

CONCURRING OPINION BY GINOZA, J.

I concur in the result. I write separately because, based on the record in this case, there was no evidence that a good faith defense under Hawaii Revised Statutes (HRS) § 431:10C-117(a)(4) (2008 Supp.) applied, including no evidence that Defendant-Appellant David John Pascua (Pascua) borrowed the vehicle as required under subsection (C) of the statute. The uncontested evidence showed that Pascua was expected to work on the vehicle where it was parked on Zachary Pascua's (Zachary) ranch and there was no evidence of any expectation by Zachary or Pascua that Pascua would be borrowing the vehicle or operating it on any roadway. Given this record, I do not believe it is necessary to reach the question of whether Pascua was obligated to inquire about insurance.

*Jim M. King*