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# 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~~] subsection (a) shall be sentenced as  
5 follows without the possibility of probation or suspension of  
6 sentence:

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

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~~  
19 ~~thirty day period, a restriction on the license~~  
20 ~~that allows the person to drive for limited work-~~  
21 ~~related purposes,]~~



- 1       ~~[(C)]~~ (B) Attendance in a course of instruction in driver
- 2                               retraining;
- 3       ~~[(D)]~~ (C) A surcharge of \$25 to be deposited into the
- 4                               neurotrauma special fund;
- 5       ~~[(E)]~~ (D) 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; and
- 8       ~~[(F)]~~ (E) An assessment for driver education pursuant to
- 9                               section 286G-3; [~~and~~
- 10                              ~~(G) Either one of the following:~~
- 11                              ~~(i) Thirty six hours of community service work;~~
- 12                              ~~or~~
- 13                              ~~(ii) Not less than forty eight hours and not more~~
- 14                              ~~than five days of imprisonment;]~~
- 15       (2) For an offense that occurs within five years of a
- 16                              prior conviction for an offense under this section,
- 17                              ~~[by:]~~ the person shall be guilty of a petty
- 18                              misdemeanor and subject to:
- 19                              (A) A fine of not less than \$750 and not more than
- 20                              \$1,000;
- 21                              (B) Prompt suspension of license and privilege to
- 22                              operate a vehicle for a period of thirty days

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



- 1 (A) A fine of \$1,000;
- 2 (B) Revocation of license and privilege to operate a
- 3 vehicle for a period of not less than ninety days
- 4 but not more than one year;
- 5 (C) Attendance in a course of instruction in driver
- 6 retraining;
- 7 (D) No fewer than ten days but no more than thirty
- 8 days of imprisonment of which at least forty-
- 9 eight hours shall be served consecutively;
- 10 (E) A surcharge of \$25 to be deposited into the
- 11 neurotrauma special fund;
- 12 (F) May be charged a surcharge of up to \$100 to be
- 13 deposited into the trauma system special fund if
- 14 the court so orders; and
- 15 (G) An assessment for driver education pursuant to
- 16 section 286G-3.

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

20 SECTION 3. Statutory material to be repealed is bracketed  
 21 and stricken. New statutory material is underscored.

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



**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. Decriminalizes the offense for first-time  
offenders. Removes license suspension for first-time offenders.  
(HB1754 HD1)

