

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii's  
2 increasingly crowded streets and highways, as well as growing  
3 numbers of people who speed, drive while intoxicated, or drive  
4 recklessly, all contribute to making the driving environment a  
5 danger to other drivers and pedestrians. This is not only  
6 dangerous for all, but frustrating for those who choose to abide  
7 by Hawaii's highway safety laws and witness violators who  
8 receive often minimal penalties for breaking the laws.

9           The legislature further finds that by increasing the  
10 penalties and fines for inattention to driving, speeding, and  
11 driving while intoxicated, government sends the message that  
12 unsafe behavior on our roads is unacceptable. If violators must  
13 pay a higher price for breaking the law, perhaps it will deter  
14 people from making poor choices.

15           The purpose of this Act is to increase penalties and fines  
16 for violations under inattention to driving, speeding; and  
17 driving while intoxicated.



1 SECTION 2. Section 291-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§291-2 Reckless driving of vehicle or riding of animals;  
4 penalty. Whoever operates any vehicle or rides any animal  
5 recklessly in disregard of the safety of persons or property is  
6 guilty of reckless driving of vehicle or reckless riding of an  
7 animal, as appropriate, and shall be fined not more than  
8 [~~\$1,000~~] \$2,000 or imprisoned not more than thirty days, or  
9 both."

10 SECTION 3. Section 291-3.1, Hawaii Revised Statutes, is  
11 amended by amending subsection (c) to read as follows:

12 "(c) Any person violating this section shall be fined not  
13 more than [~~\$2,000~~] \$4,000 or imprisoned not more than thirty  
14 days, or both."

15 SECTION 4. Section 291-12, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§291-12 Inattention to driving. Whoever operates any  
18 vehicle without due care or in a manner as to cause a collision  
19 with, or injury or damage to, as the case may be, any person,  
20 vehicle or other property shall be fined not more than [~~\$500~~]  
21 \$1,000 or imprisoned not more than thirty days or both."



1 SECTION 5. Section 291C-102, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) If the maximum speed limit is exceeded by more than  
4 ten miles per hour, a surcharge of [~~\$10~~] \$20 shall be imposed,  
5 in addition to any other penalties, and shall be deposited into  
6 the neurotrauma special fund."

7 SECTION 6. Section 291C-103, Hawaii Revised Statutes, is  
8 amended by amending subsections (e) and (f) to read as follows:

9 "(e) Any person who violates this section, except  
10 subsection (d), shall be fined not more than [~~\$500~~] \$1,000 or  
11 imprisoned not more than six months, or both. Any person who  
12 violates subsection (d) shall be fined not more than [~~\$500~~]  
13 \$1,000 or be sentenced to perform [~~community service,~~]  
14 restitution in the community, or both.

15 (f) Any person who violates this section while operating a  
16 vehicle at a speed exceeding the posted speed limit by thirty  
17 miles per hour or more shall be subject to a fine of not more  
18 than [~~\$2,000,~~] \$4,000, a term of imprisonment of not more than  
19 one year, or both; provided that the following additional  
20 penalties shall also apply:



1 (1) For an offense that occurs within five years of a  
2 prior conviction, a [~~one-year~~] three-year license  
3 suspension;

4 (2) For an offense that occurs within five years of two  
5 prior convictions:

6 (A) A [~~three-year~~] six-year license suspension; and

7 (B) A vehicle owned by the defendant and used in the  
8 commission of the offense which has been used in  
9 at least two prior offenses that resulted in  
10 convictions may be ordered by the court to be  
11 subject to forfeiture under chapter 712A."

12 SECTION 7. Section 291C-104, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) to read as follows:

14 "(c) Any person who violates this section shall be fined  
15 [~~\$250-~~] \$500."

16 SECTION 8. Section 291C-105, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18 "(c) Any person who violates this section shall be guilty  
19 of a petty misdemeanor and shall be sentenced as follows without  
20 the possibility of probation or suspension of sentence:



- 1           (1) For a first offense not preceded by a prior conviction
- 2           for an offense under this section in the preceding
- 3           five years:
- 4           (A) A fine of not less than [~~\$500~~] \$1,000 and not
- 5           more than [~~\$1,000~~] \$2,000;
- 6           (B) [~~Thirty-day~~] Sixty-day prompt suspension of
- 7           license and privilege to operate a vehicle during
- 8           the suspension period, or the court may impose,
- 9           in lieu of the [~~thirty-day~~] sixty-day prompt
- 10          suspension of license, a minimum [~~fifteen-day~~]
- 11          thirty-day prompt suspension of license with
- 12          absolute prohibition from operating a vehicle
- 13          and, for the remainder of the [~~thirty-day~~]
- 14          sixty-day period, a restriction on the license
- 15          that allows the person to drive for limited
- 16          work-related purposes;
- 17          (C) Attendance in a course of instruction in driver
- 18          retraining;
- 19          (D) A surcharge of [~~\$25~~] \$50 to be deposited into the
- 20          neurotrauma special fund;
- 21          (E) An assessment for driver education pursuant to
- 22          section 286G-3; and



- 1 (F) Either one of the following:
  - 2 (i) Thirty-six hours of [~~community service~~
  - 3 ~~work,~~] restitution in the community; or
  - 4 (ii) Not less than forty-eight hours and not more
  - 5 than five days of imprisonment;
- 6 (2) For an offense that occurs within five years of a
- 7 prior conviction for an offense under this section,
- 8 by:
  - 9 (A) A fine of not less than [~~\$750~~] \$1,500 and not
  - 10 more than [~~\$1,000,~~] \$2,000;
  - 11 (B) Prompt suspension of license and privilege to
  - 12 operate a vehicle for a period of [~~thirty~~] sixty
  - 13 days with an absolute prohibition from operating
  - 14 a vehicle during the suspension period;
  - 15 (C) Attendance in a course of instruction in driver
  - 16 retraining;
  - 17 (D) A surcharge of [~~\$25~~] \$50 to be deposited into the
  - 18 neurotrauma special fund;
  - 19 (E) An assessment for driver education pursuant to
  - 20 section 286G-3; and
  - 21 (F) Either one of the following:



- 1 (i) Not less than one hundred twenty hours of  
2 [~~community service work,~~] restitution in the  
3 community; or
- 4 (ii) Not less than five days but not more than  
5 fourteen days of imprisonment of which at  
6 least forty-eight hours shall be served  
7 consecutively; and
- 8 (3) For an offense that occurs within five years of two  
9 prior convictions for offenses under this section, by:
- 10 (A) A fine of [~~\$1,000,~~] \$2,000;
- 11 (B) Revocation of license and privilege to operate a  
12 vehicle for a period of not less than ninety days  
13 but not more than [~~one year,~~] two years;
- 14 (C) Attendance in a course of instruction in driver  
15 retraining;
- 16 (D) No fewer than ten days but no more than thirty  
17 days of imprisonment of which at least  
18 forty-eight hours shall be served consecutively;
- 19 (E) A surcharge of [~~\$25~~] \$50 to be deposited into the  
20 neurotrauma special fund; and
- 21 (F) An assessment for driver education pursuant to  
22 section 286G-3."



1 SECTION 9. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 10. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect upon its approval.

7  
INTRODUCED BY: *Ronald H Baker*





**Report Title:**

Highway Safety; Inattention to Driving; Driving While Intoxicated; Speed

**Description:**

Amends various sections of HRS to increase penalties and fines for violations under inattention to driving, speeding; and driving while intoxicated.

