

**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 97, S.D. 1, RELATING TO MOTOR VEHICLES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Wednesday, February 26, 2025 **TIME:** 9:40 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Mark S. Tom,
Deputy Attorney General, at (808) 586-1500)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of this bill is to increase the penalty for a third or subsequent offense of excessive speeding under section 291C-105, Hawaii Revised Statutes (HRS). Specifically, it seeks to reclassify the offense as a class C felony, authorizes a court to order forfeiture of the vehicle used in the offense, and mandates fingerprinting upon conviction.

The Department notes that while the penalties for a third or subsequent offense of excessive speeding are listed in the new section 291C-105(d), HRS (page 5, lines 16, to page 6, line 15), the bill lacks a clear provision specifying the term of imprisonment. Because the bill reclassifies the offense as a Class C felony--without the possibility of probation or suspension (page 5, lines 18-20)--the sentence should align with section 706-660, HRS, mandating an indeterminate term of imprisonment of five years. In addition, the Department suggests removing subsection (d)(2), on page 6, lines 4-5, as the sentence mandating a course of instruction in driver retraining does not appear to be authorized under section 706-605, HRS. The Department also recommends amending subsection (d)(1), on page 6, lines 1-3, to specify that the revocation period begins upon release from imprisonment.

To incorporate the recommendations above, the Department suggests amending section 291C-105(d) on page 5, line 16, to page 6, line 15, as follows (underscoring removed from new material in bill, to Ramseyer additional changes):

(d) Notwithstanding subsection (c), any person who violates subsection (a) within five years of two prior convictions for the same offense shall be guilty of a class C felony and shall be sentenced ~~[as follows]~~ to an indeterminate term of imprisonment of five years pursuant to 706-660 without the possibility of probation or suspension of sentence[;], along with the following:

(1) Revocation of license and privilege to operate a vehicle for a period of not less than ninety days but not more than one year; provided that the applicable period of revocation shall commence upon the release of the person from the period of imprisonment imposed pursuant to this section;

~~[(2) Attendance in a course of instruction in driver retraining;]~~

~~[(3)]~~ (2) A surcharge of \$25 to be deposited into the neurotrauma special fund;

~~[(4)]~~ (3) May be charged a surcharge of not more than \$100 to be deposited into the trauma system special fund, if the court so orders;

~~[(5)]~~ (4) An assessment for driver education pursuant to section 286G-3; and

~~[(6)]~~ (5) May be ordered that the vehicle used in the commission of the offense be subject to forfeiture under chapter 712A.

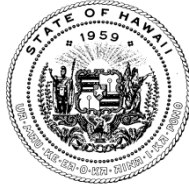
Additionally, the Department appreciates the amendments made by the prior committee to address concerns raised by the City and County of Honolulu Prosecuting Attorney's Office regarding the lack of fingerprinting for prior excessive speeding citations. However, the Department believes these concerns would be more effectively addressed through the following amendments to section 291C-105(e) on page 6, lines 16-19 (underscoring removed from new material in bill, to Ramseyer additional changes):

(e) Any person who ~~[violates]~~ is convicted of violating subsection (a) ~~[within five years of two prior convictions for the same offense and was convicted of a class C felony]~~ shall be ~~[fingerprinted by law enforcement upon conviction.]~~ ordered by the court to report to the appropriate police department, sheriff's office, or other governmental agency for identification processing, including fingerprinting and photographing as provided in section 846-2.5(b), if that person has not previously undergone such identification processing for the offense.

The Department also notes that the same concerns apply to similar traffic offenses for which the penalties are listed in section 286-136, HRS. As such, the Department recommends amending section 286-136, HRS, to add a new subsection (b) that reads as follows (with applicable re-lettering to subsequent subsections):

(b) Any person who violates section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134, and was convicted or granted a deferred acceptance of a guilty or nolo contendere plea or a conditional discharge of the offense shall be ordered by the court to report to the appropriate police department, sheriff's office, or other governmental agency for identification processing, including fingerprinting and photographing as provided in section 846-2.5(b), if that person has not previously undergone such identification processing for the offense.

Thank you for the opportunity to provide comments on this bill.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097



February 24, 2025
9:40 a.m.
State Capitol, Room 016

**S.B. 97 SD1
RELATING TO MOTOR VEHICLES**

Senate Committee on Judiciary

The Hawaii Department of Transportation (HDOT) **supports S.B. 97 SD1**, relating to motor vehicles. This proposed bill:

- Increases the penalty for a third or subsequent offense of excessive speeding 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.

