

STAND. COM. REP. NO. 285

Honolulu, Hawaii
Feb 18, 2009

RE: H.B. No. 1754
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1754 entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS,"

begs leave to report as follows:

The purpose of this bill is to amend Hawaii's excessive speeding law by exempting the offense of excessive speeding from the requirement to provide proof of financial responsibility that accompanies a license suspension or revocation.

The Office of the Public Defender (OPD) supported this bill with proposed amendments. The Department of Transportation, GEICO, the Hawaii Insurers Council, and State Farm Insurance Companies testified in opposition to this measure.

Current law requires license recertification for drivers convicted of excessive speeding. A driver whose license has been revoked must show proof of financial responsibility, also known as the SR-22 requirement, before they may regain their license. The SR-22 provision requires drivers to post \$25,000 in cash or bonds. While it is possible to obtain insurance as proof of financial responsibility, this coverage is often costly. The provision was enacted to ensure that risky drivers are financially responsible when they drive and to serve as a deterrent to speeding, especially excessive speeding, which has been a major contributing factor in numerous traffic crashes.

HB1754 HD1 HSCR TRN HMS 2009-2245




However, your Committee notes that OPD has reported an increase in court cases because persons convicted of excessive speeding are not able to enter a deferred acceptance of guilty plea and avoid a criminal record. In addition, many want to avoid the SR-22 requirement. These drivers, who are oftentimes one-time and not repeat offenders, take their case to trial therefore causing court calendars to be congested.

Your Committee finds that the sentencing provisions for excessive speeding for first-time offenders may be too harsh. Accordingly, your Committee has amended this measure by:

- (1) Eliminating the provision for a 30-day license suspension or 15-day suspension with limited driving privileges for work-related purposes for first time offenders;
- (2) Decriminalizing the offense of excessive speeding for first time offenders;
- (3) Eliminating the community service and imprisonment penalty options for first time offenders; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1754, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1754, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 1754	Committee Referral: TRN, JUD	Date: 2/14/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	✓			
2. AWANA, Karen Leinani (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HANOHANO, Faye P.	✓			
5. KEITH-AGARAN, Gilbert S.C.	✓			
6. LEE, Marilyn B.	✓			
7. NAKASHIMA, Mark M.				✓
8. RHOADS, Karl		✓		
9. SAIKI, Scott K.				✓
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos				✓
TOTAL (12)	8	1	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <i>Karen Leinani</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				