

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(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 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
2 work-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) Either 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
14 section:

15 (A) A fine of not less than \$750 and not more than
16 \$1,500;

17 (B) Ninety-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 ninety-day prompt suspension of
21 license, a minimum forty-five-day prompt
22 suspension of license with absolute prohibition

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

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

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

9 (E) Either one of the following:

10 (i) Not less than one hundred twenty hours of
11 community service work; or

12 (ii) Not less than five days, but not more than
13 fourteen days of imprisonment of which at
14 least forty-eight hours shall be served
15 consecutively; and

16 (3) For an offense that occurs within five years of two
17 prior convictions for offenses under this section:

18 (A) A fine of not less than \$1,000 and not more than
19 \$2,500;

20 (B) Revocation of license and privilege to operate a
21 vehicle for a period of not less than ninety
22 days, but not more than one year;

1 (C) Attendance in a course of instruction for anger
2 management or drivers training, or both;

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

5 (E) No fewer than ten days, but no more than thirty
6 days of imprisonment, of which at least
7 forty-eight hours shall be served consecutively.

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

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

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 Statutory material to be repealed is bracketed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

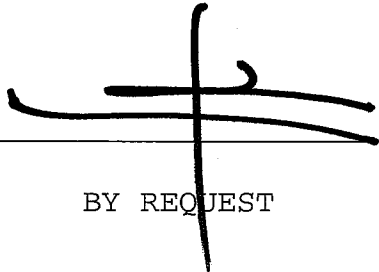
17 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:


BY REQUEST

Report Title:

Highway; Safety; Reckless Driving; Traffic Violations

Description:

Modifies the current reckless driving law to include defined penalties for first-time offenders and repeat offenders guilty of one or more traffic violations under the State's Traffic Code.

SB 977

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY.

PURPOSE: To modify the current reckless driving law to include defined penalties for first-time offenders and repeat offenders guilty of one or more traffic violations under the State's Traffic Code.

MEANS: Amend sections 286G-3(b) and 291-2, Hawaii Revised Statutes.

JUSTIFICATION: The Fatality Analysis Reporting System (FARS) data discloses for the calendar years of 2005 through 2007 within the State of Hawaii, there were a total of 398 fatal motor vehicle crashes that resulted in 439 fatalities. The FARS data further reveals that of those 398 fatal motor vehicle crashes, 133 or 33.4 percent involved drivers that exhibited characteristics of a reckless driver - such as driving too fast for conditions or in excess of posted speed limit or racing; failure to yield right of way; operating vehicle in erratic, reckless, careless or negligent manner; and failure to obey traffic signs, signals, etc. - that resulted in 144 (or 32.8 percent) fatalities.

The Department of Transportation believes that the expansion of the reckless driving statutes to impose more defined penalties for first-time and repeat offenders would enable the courts to adequately address the dangerous and habitual behavior that poses unnecessary risk to other roadway users.

For a first offense that is not preceded by a prior conviction in the past five years, the judge shall impose the following:

- \$500 to \$1,000 fine

- 15 to 30-day license and operating suspension
- attendance in a course of anger management or driver training, or both
- an assessment for driver education
- 36 hours of community service work or
- 2 to 5 days of imprisonment

For an offense within 5 years of a prior conviction, the judge shall impose the following:

- \$750 to \$1,500 fine
- 45 to 90-day license and operating suspension
- attendance in a course of anger management or driver training, or both
- an assessment for driver education
- not less than 120 hours of community service work or
- 5 to 14 days of imprisonment

For an offense within 5 years of two prior convictions, the judge shall impose the following:

- \$1,000 to \$2,500 fine
- revocation of license and privilege to operate a vehicle for a period of not less than 90 days, but not more than one year
- attendance in a course of anger management or driver training, or both
- an assessment for driver education or
- 10 to 30 days of imprisonment

Impact on the public: The proposed legislation to further define the penalties for reckless drivers will be a deterrent and result in a safer roadway to use.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PBS PROGRAM
DESIGNATION: TRN 595.

OTHER AFFECTED
AGENCIES: County Police Departments, County
Prosecutors

EFFECTIVE DATE: Upon approval.