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STATE OF HAWAII

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March 11, 2025

Committee on Transportation
Rep. Darius K. Kila, Chair
Rep. Tina Nakada Grandinetti, Vice Chair
415 South Beretania Street, Conf. Rm. 430
State Capital
Honolulu, HI 96813

Re: Testimony in Opposition of S.B. 97, SD 2
Hearing: March 11, 2025, 9:00 AM

Dear Chair Kila, Vice Chair Grandinetti and Committee Members:

The Office of the Public Defender strongly oppose S.B. 97 which would increase the third or subsequent offense of excessive speeding to a class C felony, authorizing non-arrest identification processing and allowing the court to order the vehicle used in the commission of the offense to be subject to forfeiture. This bill is deeply concerning given the unnecessariness, the disproportionate punishment the bill inflicts on a non-violent traffic offense, the approval of evidence collecting for future prosecutions and the issues of legality of forfeiture.

The bill states no basis to justify the escalation in penalty. A felony conviction is life-changing in many ways beyond the fines, fees, classes and potential incarceration. Rather, a felony conviction is a stigma that lasts long after the sentence is fulfilled. The black mark of a felony conviction must be considered and balanced with the conduct that is being punished. A felony conviction and its taint significantly and negatively impact an individual's ability to obtain employment, find and rent housing, own firearms, serving on a jury and voting. It can also result in deportation, impact child custody rights and effect the placement of a child. Criminal records are accessible by the general public and the felony conviction will follow the individual for the rest of their lives. In Hawaii, our community is small and the stigma would be difficult if not impossible to overcome. Further, we live in one of the most expensive places in the world. Any barrier to obtaining gainful employment and a place to live, is an encumbrance far beyond what should be imposed for a non-violent traffic offense that is not conducted with malice intent.

The current law already imposes stiff penalties that adequately address the non-violent traffic offender. A conviction under the current law mandates a high fine (\$500-\$1000), driver's education, court fees, 30-day license suspension, as well as either 36 hours of community service or a 2-5 day jail sentence. Additionally, a first conviction of this current offense also triggers three years of SR22 high-risk insurance, which if the individual is unable to obtain the special expensive insurance, then the driver's license could be suspended for three years. The penalties for a first offense and subsequent offenses, which significantly increase the penalties, is more than sufficient to deter the conduct of the traffic offender. Increasing the offense to a felony is not necessary.

Notably, in the experience of the Office of the Public Defender, the average offender is often a young adult rushing to/from work or to/ from home or hastening to a loved one in need. Most of the offenders were unaware of the actual speed that they were traveling. None of the individuals intended to harm any person or property. Creating a felony offense for a non-violent traffic offense that mainly impacts young adults results in an insurmountable label and taint that will set the individual up for failure. All of which is unnecessary and unjustly punitive for a non-violent traffic offense.

Furthermore, the additional penalty of vehicle forfeiture will not stop the offense. In Hawaii, given the high cost of living, a large number of drivers are not the registered owner of the vehicle. Forfeiture of the vehicle will face significant legal challenges. The provision will trigger unnecessary and useless paperwork, additional judicial proceedings, and the impacted players, the prosecution, the defense and the courts, will request additional staffing to meet these needs. This is a huge impact on multiple agencies for forfeiture which will not deter or curb the underlying criminal conduct. Even if, however, the ticketed individual is the registered owner of the vehicle, S. B. 97 begs the questions of which agency will be moving for forfeiture, which agency will store the vehicle and who will guarantee that the vehicle is not damaged during the pendency of the case. Cases are routinely dismissed for various reasons, and in those circumstances, the vehicle must be returned to the registered owner and storage would be for naught. Notably, if there is any damage to the vehicle or property inside the vehicle, the state would be liable for it.

Furthermore, fingerprinting occurs pre-trial during the arrest of the accused. S.B. 97 authorizes the court to order fingerprinting after the case is concluded. The only purpose of such fingerprinting is evidence gathering for use in future proceedings against the accused to enhance penalties. By authorizing finger-printing post-conclusion, both the legislature and the court will be acting as advocates for and active evidence gathering for the prosecution. This is improper, overreaching and abuse of both the legislative and court's power. This provision must be deleted.

The Office of the Public Defender urges you to reconsider the impact and redundant nature of S.B. 97. This bill does not promote justice, fairness or sound judgment. This bill is unnecessary. This bill is excessively punitive. This bill overreaches and stands for an abuse of power. Moreover, forfeiting a vehicle will not effectively stop the behavior. Please oppose this bill and most importantly, resist the movement to create needless felony crimes out of petty traffic offenses.

Thank you for taking these comments into consideration.