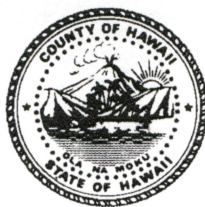
According to National Highway Traffic Safety Administration, 44 percent (460 of 1,037) of Hawaii's traffic fatalities from 2013-2022 were speed related. Additionally, HDOT's Behavioral Survey reveals that 52 percent of drivers admit to driving between 10 and 20 miles per hour over the posted speed limit. Researchers have identified that the risk of fatality increases slowly until impact speeds of around 30 mph. Above this speed, risk increases rapidly — the increase is between 3.5 and 5.5 times from 30 mph to 40 mph.¹ Speed-related fatalities and injuries can be prevented if drivers obeyed Hawaii's speed limits, particularly around areas where people are known to walk or bike.

Increasing the penalty for this section and authorizing that the vehicle used in the commission of the offense be subject to forfeiture, could serve as stronger deterrents to those drivers choosing to engage in risky driving behaviors.

Thank you for the opportunity to provide testimony.

¹ <https://www.propublica.org/article/unsafe-at-many-speeds>

C. Kimo Alameda, Ph.D.
Mayor



Benjamin T. Moszkowicz
Police Chief

William V. Brilhante Jr.
Managing Director

Reed K. Mahuna
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

February 24, 2025

Senator Karl Rhoads
Chairperson and Committee Members
Committee on Judiciary
415 South Beretania Street
Honolulu, Hawai`i 96813

RE: SENATE BILL 97; RELATING TO MOTOR VEHICLES.
HEARING DATE: FEBRUARY 26, 2025
TIME: 9:40 A.M.

Dear Senator Rhoads:

The Hawai`i Police Department **strongly supports** Senate Bill 97 to increase the penalty for a third or subsequent offense of excessive speeding to a Class C felony. Speeding is a significant contributor to traffic fatalities, accounting for 29% of motor vehicle deaths in the U.S. in 2021, the highest rate since 2013 (NCSA, 2022; Stewart, 2023). In Hawai`i County, speeding was a factor in approximately 31% of traffic-related fatalities in 2024, further emphasizing the urgent need for stronger deterrents.

Excessive speeding reduces reaction time, increases stopping distances, and impairs vehicle control, making it a serious danger on our roads. By increasing penalties for repeat offenders, this proposal would send a strong message that reckless driving will not be tolerated and help protect our community from further tragedies.

It is for these reasons, we urge this committee **to approve** this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to Senate Bill 97.

Sincerely,


BENJAMIN T. MOSZKOWICZ
POLICE CHIEF



Testimony of the Oahu Metropolitan Planning Organization

Committee on Judiciary

02/26/25 9:40 AM
CR 016 & Videoconference

SB 97 RELATING TO MOTOR VEHICLES

Dear Chair Lee, Vice Chair Inouye, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB97** which increases the penalty for a third or subsequent offense of excessive speeding 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, and requires a repeat offender convicted of a class C felony for excessive speeding be fingerprinted.

This bill supports our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities increased ten percent between 2023 and 2024 in Hawaii. In 2024, the State of Hawaii Department of Transportation conducted an annual [behavioral study](#), and nearly one-quarter of respondents admitted to exceeding the speed limit by more than 20 miles per hour, and over half exceeded the speed limit by 10-20 miles per hour in the last six months.

A 2011 study conducted by [AAA Foundation for Traffic Safety](#) found that the average risk of death for a pedestrian reaches 50% at an impact speed of 42 MPH, 75% at 50 MPH, and 90% at an impact speed of 58 MPH. These alarming statistics do not consider age and fatality rates would be higher for our most vulnerable populations including keiki, kupuna, and individuals with disabilities. HRS §291C-105 defines excessive speeding as exceeding speed limits by thirty miles per hour or more. On roads where the speed limit is 25 MPH, excessive speeding occurs at 55 MPH; a pedestrian would have less than a 25 percent chance of survival.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#))

Mahalo for the opportunity to provide testimony on this measure.

SB-97-SD-1

Submitted on: 2/21/2025 9:49:47 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael A. Cobb Jr | Individual | Oppose | Written Testimony Only |

Comments:

I oppose this bill, this will create more work and not make the road way any safer. We need consistent enforcement of reckless driving on all modes of transport. I do not support this at all.

