



**State of Hawaii  
Risk Management  
Office**

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**Contents**

- Msg. From Risk Mgmt Office
- *Government Vehicles – HRS Chapter 105*
- *Are you ready for Hurricane Season?*
- Handy Hints
- Calendar of Events
- Laugh Break
- *Oahu Drivers learn how to react to sirens*

# Risk E-Notes

## Message from the Risk Management Office

### 2007 Insurance Renewal:

Again, thanks to all of you that have completed and/or updated your Property Data Requirements and Money & Securities Survey form. Once all the updates are input, we will forward copies to each department for review and confirmation by September 1, 2007.

The Excess Liability Questionnaire will be distributed by August 10<sup>th</sup>. We are hopeful that this exercise will help identify additional exposures that were not previously recognized. Deadline for completion of the questionnaire will be August 24, 2007.



### Training on-the-go!

Risk Management conducted its first neighbor island sessions in Hilo on June 18, 2007 and in Maui on July 23, 2007. Both meetings covered two topics: *Insurance Program Overview & Certificate of Insurance* and *Economical Loss Control Techniques*.

The turnout was outstanding and the feedback was positive. A big mahalo to all who attended. We would also like to thank the UH Institute for Astronomy-Hilo and DOE (Adult Ed Building) in Kahului for graciously providing the facility to conduct the meetings.

Our next training session is scheduled for August 23, 2007 in Kauai. Finally, we will conduct one more session back on Oahu in early fall for SPO and others that missed the February session. Details will be emailed later.



The State has elected to extend Aon's term as its insurance broker to December 1, 2008. This is an option allowed in the RFP. We have been very pleased with the services and work provided by Aon and its team!



This is YOUR newsletter and it's success and value will depend on your participation, suggestions, and input!

Email your ideas to: [julie.a.ugalde@hawaii.gov](mailto:julie.a.ugalde@hawaii.gov)

Message from Risk Management Office (continued)

**CLAIMS OVERVIEW**

AS OF June 30, 2007

	TORT		POTHOLE		% OF TOTAL	
	3/31/07	6/30/07	3/31/07	6/30/07	3/31/07	6/30/07
FY 07	539	677	131	168	24%	25%
FY 06	981		399		41%	
FY 05	1107		496		45%	

	AUTO		PROPERTY	
	3/31/07	6/30/07	3/31/07	6/30/07
FY 07	266	374	242*	269
FY 06	366		146	
FY 05	320		105	

\*304 buildings damaged by 10/15/06 earthquake.



The defensive driver is attentive to surroundings. To be defensive, watch the roadway for obstructions, hazards and weather conditions. Frequently check your rear view mirrors, use turn signals and obey traffic signs and signals. Finally, pay attention to other motorists. You often can anticipate the acts of aggressive, impaired or lost drivers and avoid a vehicular accident.

Also, see article on page 4, "Oahu drivers learn how to react to sirens".



**GOVERNMENT VEHICLES**

Did you know that all government vehicles, with a few exceptions, are required to have a facsimile of the state seal and beneath the seal the words "for Official Use Only", the name of the department, commission, board, bureau, office, agency, or instrumentality in charge of the vehicle?

Hawaii Revised Statutes Chapter 105 – Government Motor Vehicles provides the details. A copy of the statute is found at the back of this issue. We refer you to Section 105-6, as well as the rest of the statute for appropriate use and sheltering of the vehicle.

## ARE YOU READY FOR HURRICANE SEASON?



Example of severe hurricane damage to a home: loss of roof sheathing and roof framing structure, windows breached by windborne debris, and failure of wood foundation posts and beams.

### HURRICANE IN HAWAII.

Hurricanes are an ever present threat for Hawaii. It is not a question of "if", but "when" the next hurricane hits. Since 1950, five hurricanes or tropical storms have caused serious damage in Hawaii. Since 1950, seven other tropical storms or hurricanes could have caused serious damage. Every hurricane is different and we can only guess how much damage will result. In Hurricane Iniki, which struck Kauai, over 14,000 single family homes were damaged or destroyed with a little more than half of those only experiencing minor damage. We need to be prepared for the hurricanes that will threaten Hawaii in the future.

