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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 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 286G-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."



1 PART II

2 SECTION 2. Section 291L-5, Hawaii Revised Statutes, is  
3 amended as follows:

4 1. By amending subsection (a) to read:

5 "(a) Notwithstanding any law to the contrary and except as  
6 otherwise provided in this chapter, beginning January 1, 2025,  
7 whenever any motor vehicle is determined, by means of an  
8 automated speed enforcement system, to have [~~exceeded the posted~~  
9 ~~maximum speed limit by not less than five miles per hour in~~  
10 ~~violation of~~] violated section 291C-108, the State's third-party  
11 contractor shall cause a summons or citation, as described in  
12 this section, to be sent by first-class mail that is postmarked  
13 within ten calendar days after the date of the incident, to the  
14 registered owner of the motor vehicle at the address on record  
15 at the vehicle licensing division. If the end of the  
16 ten-calendar-day period falls on a Saturday, Sunday, or holiday,  
17 then the ending period shall run until the end of the next day  
18 that is not a Saturday, Sunday, or holiday. The registered  
19 owner shall be determined by the identification of the motor  
20 vehicle license plate."

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





**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 when a summons or citation is sent under an automated speed enforcement system. (CD2)

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