

JAN 26 2009

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

7 (b) A person committing the offense of reckless driving
8 shall be sentenced as follows without the possibility of
9 probation or suspension of sentence:

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

13 (A) A fine of not less than \$500 and not more than
14 \$1,000;

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



- 1 that allows the person to drive for limited work
2 related purposes;
- 3 (C) Attendance in a course of instruction for anger
4 management or driver training, or both;
- 5 (D) An assessment for driver education pursuant to
6 section 286G-3; and
- 7 (E) One of the following:
- 8 (i) Thirty-six hours of community service work;
9 or
- 10 (ii) Not less than forty-eight hours and not more
11 than five days of imprisonment;
- 12 (2) For an offense that occurs within five years of a
13 prior conviction for an offense under this section:
- 14 (A) A fine of not less than \$750 and not more than
15 \$1,500;
- 16 (B) Ninety-day prompt suspension of license and
17 privilege to operate a vehicle during the
18 suspension period, or the court may impose, in
19 lieu of the ninety-day prompt suspension of
20 license, a minimum forty-five-day prompt
21 suspension of license with absolute prohibition
22 from operating a vehicle and for the remainder of



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



- 1 management or drivers training, or both;
- 2 (D) An assessment for driver education pursuant to
- 3 section 286G-3; and
- 4 (E) No fewer than ten days, but no more than thirty
- 5 days of imprisonment, of which at least
- 6 forty-eight hours shall be served consecutively.

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

11 SECTION 3. This Act does not affect rights and duties that
 12 matured, penalties that were incurred, and proceedings that were
 13 begun, before its effective date.

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

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

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INTRODUCED BY:

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Report Title:

Highway; Safety; Reckless Driving; Traffic Violations

Description:

Clarifies penalties for first-time offenders and repeat offenders guilty of one or more traffic violations under the traffic code.