### TIPS ON HURRICANE DAMAGE PROTECTION

You can make your house less susceptible to damage from hurricanes or strong winds by installing wind resistive devices. These include strengthening your roof to wall connections by installing hurricane clips. You may also want to consider investing in opening protection, such as window storm shutters. You should clear the area around your house of loose furnishing and materials that could become flying objects that might penetrate a window. Wind entering a window can create internal pressure within your house that can help cause your roof to fly off.

### GRANT PROGRAM

You can obtain grant moneys from the State government for installing certain wind resistive devices. You can get 35% for the cost of the wind resistive device and installation, up to a maximum of

\$2,100 if you meet the requirements of the grant program, subject to the availability of funds.

To find out more and obtain application materials, check out the website located at <http://www.hurricaneretrofits.hawaii.gov>, or search "loss mitigation grant program". If you do not have access to the Internet, you can call 265-3703 or 265-4211 to receive an information packet by mail. The grant program is being administered by the Insurance Division of the DCCA.

### PREMIUM DISCOUNTS

Some property insurers give premium discounts for installation of wind resistive devices.

### DISASTER PREPAREDNESS KITS AND PLAN

Hawaii Civil Defense has some good suggestions on how to prepare your family for a hurricane at their website located at <http://www.scd.state.hi.us>

*State of Hawaii Department of Commerce & Consumer Affairs (2007)*



- Ever wonder how to remove those pesky labels? Try using a hairdryer to heat the label which will loosen the glue – making it easy to remove!
- Can't open that plastic top on your soda or water bottle? A co-worker suggests wrapping a rubber band around the cap – it acts like a grip!



## Calendar of Events

### July 2007

- 2<sup>nd</sup> - Due date for property schedule updates
- 4<sup>th</sup> - Independence Day
- 23<sup>rd</sup> - Maui Training Session
- 31<sup>st</sup> - Newsletter distributed

### August 2007

- 3<sup>rd</sup> - Excess Liability Questionnaire distributed
- 17<sup>th</sup> - Statehood Day
- 23<sup>rd</sup> - Kauai Training Session
- 24<sup>th</sup> - Due date for Excess Liability questionnaire

### September 2007

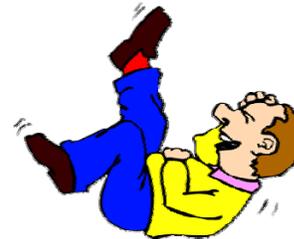
- 1<sup>st</sup> - Due date for review and confirmation of statement of values
- 3<sup>rd</sup> - Labor Day



## LAUGH BREAK

### Actual Insurance Statement Claims

- The other car collided with mine without giving warning of its intention.
- The accident occurred when I was attempting to bring my car out of a skid by steering it into the other vehicle.
- I was driving my car out of the driveway in the usual manner, when it was struck by the other car in the same place it had been struck several times before.
- Coming home, I drove into the wrong house and collided with a tree I don't have.
- The indirect cause of this accident was a little guy in a small car with a big mouth.



- As I approached the intersection, a stop sign suddenly appeared in a place where no stop sign had ever appeared before. I was unable to stop in time to avoid the accident.
- The telephone pole was approaching fast. I was attempting to swerve out of its path when it struck my front end.
- An invisible car came out of nowhere, struck my vehicle and vanished.
- I thought my window was down but found it was up when I put my hand through it.
- To avoid hitting the bumper of the car in front, I struck the pedestrian.
- A pedestrian hit me and went under my car.
- The pedestrian had no idea which direction to go, so I ran him over.



Posted on: Monday, July 9, 2007

## Oahu drivers learn how to react to sirens

StoryChat: [Comment on this story](#)

By Kim Fassler  
Advertiser Staff Writer

A growing number of calls for emergency medical help, increasingly crowded roads and drivers uncertain about how to respond when an ambulance approaches have led to a new public awareness campaign.

