

ACT 94

S.B. NO. 2787

A Bill for an Act Relating to Highway Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 286-128, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established a point system for the evaluation of the operating records of all persons operating motor vehicles and for the determination of the continuing qualifications of such persons to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations of the traffic laws of the State and of traffic ordinances of its counties to be imposed by the district judge in accordance with the following schedule of minimum and maximum points:

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| (1) Driving while under the influence of intoxicating liquor ... | 4 to 8 |
| (2) Reckless driving | 3 to 6 |
| (3) Driving while license suspended or revoked (includes court conviction as well as safety responsibility violations)..... | 3 to 6 |
| (4) Fraudulent use of license | 3 to 6 |

(5)	Excessive speeding (fifteen miles or more over the established speed limit).....	3 to 6
(6)	Leaving scene of accident.....	3 to 6
(7)	Speeding (ten miles or more over the established speed limit)	1 to 4
(8)	Failure to report accident immediately	1 to 4
[(9)]	Driving on left side of roadway	0 to 4]
[(10)]	(9) Inattention to driving; negligent driving	1 to 4
[(11)]	(10) Permitting unlicensed driver to drive	1 to 4
[(12)]	Following too closely	1 to 3
(13)	Disregarding stop signs.....	1 to 3
(14)	Right of way violations.....	0 to 3
(15)	Disregarding traffic control signals	1 to 3
(16)	Unlawful passing	0 to 3
(17)	Unsafe changing of lanes	0 to 3
(18)	Crossing solid or double lines.....	0 to 3
(19)	Impeding traffic	0 to 2
(20)	Improper turning	0 to 2
(21)	Unsafe emergence from parked position	0 to 2
(22)	Disregarding pavement markings	0 to 2
(23)	Unsafe movements.....	0 to 2
(24)	Stopping at medial openings.....	1 to 2
(25)	Improper emergence from private driveway.....	1 to 2
(26)	Unattended motor vehicle (if motor running).....	1 to 2
(27)	Violation of pedestrian's right of way	1 to 2
(28)	Unsafe equipment on vehicle.....	0 to 2
(29)	Faulty brakes.....	0 to 2
(30)	Driving with improper lights	0 to 2
(31)	Operating or carrying a passenger on a motor scooter or motorcycle without safety helmet or, in absence of windscreen or windshield, without eye and face protective devices or other protective devices required by the state director of transportation	0 to 2
(32)	Driving after failure to renew license	0 to 2
(33)	Operating a motorcycle or motor scooter while carrying as a passenger or permitting to ride thereon a person under the age of seven years	0 to 2
(34)	Failure to report to the district court for review of driving record or failure to attend required driving retraining course.....	0 to 2]"

SECTION 2. Section 286-128, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Any provision in this section to the contrary notwithstanding, in the case where the violation of [the following items under] subsection [(a) above are] (a)(8) is due to the size or nature of the vehicle, or the necessity of the driver's following a specific route or schedule in the course of the driver's employment, and not to inattention or fault on the part of the driver, the court shall assess no points[: items (8), (13), (15), (16), (17), (18), (19), (20), (21), and (22)].”

SECTION 3. This Act does not affect rights and duties that matured,

penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect on January 1, 1995.

(Approved June 7, 1994.)