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# A BILL FOR AN ACT

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RELATING TO MOTOR VEHICLES.

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

1 PART I

2 SECTION 1. Section 291C-105, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "**§291C-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 established:

13 (1) [~~The maximum speed limit established by~~] By county  
14 ordinance;

15 (2) [~~The maximum speed limit established by~~] By official  
16 signs placed by the director of transportation on  
17 highways under the director's jurisdiction; or



1           (3)   ~~[The maximum speed limit established pursuant]~~

2           Pursuant to section 291C-104 by the director of  
3           transportation or the counties for school zones and  
4           construction areas in their respective jurisdictions.

5           (c)   Any person who violates ~~[this section]~~ subsection (a)  
6           shall be guilty of a petty misdemeanor and shall be sentenced as  
7           follows without 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]~~ subsection (a) 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



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 neurotrauma special fund~~[+]~~ under section 321H-4;

7 (E) ~~[May be charged a]~~ A surcharge of ~~[up to]~~ not  
8 more than \$100 to be deposited into the trauma  
9 system special fund under section 321-22.5, 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 prior conviction for an offense under ~~[this section,~~  
20 ~~by:]~~ subsection (a):



- 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 neurotrauma special fund~~[+]~~ under section 321H-4;
- 11 (E) ~~[May be charged a]~~ A surcharge of ~~[up to]~~ not  
12 more than \$100 to be deposited into the trauma  
13 system special fund under section 321-22.5, 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



1 least forty-eight hours shall be served

2 consecutively[; and

3 ~~(3) For an offense that occurs within five years of two~~  
4 ~~prior 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 286C-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 misdemeanor and shall be sentenced as follows without the  
5 possibility 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."



## PART II

SECTION 2. Chapter 291L, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§291L-      **Penalty.**    (a) The penalties for noncompliance with the maximum speed limit under an automated speed enforcement system shall be as provided in sections 291C-108 and 291C-161.

(b) Any summons or citations issued or convictions resulting from this chapter shall not be recorded on a person's traffic abstract and shall not be used for insurance purposes in the provision of motor vehicle insurance coverage."

SECTION 3. Section 291L-5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Notwithstanding any law to the contrary and except as otherwise provided in this chapter, beginning January 1, 2025, whenever any motor vehicle is determined, by means of an automated speed enforcement system, to have ~~[exceeded the posted maximum speed limit by not less than five miles per hour in violation of]~~ violated section 291C-108, the State's third-party



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[-], and  
18 corresponding records maintained by the vehicle licensing  
19 division."

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





1       "(d) Before mailing the summons or citation for a traffic  
2       infraction pursuant to subsection (a), the applicable county  
3       police department shall review and verify the [~~validity of the~~]  
4       clear and unobstructed photographic, digital, or other visual  
5       image of the license plate of the motor vehicle required under  
6       this section."

7                               PART III

8       SECTION 4. This Act does not affect rights and duties that  
9       matured, penalties that were incurred, and proceedings that were  
10      begun before its effective date.

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

13      SECTION 6. This Act shall take effect on July 1, 2025.



**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)

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