"We're not saying the public is blatantly breaking laws — I think a lot of them just don't know what to do," said Bryan Cheplic, spokesman with the city's Emergency Services Division.

A "Please Abide, Move Aside" campaign, scheduled to be announced by city officials tomorrow, comes as the ambulance service is experiencing a 10 percent increase in emergency calls over the past three years, Cheplic said.

EMS personnel are responding to from 60,000 to 70,000 calls a year, he said. For 2006, EMS had 64,114 responses compared with 58,394 responses in 2004.

Many O'ahu drivers are aware of the basic rule: When an emergency vehicle is behind you, get out of the way.

"I pull over to the side and we're supposed to stop," said Dean Uyeda, 28, of Salt Lake, a commercial banker at American Savings Bank in Downtown Honolulu. "I don't always stop, but I know we're supposed to."

The problem lies with the rules about how to move aside, which motorists and officials agree can be a bit nebulous.

Two sections in the Hawai'i Revised Statutes address how to react to an approaching emergency vehicle with sirens on and lights flashing:

- Drivers are required to clear a path for the vehicle by pulling to the right edge or curb of the road; and
- When the highway has multiple lanes or is a divided highway, drivers should turn to the nearest curb and stop.

The law also forbids cars, except those on official business, from following closer than 500 feet behind an emergency vehicle or parking within 500 feet of where the vehicle stops to answer a call.

Motorists can be fined \$97 for not pulling aside for an emergency vehicle, and the same amount for tailing.

In 2006, there were 18 citations for people not pulling over and 21 citations for drivers following emergency vehicles, according to the police Traffic Violations Bureau.

### NO SET PROCEDURE

Officials acknowledge there is no precise written protocol for many situations motorists may encounter daily. As a result, there is some confusion about moving out of the way safely — and legally.

For example, when in the middle lane of a three-lane highway, drivers should move to whichever side is safer, said Honolulu Police Department spokeswoman Michelle Yu, who added, "Every situation is going to be a little different."

Many motorists say they learned how to react from driver's education or while preparing for their driver's permit tests.



City officials hope a new public awareness campaign will reduce drivers' confusion over how to react when they hear an ambulance approaching.

REBECCA BREYER | The Honolulu Advertiser

"I flunked three times, so I think I got every question that ever existed on that test," said Susan Castillejos, 36, of Nu'uuanu, an executive assistant at Hawai'i Arts Alliance.

When drivers see an ambulance coming, "I think a lot of them freak out, panic," she added. "Or maybe they didn't get that test question."

Several people actually thought it was OK for drivers to go through a red light if their cars were preventing an ambulance from getting through an intersection — which they said they learned from taking the permit test.

But the driver's manual makes no mention of this, and going through a red light was not condoned by EMS, HPD or state Department of Transportation, although officials said each situation should be looked at on a case-by-case basis.

"We would never encourage anyone to go through an intersection on a red light even if there is an emergency vehicle behind you," Cheplic said.

Officials also said drivers may respond differently to an approaching ambulance than they would to a police car, for fear of being pulled over and ticketed.

"We're vested with different types of authority. People react differently," HPD spokesman Capt. Frank Fujii said.

Drivers also observed cars tailing ambulances and noted that it was illegal — even if the cars were carrying family following loved ones to the hospital.

Paramedics always inform family members of which hospital they will be taking the patient to and also let the family know if the location changes.

"It's just common sense and courtesy" to clear a path for an ambulance, said Muriel Taira, 54, an attorney from Honolulu. "It could be your grandmother or someone you love in there. If it were, you'd want to pull over as soon as possible."

Taira once called an ambulance for her father and wanted to tail the paramedics, who told her not to follow the ambulance too closely. She lost the vehicle in traffic.

### **COULD BE WORSE**

Many motorists also don't just drive when they're behind the wheel — they gab on cell phones, fiddle with radio channels or CD players, put on mascara or even eat breakfast.

"Usually, it's that they're not paying attention, or have their windows up and they can't hear," said Peter Peterson, 35, of Waipahu, a Handi-Van operator.

