

JAN 22 2010

A BILL FOR AN ACT

RELATING TO EXCESSIVE SPEEDING.

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:

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



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]:

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 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



- 1 (3) For an offense that occurs within five years of two
2 prior convictions for offenses under this section[~~7~~
3 ~~by~~]:
- 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 [~~-~~]; and
- 20 (H) A vehicle owned by the defendant, used in the
21 commission of the offense, and used by the
22 defendant in at least two prior convictions for



1 offenses under this section may be ordered by the
 2 court to be subject to forfeiture under chapter
 3 712A."

4 SECTION 2. This Act does not affect rights and duties that
 5 matured, penalties that were incurred, and proceedings that were
 6 begun before its effective date.

7 SECTION 3. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

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

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Report Title:

Excessive Speeding; Punishment; Forfeiture of Vehicle

Description:

Authorizes the court, in its discretion, to order forfeiture of a defendant's vehicle if it was used in the commission of the excessive speeding offense and in at least two prior excessive speeding convictions.

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

