

JAN 18 2013

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~~[7~~
- 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]~~ i;
- 19 (G) An assessment for driver education pursuant to
- 20 section 286G-3 ~~[7]~~ ; and
- 21 (H) If the court so orders, posting of a bond equal
- 22 to the market value of the vehicle used in the



1 commission of the offense, with return of the
 2 bond contingent on completion of driver
 3 education, no additional excessive speeding
 4 offenses within a certain time period, and any
 5 other conditions the court may impose."

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

9 SECTION 3. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2013.

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JM
[Signature]



S.B. NO. 574

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

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