"Some people probably didn't pay attention to the driver's manual or they're from a foreign country," said Joan Church, 53, of Kane'ohe, a former Navy hospital corpsman who drove an ambulance in Florida.

Still, EMS might be thankful for the role the aloha spirit plays on Hawai'i's roads. Phil Brown, 46, an attorney and Makiki resident who moved here from New York City in 1993, said Hawai'i ambulances don't have it so bad.

"By and large, people here drive with aloha," he said. "New Yorkers take advantage of every opportunity to drive fast."

"Human nature is hard," said Joe Marshall of Central O'ahu, a security guard at the state Supreme Court. "If people think they're gonna beat the ambulance, they're gonna beat the ambulance."

"At 57 years old, I've been through a lot. With that many years of driving, you have to know the rules."

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### WHAT TO DO WHEN YOU SEE FLASHING LIGHTS AND HEAR SIRENS

If you're already in the intersection and the emergency vehicle is behind you, cross the intersection, then immediately put on your turn signal, pull to the nearest edge of the road and stop. Never try to beat the emergency vehicle.

If you have a red light and are sure the ambulance is not behind you, remain stopped.

If you're about to enter the intersection on a green light and the emergency vehicle is behind you, cross the intersection, put on your turn signal, pull toward the nearest edge of the road and stop. If it is coming from your front or sides, don't cross the intersection and remain stopped until it passes completely. Never block the intersection and never enter the intersection on a red light; turn to the safest direction to let it pass.

### HAWAII EMERGENCY VEHICLE LAW

The following Hawaii Revised Statutes sections pertain to emergency vehicles responding with lights and sirens activated:

**(HRS 291C-65)** Operation of vehicles on approach of authorized emergency vehicles.

(a) Except as otherwise provided by county ordinance, upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position clear of any intersection and parallel to, and as close as possible to, the right-hand edge or curb when the highway has multiple lanes or when the highway is a divided highway or one-way street and shall stop and remain in such position until the authorized emergency vehicle is passed, except as otherwise directed by a police officer.

If you're in the left lane, turn toward the nearest edge or median if possible and stop.

If you're in the right lane, put your turn signal on, pull to the right edge of the road and come to a complete stop.

Remain in the stopped position as the vehicle passes and don't pull back on the road until it has passed completely.

Never attempt to follow an emergency vehicle to beat the traffic. Not only is this illegal, it is also very dangerous, because of other cars pulling back on the road and because the vehicle may make sudden stops and turns.

### GENERAL RULES

- **The emergency vehicle** has the right of way.
- **Don't panic.** Take a moment to locate the vehicle. Do a visual sweep on all sides.
- **React quickly but calmly.** Always use your turn signal to tell the emergency vehicle which way you're going.
- **When re-entering traffic,** wait until the emergency vehicle has passed completely to put on your turn signal before merging into traffic.
- **Never follow** or try to outrun an emergency vehicle.

Source: Advertiser research

The Honolulu Advertiser

**CHAPTER 105**  
**GOVERNMENT MOTOR VEHICLES**

Section

- 105-1 Government motor vehicles; certain uses prohibited
- 105-2 Exceptions
- 105-3 Permits revocable
- 105-4 Enforcement; duties of sheriffs and police officers
- 105-5 Penalties; dismissal
- 105-6 Inscription on state motor vehicles
- 105-7 Inscription on county motor vehicles
- 105-8 Character of inscription
- 105-9 Duty of performance
- 105-10 Motor vehicles; shelter
- 105-11 State motor pool revolving fund

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

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**§105-1 Government motor vehicles; certain uses prohibited.** Except as provided in section 105-2, it shall be unlawful for any person to use, operate, or drive any motor vehicle owned or controlled by the State, or by any county thereof, for personal pleasure or personal use (as distinguished from official or governmental service or use) including, without limitation to the generality of the foregoing, travel by or conveyance of any officer or employee of the State, or of any county thereof, directly or indirectly, from his place of service or from his work to or near his place of abode, or, directly or indirectly, from such place of abode to his place of service or to his work. [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-10; HRS §105-1]

