

ACT 169

H.B. NO. 2868

A Bill for an Act Relating to Highway Safety.

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

SECTION 1. Section 286-131, Hawaii Revised Statutes, is amended to read as follows:

“§286-131 Unlawful use of license. [It shall be a misdemeanor for any person:] No person shall:

- (1) [To display] Display or permit to be displayed or have in the person's possession any canceled, revoked, suspended, fictitious, or fraudulently altered driver's license;
- (2) [To lend] Lend the person's driver's license to any other person or knowingly permit the use thereof by another;
- (3) [To display] Display or represent as one's own any driver's license not issued to the person;
- (4) [To fail] Fail or refuse to surrender to the examiner of drivers, upon the examiner's lawful demand, any driver's license [which] that has been suspended, revoked, or canceled;
- (5) [To use] Use a false or fictitious name in any application for a driver's license or [to] knowingly make a false statement or [to] knowingly conceal a material fact, or otherwise commit a fraud in any such application; or
- (6) [To manufacture,] Manufacture, sell, distribute, use, or have in the person's possession any reproduction, imitation, or facsimile of any driver's license or any identification with the appearance of a driver's license.”

SECTION 2. Section 286-132, Hawaii Revised Statutes, is amended to read as follows:

“§286-132 Driving while license suspended or revoked[; penalty]. Except as provided in section 291-4.5, [any] no resident or nonresident whose driver’s license, right, or privilege to operate a motor vehicle in this State has been canceled, suspended, or revoked[, and who drives] may drive any motor vehicle upon the highways of this State while [such] the license, right, or privilege remains canceled, suspended, or revoked[, shall be fined not less than \$250 but not more than \$1,000 or imprisoned not more than one year].”

SECTION 3. Section 286-136, Hawaii Revised Statutes, is amended to read as follows:

“§286-136 Penalty. [Whoever] (a) Except as provided in subsection (b), any person who violates section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134 shall be fined not more than \$1,000 or imprisoned not more than [one year,] thirty days, or both. [Whoever] Any person who violates any other section in this part shall be fined not more than \$1,000.

(b) Any person who is convicted of violating section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134 shall be subject to a maximum fine of \$1,000, or imprisoned not more than one year, or both, if the person has two or more prior convictions for the same offense in the preceding five year period.”

SECTION 4. Section 291C-161, Hawaii Revised Statutes, is amended to read as follows:

“§291C-161 Penalties. (a) It is a violation for any person to violate any of the provisions of this chapter except as otherwise specified in subsection (c) of this section and unless the violation is by other law of this State declared to be a felony, misdemeanor, or petty misdemeanor.

(b) Except as provided in subsection (c) of this section, every person who violates any provision of this chapter for which another penalty is not provided, shall be fined:

- (1) Not more than [\$100] \$200 for a first conviction thereof;
- (2) Not more than [\$200] \$300 for conviction of a second offense committed within one year after the date of the first offense; and
- (3) Not more than \$500 for conviction of a third or subsequent offense committed within one year after the date of the first offense;

provided that upon a conviction for a violation of section 291C-12, 291C-12.5, or 291C-12.6, the person shall be sentenced in accordance with that section.

(c) Every person who violates section 291C-13 or 291C-18 shall:

- (1) Be fined not more than [\$100] \$200 or imprisoned not more than ten days for a first conviction thereof;
- (2) Be fined not more than [\$200] \$300 or imprisoned not more than twenty days or both for conviction of a second offense committed within one year after the date of the first offense; and
- (3) Be fined not more than \$500 or imprisoned not more than six months or both for conviction of a third or subsequent offense committed within one year after the date of the first offense.

(d) The court may assess a sum not to exceed \$25 for the cost of issuing a penal summons upon any person who fails to appear at the place within the time specified in the citation issued to the person for any traffic violation.

(e) The court may require a person who violates any of the provisions of this chapter to attend a course of instruction in driver retraining as deemed appropriate by the court, in addition to any other penalties imposed.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 17, 1996.)