**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. 2, RELATING TO MOTOR VEHICLES.

BEFORE THE:

HOUSE COMMITTEE ON TRANSPORTATION

DATE: Tuesday, March 11, 2025

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 430

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, Deputy Attorney General

Chair Kila and Members of the Committee:

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

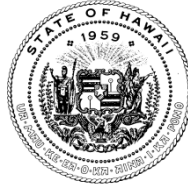
The purpose of this bill is to increase the penalty for a third or subsequent offense of excessive speeding under section 291C-105, Hawaii Revised Statutes (HRS). Specifically, it seeks to reclassify the offense as a class C felony, authorizes a court to order forfeiture of the vehicle used in the offense,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

The Department appreciates the amendments made by the prior committee to address our concerns regarding some sentencing provisions and identification processing for prior violations of this offense, but the Department is still concerned about the lack of fingerprinting for prior excessive speeding citations for 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

Tuesday, March 11, 2025
9:00 a.m.
State Capitol, Room 430, and Videoconference

S.B. 97 S.D. 2
RELATING TO MOTOR VEHICLES

House Committee on Transportation

The Hawaii Department of Transportation **supports S.B. 97 S.D. 2**, 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.
- Requires a repeat offender convicted of a class C felony for excessive speeding be subject to identification processing, including fingerprinting and photographing.

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>

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawai'i 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 97, SENATE DRAFT 2
RELATING TO MOTOR VEHICLES
Before the House Committee on
TRANSPORTATION
Tuesday, March 11, 2025, 9:00 a.m.
State Capitol Conference Room 430 & Videoconference
WRITTEN TESTIMONY ONLY

Chair Kila, Vice Chair Grandinetti, and members of the Committee:

The Department of Law Enforcement (DLE) supports Senate Bill 97, Senate Draft 2. This bill increases the penalty for third or subsequent excessive speeding offenses to a class C felony, authorizes courts to order vehicle forfeiture as part of sentencing for these repeat offenders, and requires identification processing for convicted felony offenders, including fingerprinting and photographing.

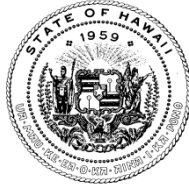
The DLE believes this legislation represents a critical step forward in addressing the serious public safety concerns posed by chronic excessive speeders on Hawaii's roadways. Excessive speeding remains one of the leading factors in fatal and serious injury crashes across our state. Current penalties have proven to be insufficient as deterrents for habitual offenders who repeatedly endanger the lives of other motorists, pedestrians, and themselves through this high-risk behavior.

Escalating penalties to a class C felony for third and subsequent offenses appropriately reflects the severe danger posed by individuals who demonstrate a consistent disregard for speed limits and public safety. The potential for vehicle forfeiture provides an additional meaningful consequence that may deter those who might otherwise continue this dangerous pattern of behavior despite monetary fines or license suspensions.

The identification processing requirements align with standard procedures for felony offenses and will enhance the ability of law enforcement to track repeat offenders across jurisdictions. This comprehensive approach to identifying and processing habitual excessive speeders will strengthen enforcement capabilities and help protect Hawaii's communities.

In the DLE's experience, a strong, escalating penalty framework for traffic violations that pose significant public safety risks is an essential component of effective law enforcement. This legislation provides the necessary tools to address chronic excessive speeding in a manner proportionate to the serious risk it presents to our communities.

Thank you for the opportunity to testify in support of this bill.



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

Tuesday, March 11, 2025
9:00 a.m.
State Capitol, Room 430, and Videoconference

S.B. 97 S.D. 2
RELATING TO MOTOR VEHICLES

House Committee on Transportation

The Hawaii Department of Transportation (HDOT) **supports S.B. 97 S.D. 2**, 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.
- Requires a repeat offender convicted of a class C felony for excessive speeding be subject to identification processing, including fingerprinting and photographing.

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.

To further strengthen enforcement, HDOT respectfully requests amendments to Chapter 291L and Chapter 291L-5, Hawaii Revised Statutes, addressing penalties and citations.

SECTION 1. Chapter 291L, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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

"§291L- Penalty. (a) The penalties for all consequences of a violation for disregarding a steady red signal initiated by the use of a photo red light imaging detector system shall be as provided in section 291C-108 and 291-161.

(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."

Chapter 291L-5, Hawaii Revised Statutes, is amended to read as follows:

"§291L-5 Summons or Citation.

(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 contractor shall cause a summons or citation, as described in this section, to be sent by first-class mail, that is postmarked within ten calendar days after the date of the incident, to the registered owner of the motor vehicle at the address on record at the vehicle licensing division. If the end of the ten-calendar-day period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or holiday. The registered owner shall be determined by the identification of the motor vehicle license plate."

