S.B. NO. 97 S.D. 2 H.D. 2 C.D. 1

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1		PART I
2	SEC	TION 1. Section 291C-105, Hawaii Revised Statutes, is
3	amended ⁻	to read as follows:
4	"§2:	91C-105 Excessive speeding. (a) No person shall drive
5	a motor	vehicle at a speed exceeding:
6	(1)	The applicable state or county speed limit by thirty
7		miles per hour or more; or
8	(2)	Eighty miles per hour or more irrespective of the
9		applicable state or county speed limit.
10	(b)	For the purposes of this section, "the applicable
11	state or	county speed limit" means[+] the maximum speed limit
12	establis	ned:
13	(1)	[The maximum speed-limit established by] By county
14		ordinance;
15	(2)	[The maximum speed limit established by] <u>By</u> official
16		signs placed by the director of transportation on
17		highways under the director's jurisdiction; or

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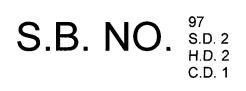
1	(3)	[The	maximum speed limit established pursuant]
2		Purs	uant to section 291C-104 by the director of
3		tran	sportation or the counties for school zones and
4		cons	truction areas in their respective jurisdictions.
5	(C)	Any	person who violates [this section] <u>subsection (a)</u>
6	shall be	guilt	y of a petty misdemeanor and shall be sentenced as
7	follows w	ithou	t the possibility of probation or suspension of
8	sentence:		
9	(1)	For	a first offense not preceded by a prior conviction
10		for	an offense under [this section] <u>subsection (a)</u> in
11		the	preceding five years:
12		(A)	A fine of not less than \$500 and not more than
13			\$1,000;
14		(B)	Thirty-day prompt suspension of license and
15			privilege to operate a vehicle during the
16			suspension period, or the court may impose, in
17			lieu of the thirty-day prompt suspension of
18			license, a minimum fifteen-day prompt suspension
19			of license with absolute prohibition from
20			operating a vehicle and, for the remainder of the
21			thirty-day period, a restriction on the license

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1			that allows the person to drive for limited
2			work-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			<pre>neurotrauma special fund[+] under section 321H-4;</pre>
7		(E)	[May be charged a] <u>A</u> surcharge of [up to] <u>not</u>
8			more than \$100 to be deposited into the trauma
9			system special fund <u>under section 321-22.5</u> , if
10			the court so 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 not more
17			than five days of imprisonment; and
18	(2)	For	an offense that occurs within five years of a
19		prio	r conviction for an offense under [this section,
20		by:]	subsection (a):

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1	(A)	A fine of not less than \$750 and not more than
2		\$1,000;
3	(B)	Prompt suspension of license and privilege to
4		operate a vehicle for a period of thirty days
5		with an absolute prohibition from operating a
6		vehicle during the suspension period;
7	(C)	Attendance in a course of instruction in driver
8		retraining;
9	(D)	A surcharge of \$25 to be deposited into the
10		<pre>neurotrauma special fund[+] under section 321H-4;</pre>
11	(E)	[May be charged a] <u>A</u> surcharge of [up to] <u>not</u>
12		more than \$100 to be deposited into the trauma
13		system special fund <u>under section 321-22.5</u> , if
14		the court so orders;
15	(F)	An assessment for driver education pursuant to
16		section 286G-3; and
17	(G)	Either one of the following:
18		(i) Not less than one hundred twenty hours of
19		community service work; or
20		(ii) Not less than five days but not more than
21		fourteen days of imprisonment of which at

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1			least forty-eight hours shall be served
2			consecutively[; and
3	(3)	For	an offense that occurs within five years of two
4		prio	r convictions for offenses under this section, by:
5		-(A)-	A fine of \$1,000;
6		(B)	Revocation of license and privilege to operate a
7			vehicle for a period of not less than ninety days
8			but not more than one year;
9		(C)	Attendance in a course of instruction in driver
10			retraining;
11		(D)	No fewer than ten days but no more than thirty
12			days of imprisonment of which at least forty-
13			eight hours shall be served consecutively;
14		(E)	A surcharge of \$25 to be deposited into the
15			neurotrauma special fund;
16		(F)	May be charged a surcharge of up to \$100 to be
17			deposited into the trauma system special fund if
18			the court-so orders; and
19		(G)	An-assessment-for driver-education pursuant-to
20			section 2866-3].

1	(d)	Notwithstanding subsection (c), any person who			
2	violates	subsection (a) within five years of two prior			
3	convictions for the same offense shall be guilty of a				
4	misdemean	or and shall be sentenced as follows without the			
5	possibili	ty of probation or suspension of sentence:			
6	(1)	A mandatory minimum jail sentence of thirty days;			
7	(2)	Revocation of license and privilege to operate a			
8		vehicle for a period of not less than ninety days but			
9		not more than six months;			
10	(3)	Attendance in a course of instruction in driver			
11		retraining;			
12	(4)	A surcharge of \$25 to be deposited into the			
13		neurotrauma special fund under section 321H-4;			
14	(5)	A surcharge of not more than \$100 to be deposited into			
15		the trauma system special fund under section 321-22.5,			
16		if the court so orders;			
17	(6)	An assessment for driver education pursuant to section			
18		286G-3; and			
19	(7)	That the vehicle used in the commission of the offense			
20		be subject to forfeiture under chapter 712A, if the			
21		court so orders."			



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1	PART II
2	SECTION 2. Chapter 291L, Hawaii Revised Statutes, is
3	amended by adding a new section to be appropriately designated
4	and to read as follows:
5	" <u>§291L-</u> Penalty. (a) The penalties for noncompliance
6	with the maximum speed limit under an automated speed
7	enforcement system shall be as provided in sections 291C-108 and
8	<u>291C-161.</u>
9	(b) Any summons or citations issued or convictions
10	resulting from this chapter shall not be recorded on a person's
11	traffic abstract and shall not be used for insurance purposes in
12	the provision of motor vehicle insurance coverage."
13	SECTION 3. Section 291L-5, Hawaii Revised Statutes, is
14	amended as follows:
15	1. By amending subsection (a) to read:
16	"(a) Notwithstanding any law to the contrary and except as
17	otherwise provided in this chapter, beginning January 1, 2025,
18	whenever any motor vehicle is determined, by means of an
19	automated speed enforcement system, to have [exceeded-the posted
20	maximum-speed limit by not less-than five miles per hour-in
21	violation of] violated section 291C-108, the State's third-party

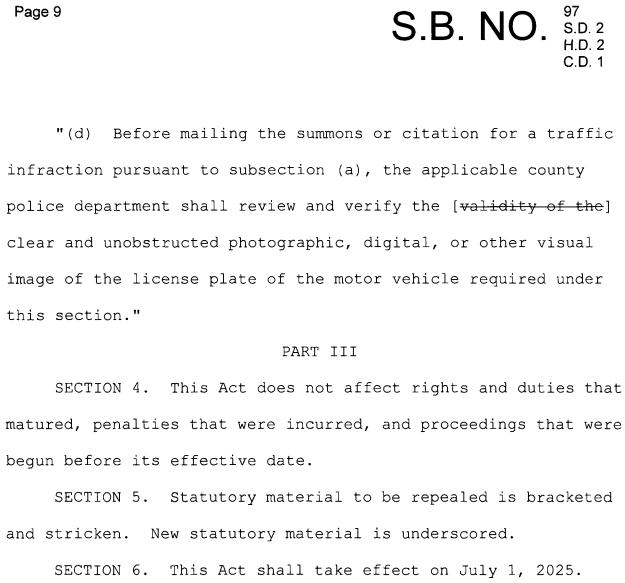


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1	contractor shall cause a summons or citation, as described in
2	this section, to be sent by first-class mail[, that is
3	postmarked within ten calendar days after the date of the
4	incident,] to the registered owner of the motor vehicle. The
5	summons or citation shall be mailed to the registered [owner of
6	the motor vehicle at the] owner's address on record at the
7	vehicle licensing division $[-,]$ and submitted to the post office
8	within ten calendar days after the date of the incident. The
9	State or the State's third-party contractor shall implement a
10	process to record the date on which the summons or citation was
11	submitted to the post office, and the record shall be prima
12	facie evidence of the date the summons or citation was submitted
13	to the post office. If the end of the ten-calendar-day period
14	falls on a Saturday, Sunday, or holiday, then the ending period
15	shall run until the end of the next day that is not a Saturday,
16	Sunday, or holiday. The registered owner shall be determined by
17	the identification of the motor vehicle license plate[\cdot], and
18	corresponding records maintained by the vehicle licensing
19	division."

- 20
- 2. By amending subsection (d) to read:

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Report Title:

Excessive Speeding; Vehicle; Property Forfeiture; Penalties; Automated Speed Enforcement Systems

Description:

Part I: Increases the penalty for a third or subsequent offense within five years of excessive speeding to a misdemeanor with a mandatory minimum jail sentence of thirty days. Part II: Clarifying penalties for noncompliance with the maximum speed limit under an automated speed enforcement system and specifying that any summons or citations resulting from noncompliance shall not be recorded on a person's traffic abstract and used for insurance purposes. (CD1)

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

