
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to:

2 (1) Increase the penalty for a third or subsequent offense
3 involving the unauthorized driving or operation of
4 motor vehicles to a class C felony; and

5 (2) Authorize the court, as part of the person's
6 sentencing for the third or subsequent offense, to
7 order that the vehicle used by the person in the
8 commission of the offense be subject to forfeiture.

9 SECTION 2. Section 286-136, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~§286-136~~ **Penalty.** (a) [~~Except as provided in subsection~~
12 ~~(b), any~~] Any person who violates section 286-102, 286-122, 286-
13 130, 286-131, 286-132, 286-133, or 286-134 shall be [~~fin~~ed]
14 penalized as follows:

15 (1) For a first offense, or any offense not preceded
16 within a five-year period for the same offense, the
17 person shall pay a fine of no more than \$1,000 or



1 ~~[imprisoned]~~ serve a term of imprisonment of no more
2 than thirty days, or both~~[- Any person who violates~~
3 ~~any other section in this part shall be fined no more~~
4 ~~than \$1,000.]~~;

5 ~~[(b) Any person who is convicted of violating section~~
6 ~~286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134~~
7 ~~shall be subject to]~~

8 (2) For an offense that occurs within five years of a
9 prior conviction for the same offense, the person
10 shall pay a minimum fine of \$500 and a maximum fine of
11 \$1,000, or [imprisoned] serve a term of imprisonment
12 of no more than one year, or both~~[, if the person has~~
13 ~~two or more prior convictions for the same offense in~~
14 ~~the preceding five-year period.]~~; or

15 (3) For an offense that occurs within five years of two or
16 more prior convictions for the same offense, the
17 person shall be guilty of a class C felony; provided
18 that the court, as part of the person's sentencing,
19 may order that the vehicle used by the person in the
20 commission of the offense be subject to forfeiture
21 under chapter 712A.



1 (b) Any person who violates any other section in this part
2 shall be fined no more than \$1,000.

3 (c) Notwithstanding subsections (a) and (b), a minor under
4 the age of eighteen under the jurisdiction of the family court
5 who is subject to this section shall either lose the right to
6 drive a motor vehicle until the age of eighteen or be subject to
7 a fine of \$500.

8 (d) Any person subject to a fine under this section and
9 who fails to timely pay the fine shall be given an opportunity
10 to petition the court to demonstrate that the person's
11 nonpayment or inability to pay is not wilful; provided that if
12 the person petitions the court, the court shall make an
13 individualized assessment of the person's ability to pay based
14 upon the totality of the circumstances, including the person's
15 disposable income, financial obligations, and liquid assets;
16 provided further that if the court determines that the person's
17 nonpayment or inability to pay is not wilful, the court may
18 enter an order that allows additional time for payment; reduces
19 the amount of each installment; revokes the fee or fine, or
20 unpaid portion thereof, in whole or in part; or converts any
21 outstanding fine to community service."



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

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on January 1, 3000.



Report Title:

Vehicles; Driving; Highways; Operating; Licenses; Penalties

Description:

Increases the penalty for a third or subsequent offense involving the unauthorized driving or operation of motor vehicles to a class C felony. Authorizes the court, as part of the person's sentencing for the third or subsequent offense, to order that the vehicle used by the person in the commission of the offense be subject to forfeiture. Effective 1/1/3000.
(HD2)

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