**Attorney General Opinions**

State may hold employee responsible for negligent damage to vehicle under the employee's control. Att. Gen. Op. 63-31.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-2 Exceptions.** Section 105-1 shall not apply to:

- (1) The governor;
- (2) The mayor of any county;
- (3) Any member of a police department or a fire department or of the staff of a hospital, or any officer or employee of the board of water supply of the city and county of Honolulu, when using a motor vehicle for a personal purpose incidental to the person's service or work (but not for pleasure);
- (4) Any officer or employee of the State who, upon written recommendation of the comptroller, is given written permission by the governor to use, operate, or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the State;
- (5) Any officer or employee of any county who, upon written recommendation of the budget director, is given written permission by the mayor, to use, operate or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the county;
- (6) Any officer or employee of the State, or of any county, who, in case of emergency, because of the person's illness, or the person's incapacity caused by accident while at work, or because of the illness of a member of the person's immediate family including a reciprocal beneficiary while the person is at work, is conveyed in a motor vehicle to the person's place of abode, or to a hospital or other place, but every such use of such a motor vehicle shall be certified to by the officer or by the head of the department, commission, board, bureau, agency, or instrumentality controlling or possessing the motor vehicle immediately thereafter, and the certificate shall be forthwith filed with the comptroller, in the case of the State, or with the budget director, in the case of a county; and
- (7) The assigned driver of a Van Go Hawaii vehicle or any other state ridesharing program vehicle. [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-11; am L 1965, c 11, §1; HRS §105-2; am L 1981, c 49, §1; gen ch 1993; am L 1997, c 383, §34]

#### **Attorney General Opinions**

Narcotics enforcement division investigators have authority for personal use of state vehicles incident to law enforcement purposes where prior written permission has been obtained from governor upon written recommendation of comptroller. Att. Gen. Op. 91-03.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-3 Permits revocable.** Permits under section 105-2 may be limited to hours, routes, purposes or character of use, may extend to general classes of officers or employees, and may be canceled or revoked at any time without notice. The burden of proof shall be upon any officer or employee given a written permit under subdivisions (4) or (5) of section 105-2 to prove, in any proceedings, that the officer or employee had, at the time of so using, operating, or driving any such motor vehicle, an unrevoked written permit to so use, operate, or drive the same. Likewise, the burden of proof shall be upon any person conveyed in any such motor vehicle as provided in subdivision (6), section 105-2 to prove, in any proceedings, that the officer, or head of the department, commission, board, bureau, agency, or instrumentality, controlling or possessing such motor vehicle certified to such use and filed such certificate as required by subdivision (6). [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-12; HRS §105-3; gen ch 1985]

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-4 Enforcement; duties of sheriffs and police officers.** The sheriff and the sheriff's deputies, or any police officer, within their respective jurisdictions, shall investigate any violation, or suspected violation of, and shall enforce section 105-1. [L 1949, c 389, pt of §1(d); RL 1955, §7-13; am L 1963, c 85, §3; HRS §105-4; gen ch 1985]

#### **Cross References**

Sheriff, etc., see §26-14.6.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-5 Penalties; dismissal.** Every person who violates section 105-1 shall be fined not more than \$50 or imprisoned not more than ten days, or both.

Any person, then being an appointed officer or an employee of the State or of any county, who is found guilty more than twice by a court of competent jurisdiction of violating section 105-1 may be dismissed or discharged from the person's office or employment, any provision of chapter 76, or of any other law, to the contrary notwithstanding. [L 1949, c 389, pt of §1(d); RL 1955, §7-14; HRS §105-5; gen ch 1985]

