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# 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  
18 thirty-day period, a restriction on the license



- 1                   that allows the person to drive for limited work-  
2                   related purposes;
- 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]~~ If the court so orders, a  
8           surcharge of up to \$100 to be deposited into the  
9           trauma system special fund ~~[if the court so~~  
10           ~~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]~~ but  
17               not more 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]~~ If the court so orders, a  
10 surcharge of up to \$100 to be deposited into the  
11 trauma system special fund ~~[if the court so~~  
12 ~~orders]~~;
- 13 (F) An assessment for driver education pursuant to  
14 section 286G-3; and
- 15 (G) Either one of the following:
- 16 (i) Not less than one hundred twenty hours of  
17 community service work; or
- 18 (ii) Not less than five days but not more than  
19 fourteen days of imprisonment of which at  
20 least forty-eight hours shall be served  
21 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]~~ If the court so orders, a  
16          surcharge of up to \$100 to be deposited into the  
17          trauma system special fund ~~[if the court so~~  
18          orders; and];
- 19          (G) An assessment for driver education pursuant to  
20          section 286G-3 ~~[~~7~~]; and~~
- 21          (H) If the court so orders, forfeiture under chapter  
22          712A of any vehicle owned by the defendant that



1                   is used in the commission of the offense if the  
2                   defendant has at least two prior convictions for  
3                   offenses under this section."

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 on July 1, 2050.

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**Report Title:**

Excessive Speeding; Repeat Offender; Forfeiture of Vehicle

**Description:**

Authorizes the court to order forfeiture of any vehicle owned by the defendant if it was used in the commission of the excessive speeding offense and if the defendant has at least two prior excessive speeding convictions. Effective 7/1/2050. (SD2)

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

