

JAN 20 2010

S.B. NO. 2195

A BILL FOR AN ACT

RELATING TO THE STATEWIDE TRAFFIC CODE.

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

1 SECTION 1. Section 291C-105, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

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[+] by probation on the following
9 conditions:

10 (A) A fine of not less than \$500 and not more than
11 \$1,000;

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



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

4 (C) Attendance in a course of instruction in driver
5 retraining;

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

8 (E) 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;

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

13 (G) Either one of the following:

14 (i) Thirty-six hours of community service work;
15 or

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

18 (2) For an offense that occurs within five years of a
19 prior conviction for an offense under this section,
20 by[+] probation on the following conditions:

21 (A) A fine of not less than \$750 and not more than
22 \$1,000;



- 1 (B) Prompt suspension of license and privilege to
- 2 operate a vehicle for a period of thirty days
- 3 with an absolute prohibition from operating a
- 4 vehicle during the suspension period;
- 5 (C) Attendance in a course of instruction in driver
- 6 retraining;
- 7 (D) A surcharge of \$25 to be deposited into the
- 8 neurotrauma special fund;
- 9 (E) May be charged a surcharge of up to \$100 to be
- 10 deposited into the trauma system special fund if
- 11 the court so orders;
- 12 (F) An assessment for driver education pursuant to
- 13 section 286G-3; and
- 14 (G) [~~Either one~~] One of the following:
- 15 (i) Not less than one hundred twenty hours of
- 16 community service work; [~~or~~]
- 17 (ii) Not less than five days but not more than
- 18 fourteen days of imprisonment of which at
- 19 least forty-eight hours shall be served
- 20 consecutively; [~~and~~] or
- 21 (iii) Probation.



- 1 (3) For an offense that occurs within five years of two
2 prior convictions for offenses under this section,
3 by[+] probation on the following conditions:
4 (A) A fine of \$1,000;
5 (B) Revocation of license and privilege to operate a
6 vehicle for a period of not less than ninety days
7 but not more than one year;
8 (C) Attendance in a course of instruction in driver
9 retraining;
10 (D) No fewer than ten days but no more than thirty
11 days of imprisonment of which at least forty-
12 eight hours shall be served consecutively;
13 (E) A surcharge of \$25 to be deposited into the
14 neurotrauma special fund;
15 (F) May be charged a surcharge of up to \$100 to be
16 deposited into the trauma system special fund if
17 the court so orders; and
18 (G) An assessment for driver education pursuant to
19 section 286G-3."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



Report Title:

Statewide Traffic Code; Excessive Speeding; Probation

Description:

Allows probation as a penalty for excessive speeding.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

