
A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

1 SECTION 1. Section 287-20, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Whenever a driver's license has been suspended or
4 revoked:

5 (1) Pursuant to section 291E-65 or part III of chapter
6 291E, except as provided in section 291E-41(f);

7 (2) Upon a conviction of any offense pursuant to law; or

8 (3) In the case of minors, pursuant to part V of chapter
9 571,

10 the license shall not at any time thereafter be issued to the
11 person whose license has been suspended or revoked, nor shall
12 the person thereafter operate a motor vehicle, unless and until
13 the person has furnished and thereafter maintains proof of
14 financial responsibility; provided that this section shall not
15 apply to a license suspended pursuant to section 291E-61(b)(1)
16 or (b)(2) or section 291E-64(b)(1), any conviction of a moving
17 violation, any administrative license suspension pursuant to



1 chapter 291A, or the first conviction within a five-year period
2 for driving without a valid motor vehicle insurance policy.

3 This subsection shall not apply to a suspension or
4 revocation of a license under section 291C-105 or to a
5 provisional license under section 286-102.6(d)."

6 SECTION 2. Section 291C-105, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§291C-105 **Excessive speeding.** (a) No person shall drive
9 a motor vehicle at a speed exceeding:

- 10 (1) The applicable state or county speed limit by thirty
11 miles per hour or more; or
12 (2) Eighty miles per hour or more irrespective of the
13 applicable state or county speed limit.

14 (b) For the purposes of this section, "the applicable
15 state or county speed limit" means:

- 16 (1) The maximum speed limit established by county
17 ordinance;
18 (2) The maximum speed limit established by official signs
19 placed by the director of transportation on highways
20 under the director's jurisdiction; or
21 (3) The maximum speed limit established pursuant to
22 section 291C-104 by the director of transportation or



1 the counties for school zones and construction areas
2 in their respective jurisdictions.

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

6 (1) For a first offense not preceded by a prior conviction
7 for an offense under this section in the preceding
8 five years:

9 (A) A fine of not less than \$500 and not more than
10 \$1,000;

11 (B) Thirty-day prompt suspension of license and
12 privilege to operate a vehicle during the
13 suspension period, or the court may impose, in
14 lieu of the thirty-day prompt suspension of
15 license, a minimum fifteen-day prompt suspension
16 of license with absolute prohibition from
17 operating a vehicle and, for the remainder of the
18 thirty-day period, a restriction on the license
19 that allows the person to drive for limited work-
20 related purposes;

21 (C) Attendance in a course of instruction in driver
22 retraining;



- 1 (D) A surcharge of \$25 to be deposited into the
- 2 neurotrauma special fund;
- 3 (E) May be charged a surcharge of up to \$100 to be
- 4 deposited into the trauma system special fund if
- 5 the court so orders;
- 6 (F) An assessment for driver education pursuant to
- 7 section 286G-3; and
- 8 (G) Either one of the following:
 - 9 (i) Thirty-six hours of community service work;
 - 10 or
 - 11 (ii) Not less than forty-eight hours and not more
 - 12 than five days of imprisonment;
- 13 (2) For an offense that occurs within five years of a
- 14 prior conviction for an offense under this section,
- 15 by:
 - 16 (A) A fine of not less than \$750 and not more than
 - 17 \$1,000;
 - 18 (B) Prompt suspension of license and privilege to
 - 19 operate a vehicle for a period of thirty days
 - 20 with an absolute prohibition from operating a
 - 21 vehicle during the suspension period;



- 1 (C) Attendance in a course of instruction in driver
- 2 retraining;
- 3 (D) A surcharge of \$25 to be deposited into the
- 4 neurotrauma special fund;
- 5 (E) May be charged a surcharge of up to \$100 to be
- 6 deposited into the trauma system special fund if
- 7 the court so orders;
- 8 (F) An assessment for driver education pursuant to
- 9 section 286G-3; and
- 10 (G) Either one of the following:
 - 11 (i) Not less than one hundred twenty hours of
 - 12 community service work; or
 - 13 (ii) Not less than five days but not more than
 - 14 fourteen days of imprisonment of which at
 - 15 least forty-eight hours shall be served
 - 16 consecutively; and
- 17 (3) For an offense that occurs within five years of two
- 18 prior convictions for offenses under this section, by:
 - 19 (A) A fine of \$1,000;
 - 20 (B) Revocation of license and privilege to operate a
 - 21 vehicle for a period of not less than ninety days
 - 22 but not more than one year;



1 (C) Attendance in a course of instruction in driver
2 retraining;

3 (D) No fewer than ten days but no more than thirty
4 days of imprisonment of which at least forty-
5 eight hours shall be served consecutively;

6 (E) A surcharge of \$25 to be deposited into the
7 neurotrauma special fund;

8 (F) May be charged a surcharge of up to \$100 to be
9 deposited into the trauma system special fund if
10 the court so orders; and

11 (G) An assessment for driver education pursuant to
12 section 286G-3.

13 (d) The requirement to provide proof of financial
14 responsibility pursuant to section 287-20 shall not apply to a
15 sentence imposed under this section."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18 INTRODUCED BY: Edmund H. By

JAN 28 2009



Report Title:

Traffic Violations; Excessive Speeding; Proof of Financial Responsibility

Description:

Exempts excessive speeding from the requirement to provide proof of financial responsibility from a license suspension or revocation.

