

79

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 1052
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 1052 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the driver education assessment to be levied on persons required to attend an anger management or driver training course; and
- (2) Impose stricter penalties for reckless driving or riding of animals.

Your Committee received testimony in support of this measure from the Department of Transportation. Testimony in opposition was received from the Office of the Public Defender. Comments were received from the Judiciary. Copies of written testimony are available for review on the Legislature's website.

The current penalty for reckless driving is a fine of not more than \$1,000 or imprisonment of not more than thirty days, or both. This measure repeals the current penalty and adds a tiered system of penalties for the first and subsequent offenses, including a combination of fines, suspension or revocation of license for a specified number of days, community service,



attendance in an anger management course or drivers training or both, and imprisonment.

The current fine for reckless driving has existed at least from 1955 (Revised Laws of Hawaii, section 311-1). The current penalty of imprisonment of was enacted by Act 287, Session Laws of Hawaii 1998, which lowered the length of imprisonment from one year to thirty days.

Your Committee finds that the tiered system of penalties in this measure reflects other penalties in the traffic code for repeat driving offenses of a serious nature. The intent is to provide progressively stricter penalties for repeat offenders as a matter of punishment and deterrence.

Your Committee has amended this measure by:

- (1) Clarifying the penalty for a first offense to apply if a court has not deferred proceedings on the plea, on recommendation of the Department of Transportation;
- (2) Exempting a first offense from the requirement of providing proof of financial responsibility, on recommendation of the Department of Transportation; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Transportation, International and Intergovernmental Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1052, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1052, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,
International and
Intergovernmental Affairs,


J. KALANI ENGLISH, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1052	TIA, JGO	2-10-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)				✓
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Will Espo</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes