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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. Section 286G-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Driver education assessments of:

4 (1) \$100 shall be levied on persons convicted under  
5 section 291E-61 or 291E-61.5 to defray costs of  
6 services provided by the driver education and training  
7 program;

8 (2) \$50 shall be levied on persons required to attend [a]:

9 (A) A child passenger restraint system safety class  
10 under section 291-11.5; [~~and~~] or

11 (B) An anger management or driver training course  
12 under section 291-2(b); and

13 (3) \$75 shall be levied on persons convicted under section  
14 291C-105 to defray costs of services provided by the  
15 driver education and training program."

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



1           "§291-2 Reckless driving of vehicle or riding of animals;  
2 **penalty.** (a) Whoever operates any vehicle or rides any animal  
3 recklessly in disregard of the safety of other persons or the  
4 person's self or property is guilty of reckless driving of  
5 vehicle or reckless riding of an animal, as appropriate, and  
6 shall be fined not more than [~~\$1,000~~] \$2,500 or imprisoned not  
7 more than thirty days, or both.

8           (b) If a judge finds a defendant guilty of the offense of  
9 reckless driving and finds that the defendant committed two or  
10 more traffic violations under part IV, V, VI, VIII, or X of  
11 Chapter 291C, then the judge shall impose the following:

12           (1) For a first offense not preceded by a prior conviction  
13 for an offense under this section in the preceding  
14 five years:

15           (A) A fine of not less than \$500 and not more than  
16 \$1,000;

17           (B) Thirty-day prompt suspension of license and  
18 privilege to operate a vehicle during the  
19 suspension period, or the court may impose, in  
20 lieu of the thirty-day prompt suspension of  
21 license, a minimum fifteen-day prompt suspension  
22 of license with absolute prohibition from



1           operating a vehicle and, for the remainder of the  
2           thirty-day period, a restriction on the license  
3           that allows the person to drive for limited  
4           work-related purposes;

5           (C) Attendance in a course of instruction for anger  
6           management and driver training;

7           (D) An assessment for driver education pursuant to  
8           section 286G-3; and

9           (E) Either one of the following:

10           (i) Thirty-six hours of community service work;

11                   or

12           (ii) Not less than forty-eight hours and not more  
13           than five days of imprisonment;

14           (2) For an offense that occurs within five years of a  
15           prior conviction for an offense under this  
16           section:

17           (A) A fine of not less than \$750 and not more than  
18           \$1,500;

19           (B) Ninety-day prompt suspension of license and  
20           privilege to operate a vehicle during the  
21           suspension period, or the court may impose, in  
22           lieu of the ninety-day prompt suspension of



- 1           license, a minimum forty five-day prompt  
2           suspension of license with absolute prohibition  
3           from operating a vehicle and for the remainder of  
4           the ninety-day period a restriction on the  
5           license that allows the person to drive for  
6           limited work-related purposes;
- 7           (C) Attendance in a course of instruction for anger  
8           management and driver training;
- 9           (D) An assessment for driver education pursuant to  
10           section 286G-3; and
- 11           (E) Either one of the following:
- 12                (i) Not less than one hundred twenty hours of  
13                community service work; or
- 14                (ii) Not less than five days, but not more than  
15                fourteen days of imprisonment of which at  
16                least forty-eight hours shall be served  
17                consecutively; and
- 18           (3) For an offense that occurs within five years of two  
19           prior convictions for offenses under this section:
- 20                (A) A fine of \$1,000-\$2,500;
- 21                (B) Revocation of license and privilege to operate a



- 1                    vehicle for a period of not less than ninety
- 2                    days, but not more than one year;
- 3                    (C) Attendance in a course of instruction for anger
- 4                    management and drivers training;
- 5                    (D) An assessment for driver education pursuant to
- 6                    section 286G-3;
- 7                    (E) No fewer than ten days, but no more than thirty
- 8                    days of imprisonment, of which at least
- 9                    forty-eight hours shall be served consecutively.

10                    (c) A conviction and sentence for reckless driving or  
 11 riding of an animal recklessly shall not preclude a conviction  
 12 for another traffic violation arising out of the same course of  
 13 action."

14                    SECTION 3. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun, before its effective date.

17                    SECTION 4. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material in underscored.

19                    SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 

H.B. NO. 484

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JAN 23 2009



**Report Title:**

Highway; safety; reckless driving; traffic violations

**Description:**

Strengthens the current reckless driving penalties for individuals guilty of two or more traffic violations under the State's Traffic Code.