Thank you for the opportunity to provide testimony.

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

March 10, 2025

Representative Darius K. Kila
Chairperson and Committee Members
Committee on Transportation
415 South Beretania Street
Honolulu, Hawai`i 96813

Dear Representative Kila:

RE: SENATE BILL 97; RELATING TO MOTOR VEHICLES
DATE: MARCH 11, 2025
TIME: 9:00 A.M.

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. Drivers who operate vehicles at 30 or more miles per hour greater than the posted speed limit or travel at 80 or more miles per hour consciously place themselves and others in tremendous risk of serious injury or death. 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.

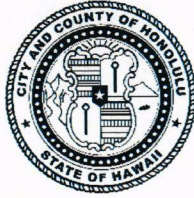
Sincerely,


BENJAMIN T. MOSZKOWICZ
POLICE CHIEF

CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu.org

RICK BLANGIARDI
MAYOR
MEIA



ARTHUR J. LOGAN
CHIEF
KAHU MĀKAʻI

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKAʻI

OUR REFERENCE JS-TK

March 11, 2025

The Honorable Darius K. Kila, Chair
and Members
Committee on Transportation
House of Representatives
415 South Beretania Street, Room 430
Honolulu, Hawai'i 96813

Dear Chair Kila and Members:

SUBJECT: Senate Bill No. 97, S.D. 2, Relating to Motor Vehicles

I am James Slayter, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 97, S.D. 2, Relating to Motor Vehicles.

The HPD supports the proposal to increase the penalty for a third or subsequent offense of excessive speeding to a class C felony.


In recent years, speeding has been identified as a factor in approximately one-third of all traffic-related fatalities and critical collisions on O'ahu's roadways. Research shows that speeding reduces reaction time, increases stopping distance, and reduces the ability to safely control the vehicle or avoid other hazards. Speeding is a serious problem that needs to be addressed. Any proposal that could deter motorists from speeding should be considered.

The HPD urges you to support Senate Bill No. 97, S.D. 2, Relating to Motor Vehicles.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


James Slayter, Major
Traffic Division



Testimony of the Oahu Metropolitan Planning Organization

House Committee on Transportation

03/11/2025 9:00AM

CR 430 & Videoconference

SB 97 SD2

RELATING TO MOTOR VEHICLES

Dear Chair Kila, Vice Chair Gradinetti, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB97 SD2** 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.



March 10, 2025

Chair Darius Kila
Transportation Committee
Hawaii State Capitol, Room 228
Honolulu, HI 96813

RE: SB97 (Elefante) – Excessive Speeding
Position: Support

Dear Chair Kila,

AAA Hawaii supports SB97_SD2 by Representative Kitagawa. SB97_SD2 specifies that a third offense of excessive speeding within five years is a class C felony, significantly increasing prison terms and allowing courts to seize vehicles.

Speeding remains one of the most prevalent dangerous habits and a serious threat to safe mobility. The National Highway Traffic Safety Administration (NHTSA) estimates almost 30% of motor vehicle-related fatalities nationwide and over 40% in Hawaii were related to speeding in 2022.¹ Moreover, dangerous driving behaviors are on the rise. From 2021 to 2022, as jurisdictions lifted Covid-19 related stay-at-home orders, the Hawaii Department of Transportation's found excessive speeding citations increased by 74 percent from 685 to 1,194.

Hawaii continues to have one of highest percentages of speeding-related fatalities nationwide per NHTSA. AAA supports use of more comprehensive tools to reduce speeding like road design, education, automated cameras, passive intelligent speed limiters, and vehicle technology to discourage drivers from speeding. However, in cases these tools are not enough, we encourage enhanced penalties against the most serious speeding violators.

AAA Hawaii is a motorist organization with over 174,000 members. Founded over 100 years ago, we are strongly committed to promoting traffic safety and protecting all road users. If SB97_SD2 is enacted, we look forward to working with the state's traffic safety stakeholders to educate our members and the motoring public about the consequences of repeat excessive speeding. Accordingly, we encourage this committee to support this bill.

Respectfully Submitted,

Marianne Kim
Senior Public Policy Specialist

¹ National Center for Statistics and Analysis. (2024, July). Speeding: 2022 data (Traffic Safety Facts. Report No. DOT HS 813 582). National Highway Traffic Safety Administration

1130 N. Nimitz Highway, Suite A170, Honolulu, HI 96817

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SB-97-SD-2

Submitted on: 3/11/2025 6:56:02 AM

Testimony for TRN on 3/11/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.