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# 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,  
13 286-130, 286-131, 286-132, 286-133, or 286-134 shall be ~~[fined]~~  
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 July 1, 2024.



**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. Takes effect 7/1/2024.  
(SD1)

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