OF SECURITY REQUIRED (see above) in cash, certified or cashier's check, postal or personal money order or sureby bond. If civil suit or judgement is rendered against you within two (2) years from the accident or suspension date, you may apply for refund of your security.
 - (b) File evidence with this Department of your RELEASE FROM LIABILITY with respect to injuries or damages to others resulting from the accident. Documents must be signed in the presence of a person authorized to administer oaths to be acceptable.
 - File evidence with this Department of a written agreement providing for payment of an agreed amount with respect to actual claims for injuries and damages resulting from the accident. THE AGREEMENT must be signed by you in the presence of a person authorized to administer oaths and acknowledged by the claimant.
 - (d) File evidence with this Department of your FINAL ADJUDICATION OF NON-LIABILITY with respect to injuries or damages to others resulting from the accident. The copy of the judgement document must be certified by the court to be acceptable.

YOU MAY REGAIN YOUR DRIVING PRIVILEGE after it has been suspended by complying with any of the conditions stated above or b filing evidence with this Department that during the two (2) year period following THIS SUSPENSION, no civil suit for injuries or damages resulting from the accident has been filed against you.

Section 287-44 PUNALTIES: Any person whose license has been suspended or revoked under the Motor Vehicle Safety Responsibility Act and who during such suspension or revocation drives any motor vehicle upon any highway or any person failing to SURRENDER his license as required by the Act shall be fined no more than \$500.00 or imprisoned not more than (6) months or both.

This action is taken under the authority of the Motor Vehicle Safety Responsibility Act, Chapter 287, Hawaii Revised Statutes.

DF/DI, 26 REV 85 COUNTY OF KAUAI

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IRB 3541B

UNIFORM FINANCIAL RESPONSIBILITY FORMS PROGRAM

SR-23 NOTICE FOR FLEETS A.A.M.V.A. UNIFORM FINANCIAL RESPONSIBILITY FORM

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Purpose

This form should be filed at the inception date of the policy when the company insures all the owned cars of a risk owning five or more automobiles. Indication on the accident report form that an SR-23 is on file makes it unnecessary to complete the insurance information. This form gives notice that the company has issued to the in-

sured an automobile liability policy providing limits of liability at least equal to the limits required by the financial responsibility laws of the state, which policy is in effect on the effective date stated in the Notice. Further, this Notice continues in effect until cancelled or terminated in accordance with the financial responsibility laws and regulations of the state.

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CERTIFICATION

- I, Elmer Muraoka, Deputy Director of Finance, Department of Finance, County of Kauai, do hereby certify:
- 1. That the foregoing is a true and correct copy of the Amended Rules of the Department of Finance on matters relating to The Administration of the Motor Vehicle Safety Responsibility Act, Chapter 287, Hawaii Revised Statutes.
- 2. That notice of public hearing on the foregoing Amended Rules, which notice included a statement of the substance of the proposed changes, was published in The Garden Island Newspaper on December 8, 1987, and in the Kauai Times on December 9, 1987.

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of the	County	Clerk	, Coun	ty of	Kawai,	State	OF Ha	waii	

ELMER MURAOKA Deputy Director of Finance

APPROVED AS TO FORM ON THIS 15t DAY OF JURIARY 1988:

County Attorney, County of Kauai

APPROVED ON THIS / St DAY OF Lebruar

CECILIA N. RAMONES

Director of Finance, County of Kauai

APPROVED ON THIS 1st DAY OF February 1988

Mayor, County of Kauai

CERTIFICATION OF COUNTY CLERK:

I hereby certify that on W , 1988, I had accepted for filing from the Department of Finance the Amended Rules relating to The Administration of the Motor Vehicle Safety Responsibility Act adopted on Jehrussy, 1988 1988, I have

County Clerk, County of Kauai