

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

March 28, 2025  
2:00 p.m.  
State Capitol, Room 325

**S.B. 97 S.D. 2, H.D. 1**  
**RELATING TO MOTOR VEHICLES**

House Committee on Judiciary & Hawaiian Affairs

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The Hawaii Department of Transportation **supports S.B. 97 S.D. 2, H.D. 1**, 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.<sup>1</sup> 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.

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

**JON N. IKENAGA**  
STATE PUBLIC DEFENDER



**HAYLEY CHENG**  
ASSISTANT PUBLIC  
DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**HILO OFFICE**  
275 PONAHAHAWA STREET  
HILO, HAWAII 96720  
TEL. NO. 974-4571  
FAX NO. 974-4574

**HONOLULU OFFICE**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**KONA OFFICE**  
82-6127 MAMALAHOA HIGHWAY  
P.O. BOX 1219  
CAPTAIN COOK, HAWAII 96704  
TEL. NO. 323-7562  
FAX NO. 323-7565

**APPEALS SECTION**  
TEL. NO. 586-2080

## STATE OF HAWAII

### OFFICE OF THE PUBLIC DEFENDER

**DISTRICT COURT SECTION**  
TEL. NO. 586-2100

**FAMILY COURT SECTION**  
TEL. NO. 586-2300

**FELONY SECTION**  
TEL. NO. 586-2200

**FAX (808) 586-2222**

**KAUAI OFFICE**  
3060 EIWA STREET  
LIHUE, HAWAII 96766  
TEL. NO. 274-3418  
FAX NO. 274-3422

**MAUI OFFICE**  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. NO. 984-5018  
FAX NO. 984-5022

March 28, 2025

Re: Testimony in Opposition of S.B. 97, SD 2 HD1

Chair Tarnas, Vice Chair Poepoe, 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.

HONOLULU POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • WEBSITE: [www.honoluluupd.org](http://www.honoluluupd.org)



RICK BLANGIARDI  
MAYOR  
MEIA

ARTHUR J. LOGAN  
CHIEF  
KAHU MĀKA'I

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE JS-TK

March 28, 2025

The Honorable David A. Tarnas, Chair  
and Members  
Committee on Judiciary  
and Hawaiian Affairs  
House of Representatives  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill No. 97, S.D. 2, H.D. 1, 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, H.D. 1, Relating to Motor Vehicles.

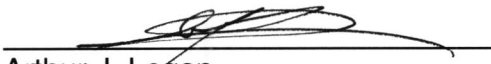
The HPD supports the proposal to increase the penalty for a third or subsequent offense of excessive speeding to a class C felony.

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, H.D. 1, Relating to Motor Vehicles. Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
Arthur J. Logan  
Chief of Police

  
James Slayter, Major  
Traffic Division

C. Kimo Alameda, Ph.D.  
Mayor



Benjamin T. Moszkowicz  
Police Chief

William V. Brillhante 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 25, 2025

Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair  
And Committee Members  
Committee on Judiciary and Hawaiian Affairs  
State Capitol  
415 South Beretania Street  
Honolulu, Hawai'i 96813

RE: SENATE BILL 97 SD2, HD1; RELATING TO MOTOR VEHICLES  
HEARING DATE: MARCH 28, 2025  
TIME: 2 : 0 0 P .M.

Dear Representatives Tarnas and Poepoe,

The Hawai'i Police Department **strongly supports** Senate Bill 97 SD2, HD1 which seeks 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 thirty or more miles per hour greater than the posted speed limit or travel at eighty 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 SD2, HD1.

Sincerely,

  
BENJAMIN T. MOSZKOWICZ  
POLICE CHIEF

TESTIMONY OF  
**LARRY S VERAY**

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

***IN STRONG SUPPORT OF SB97 SD2 HD1***

**RELATED TO MOTOR VEHICLES**

March 26, 2025

Aloha, Chair Tarnas and Vice Chair Poepoe and committee members. I am Larry Veray, Chairman for the Pearl City Neighborhood Board No. 21. I am submitting this testimony representing our board as a whole. In our 2025 legislative priorities and previous board resolutions, we stated our requirement for speed enforcement on both state and city highways. Our board has received numerous complaints at our board meetings in regard to every early evening and night speeding and racing on the H1, H2, H3 state highways. In addition, we also have complaints on Kamehameha Hwy and Moanaloa Rd in Pearl City. Regretfully, since HPD is so undermanned with the lack of 400 police officers to enforce speeding on our highways, numerous drivers are now dangerously speeding and breaking our state laws. Even after they receive a few speeding violations, they continue with the same dangerous driving habits risking the lives of other drivers, pedestrians in crosswalks and bicycles sharing the roads.

**I support SB97 SD2 HD1 to hopefully change drivers unsafe driving habits because this measure will:**

- **Increase the penalty for a third or multiple offenses of excessive unsafe speeding to a Class C Felony**
- **Allows the court to order the owner of vehicle to forfeit the vehicle as part of sentencing for the third or multiple excessive speeding offenses**
- **Repeat offenders will be subject to ID processing, fingerprinting and photos convicted of a Class C Felony**

**Please approve SB97 SD2 HD1. This is the right decision that will make a huge difference improving public safety for our communities. This bill will change drivers bad speeding habits. Mahalo!**

*Larry S. Veray*

**SB-97-HD-1**

Submitted on: 3/25/2025 4:10:30 PM

Testimony for JHA on 3/28/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Comments	In Person

Comments:

I support this bill, but I would like the legislature to consider using a sliding scale of fines instead of a fixed amount. Depending on someone's income or tax bracket, they would have to pay more or less for such a violation. This way, we can hold people with a more privileged income accountable rather than unnecessarily punishing those who can barely scrape by.

**SB-97-HD-1**

Submitted on: 3/26/2025 3:14:20 PM

Testimony for JHA on 3/28/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. This could revoke an individuals rights and limit their ability to find work. We have enough laws that need enforcement. This is not needed.





## Testimony of the Oahu Metropolitan Planning Organization

### House Committee on Judiciary and Hawaiian Affairs

**03/28/2025 2:00PM**  
**CR 325 & Videoconference**

### **SB 97 SD2 HD1** **RELATING TO MOTOR VEHICLES**

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB97 SD2 HD1** which increases the penalty for a third or subsequent offense of excessive speeding to a class C felony, authorizes vehicle forfeiture, requires repeat offenders to be subject to identification processing; establishes 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; and requires a person who was convicted of certain traffic offenses or granted a deferred acceptance of a guilty or nolo contendere plea or a conditional discharge of the offense to be ordered by the court to report for identification processing.

This bill would help us achieve 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-HD-1**

Submitted on: 3/28/2025 12:41:38 PM

Testimony for JHA on 3/28/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chanara Casey Richmond	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB97. blatant discrepancies in roadway signage make this bill open for abuse and discrimination. Chanara Richmond HD 42