#### **Cross References**

Classification of offense and authorized punishment, see §§701-107, 706-640, 663.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-6 Inscription on state motor vehicles.** Unless excepted, every motor vehicle owned or controlled by the State shall bear on both sides thereof a facsimile of the state seal and beneath the seal the words "For Official Use Only" and the name of the department, commission, board, bureau, office, agency, or instrumentality thereof controlling or possessing such motor vehicle. This section shall not apply to such motor vehicles as are furnished the governor, lieutenant governor, chief justice of the supreme court, and the president of the University of Hawaii or to such motor vehicles as are used in any ridesharing program of the State, for undercover investigative work, law enforcement, and other functions as approved by the comptroller. Motor vehicles owned or controlled by the University of Hawaii may bear the University of Hawaii logo or seal, or both, in lieu of the state seal. [L 1919, c 227, pt of §2; RL 1945, pt of §463; am L 1949, c 389, pt of §1(b); RL 1955, §7-15; HRS §105-6; am L 1969, c 38, §1; am L 1981, c 49, §2; am L 1998, c 115, §14]

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-7 Inscription on county motor vehicles.** Unless excepted every motor vehicle owned or controlled by any county shall bear on both sides thereof the following inscription: "For Official Use Only". Underneath the inscription shall be the name or title of the county and the name of the department, commission, board, bureau, officer, agency, or instrumentality thereof controlling or possessing the motor vehicle; except that every motor vehicle owned or controlled by the board of water supply of the city and county of Honolulu shall bear on both sides thereof the following inscription: "Board of Water Supply - Conserve Water". This section shall not apply to motor vehicles that are furnished to the mayor of the city and county of Honolulu or to the chairperson and executive officer of the council of any county, or to the chief of police and deputy chief of police of the city and county and counties or manager of the board of water supply of the city and county of Honolulu. [L 1919, c 227, pt of §2; RL 1945, pt of §463; am L 1949, c 389, pt of §1(b); RL 1955, §7-16; HRS §105-7; gen ch 1993; am L 1998, c 124, §9]

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-8 Character of inscription.** The letters of such words as are required by sections 105-6 and 105-7 shall be painted or applied on all such motor vehicles in characters of a plain, bold size. [L 1919, c 227, pt of §2; RL 1945, §463; am L 1949, c 389, pt of §1(b); RL 1955, §7-17; HRS §105-8; am L 1969, c 38, §2]

[Previous](#)[Vol02\\_Ch0046-0115](#)[Next](#)

**§105-9 Duty of performance.** The duty of carrying out sections 105-6 to 105-8, insofar as they relate to motor vehicles, the property, or under the control, of the State, shall be vested in the comptroller, and, insofar as they relate to the several counties, shall be vested in the respective county councils, and insofar as they relate to independent boards and commissions having charge of their own funds shall be vested in the respective boards or commissions. [L 1919, c 227, §3; RL 1945, §464; am L 1949, c 389, §1(c); RL 1955, §7-18; am L Sp 1959 2d, c 1, §12; HRS §105-9]

**Revision Note**

"County councils" substituted for "boards of supervisors or city council".

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-10 Motor vehicles; shelter.** Except as otherwise permitted by section 105-2, every motor vehicle owned or controlled by the State, or by any county thereof, when not being used for official or governmental business or purposes, shall be kept in parking areas under cover if feasible at, or in the vicinity of, the office or place of business of the department, commission, board, bureau, officer, agency, or instrumentality controlling or possessing such motor vehicle. The comptroller, in the case of the State and the county councils, in the case of the counties, or the respective board or commission, in case of an independent board or commission having charge of its own funds, shall direct and see that this section is carried out, and, in that regard, each officer and each head of a department, commission, board, bureau, agency, or instrumentality controlling or possessing any such motor vehicle shall, when so directed, provide such parking areas and shelter for such motor vehicles controlled or possessed by him or it. [L 1949, c 389, pt of §1(d); RL 1955, §7-19; am L Sp 1959 2d, c 1, §12; HRS §105-10]

#### Revision Note

"County councils" substituted for "respective boards of supervisors or city council".

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**[§105-11] State motor pool revolving fund.** (a) There shall be in the state treasury, a state motor pool revolving fund for acquisition, operation, repair, maintenance, storage, and disposal of state-owned vehicles assigned to the motor pool.

(b) All proceeds collected from motor pool rentals shall be deposited in the state motor pool revolving fund and be expended by the comptroller to carry out the purposes of this section. [L 1986, c 68, §1]

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)