SB-97-SD-1

Submitted on: 2/22/2025 7:40:07 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Victor K. Ramos | Individual | Support | Written Testimony Only |

Comments:

Speed kills. I support this measure.

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

SB 97, SD 1 Relating to Motor Vehicles

DATE: Wednesday, February 26, 2025

TIME: 9:40 AM

PLACE: Conference Room 016 & Videoconference

State Capitol

415 South Beretania Street

To whom it may concern,

My name is Freny de Mesa and I am a student at the University of Hawaii at Manoa pursuing a Bachelor's of Social Work and a Social Services coordinator at a rehabilitation facility here on Oahu. My opinions stated here in this testimony are my own do not represent the University or affiliations with my work. I am writing in support of this bill as a mother and a concerned citizen of the State of Hawaii.

I fully support this bill to increase the penalty for a third or subsequent offense of excessive speeding to a class C felony which would authorize the court, as part of the person's sentencing for the third or subsequent offence, to order that the vehicle used by the person in the commission of the offense be subject to forfeiture and will require the repeat offender convicted of a class C felony for excessive speeding be fingerprinted.

As mentioned, 44% of Hawaii's traffic fatalities from 2013-2023 were speed related and those fatalities could have been prevented if drivers obeyed speed limits. I have personally witnessed speeding and reckless driving here on Oahu's freeways, streets, and even neighborhoods as I bring my children to school or drive to and from work. I also hear of frequent hit and run incidents where children are being hit by speeding vehicles and left without rendering aide. This is not right and should not be happening as often as it is.

My hopes in supporting this bill are that public safety becomes a priority and people feel safe and protected on the roadways in Hawaii. I understand that life is busy and we need to get places sooner than later but speeding and endangering others is not the way to go. We need to bring back driving with ALOHA and I agree that having harsher punishments for recurring speeding offenses can start to bring awareness back into the drivers and more peace of mind for all.

Thank you for your consideration in reviewing my testimony in support of SB 97, SD 1 Relating to Motor Vehicles.

Sincerely,

Freny de Mesa

(808) 429-4771

Senator: Donna Mercado Kim

House Representative: Ikaika Lardizabal Hussey

SB-97-SD-1

Submitted on: 2/25/2025 7:16:35 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Veronica Moore | Individual | Oppose | Written Testimony Only |

Comments:

To: Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Senate Committee on Judiciary

Senate Committee on

Transportation and Culture and the

Arts

From: Veronica Moore, Individual Citizen

Date: February 25, 2025

Re: Upcoming hearing on SB97 SD1.

Measure Title: RELATING TO

MOTOR VEHICLES.

Report Title:Excessive Speeding;

Vehicle; Property Forfeiture;

Penalties

To all concerned,

I agree that,

"(a) No person shall drive a motor vehicle at a speed exceeding:

(1) The applicable state or county speed limit by thirty miles per hour or more; or

(2) Eighty miles per hour or more irrespective of the applicable state or county speed limit."

But I do not agree that,

"any person who violates subsection (a) within five years of two prior convictions for the same offense shall be guilty of a class C felony."

In my opinion, exacting this form of punishment is a blanket statement way of dealing with the issue and it does not leave room for rehabilitative sentencing. A person who would have completed "Attendance in a course of instruction in driver retraining" twice should be knowledgeable of how to make better decisions when driving and apply the principles of safe and defensive driving. Further exploration of the events and choices that led up to the decision to speed excessively may help to establish the motive, and only then does it seem appropriate to sentence someone accordingly. Every circumstance and reason for speeding will not be the same, and sending someone to prison will not result in a resolution of the issue. Again, if attending driver retraining twice does not correct the issue, is it realistic to assume that imprisonment will? Imprisonment solely deters the person from recommitting the crime, due to confinement, but it will not guarantee that the person will cease speeding after reentering society.

Lastly, the bill says, "No person shall drive a motor vehicle at a speed exceeding: ..." If a police officer, in order to perform the essential functions of the job, must drive equivalent to what this bill disallows, per the content of this bill they, too, should receive the punishment consistent with this bill.

I appreciate the opportunity to present testimony regarding this bill, but I cannot support it in its current state. Thank you.

Sincerely,

Veronica M. Moore