



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

Tuesday March 18, 2025
3:00 p.m.
State Capitol, Room 224 & Videoconference

H.B. 54 H.D. 2
RELATING TO MOTOR VEHICLES

Senate Committee on Transportation and Culture and the Arts

The Hawaii Department of Transportation **supports H.B. 54 H.D. 2**, relating to motor vehicles. This proposed bill:

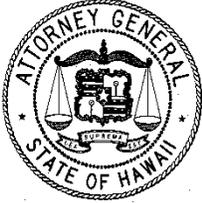
- Increases the penalty for a third or subsequent offense of excessive speeding to a misdemeanor.
- Authorizes the court, as part of the person's sentencing for the third or subsequent offense, to order that the vehicle used by the person in the commission of the offense be subject to forfeiture.

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>



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 54, H.D. 2, RELATING TO MOTOR VEHICLES.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

DATE: Tuesday, March 18, 2025

TIME: 3:00 p.m.

LOCATION: State Capitol, Room 224

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

Chair Lee 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 misdemeanor, authorizes a court to order forfeiture of the vehicle used in the offense, and mandates fingerprinting upon conviction.

The Department notes that while this bill requires fingerprinting for third or subsequent excessive speeding violations in the proposed section 291C-105(d)(7) to ensure proper identification of the defendant, it does not require fingerprinting for initial or second convictions. Proper identification processing for the first two convictions is essential to confirm that the defendant charged with a third or subsequent offense is in fact the same individual. Therefore, the Department recommends removing subsection (d)(7) (page 6, line 16-18) and adding a new subsection (e) in section 291C-105, HRS, to mirror the identification processing procedure outlined in section 846-2.5, HRS.

Additionally, for clarity, the Department recommends amending section 291C-105(d)(2) (page 6, lines 4-6), to specify that the revocation period begins upon release from imprisonment.

To incorporate these recommendations, the Department suggests the following amendments to page 6, lines 3-21 (underscoring removed from new material in bill, to Ramseyer additional changes):

- (1) A mandatory minimum jail sentence of thirty days;
 - (2) Revocation of license and privilege to operate a vehicle for a period of no less than ninety days but no more than six months; provided that the applicable period of revocation shall commence upon the release of the person from the period of imprisonment imposed pursuant to this section;
 - (3) Attendance in a course of instruction in driver retraining;
 - (4) A surcharge of \$25 to be deposited into the neurotrauma special fund under section 321H-4;
 - (5) A surcharge of no more than \$100 to be deposited into the trauma system special fund, if the court so orders;
 - (6) An assessment for driver education pursuant to section 286G-3; and
 - ~~[(7) To report, within seven days, to the appropriate police department, sheriff's office, or other governmental agency for fingerprinting; and~~
 - ~~(8)] (7) That the vehicle used in the commission of the offense be subject to forfeiture under chapter 712A, if the court so orders.~~
- (e) Any person who is convicted of violating subsection (a) 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.

The Department also notes that the same identification processing concerns apply to 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.

JON N. IKENAGA
STATE PUBLIC DEFENDER

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

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

APPEALS SECTION
TEL. No. 586-2080

DISTRICT COURT SECTION
TEL. No. 586-2100

FAMILY COURT SECTION
TEL. No. 586-2300

FELONY SECTION
TEL. No. 586-2200

FAX (808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY CHENG
ASSISTANT PUBLIC
DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
HILO, HAWAII 96720
TEL. No. 974-4571
FAX No. 974-4574

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

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 17, 2025

Committee on Transportation & Culture and the Arts
Sen. Chris Lee, Chair
Sen. Lorraine R. Inouye, Vice Chair
415 South Beretania Street, Conf. Rm. 224
State Capital
Honolulu, HI 96813

Re: Testimony in Opposition of H.B. 54
Hearing: March 18, 2025, 3:00 PM

Dear Chair Lee, Vice Chair Inouye and Committee Members:

The Office of the Public Defender strongly opposes H.B. 54 which would increase the third or subsequent offense of excessive speeding to a misdemeanor with a mandatory jail sentence of thirty days, identification processing post-conviction, a significant license suspension and the court can 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, and the issues of legality of forfeiture, legality of post-conviction identification processing and driver's education requirements without probation.

The bill states no basis to justify the escalation in penalty. Suffering a full misdemeanor conviction with mandatory jail is life changing with negative consequences that are not readily apparent. First, the criminal misdemeanor conviction is a stigma that will last long after any sentence is fulfilled. The black mark of a conviction must be considered and balanced with the conduct that is being punished. A criminal conviction and its taint significantly and negatively impact an individual's ability to obtain employment, find and rent housing and impacts the type of employment and earning potential. 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 a criminal conviction with mandatory jail 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 the requirement of 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 full misdemeanor is not necessary and will likely encourage demands for jury trials because it is a misdemeanor.

Notably, the Office of the Public Defender 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 full misdemeanor offense, with mandatory jail and enhanced driver's

license suspension, 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 foregoing is unnecessary and unjustly punitive for a non-violent traffic offense.

Although the Committee on Transportation previously cited and relied on a 2011 study by the AAA Foundation for Traffic Safety to justify the bill and its enhanced penalties, the study cannot be relied upon based upon the study's own concession that its data cannot be generalized. Moreover, the study's safety conclusions also do not support H.B. 54. According to the study, recent data is necessary to accurately address the relationship between speed and pedestrian injuries because the reliability of data changes based on the fluctuations in composition of walking population, differences in vehicle design and advancements in medical care. Regardless, it is notable, and it undermines the necessity of this bill, that the average risk of serious injury for a pedestrian struck by a vehicle occurs at speeds as low as 16 mph. Hence, the 2011 AAA study concludes that the most effective manner to ensure pedestrian safety from being struck by a vehicle, even those traveling at a higher speed, is to create physical space where higher speeds are used and to develop vehicle based systems that detect pedestrians and warn the driver or brake automatically when collision is imminent. It is both notable and significant that a large percentage of the citations issued for excessive speeding occurs on freeways and highways, away from pedestrian traffic areas.

The motivation for the bill, to deter dangerous driving behaviors and promote greater accountability among motorists can and should be achieved through alternate means. In fact, the AAA Foundation for Traffic Safety also studied and promoted the importance of enhancing and reinforcing traffic safety culture. The same outcomes of deterring dangerous driving and promoting accountability can be achieved through the current traffic laws and crimes and promoting traffic safety.

Mandating thirty days in jail for a for undesired conduct, especially a non-violent driving offense, is not the answer to community issues. This bill raises the *possibility of non-mandatory jail* from two days to a *mandatory* minimum of thirty days up to one year in jail. This is simply not reasonable or sound. Misdemeanor excessive speeding will not slow drivers down. It will not curb the behavior. It does not make the roads safer. Rather, increasing penalties to a "misdemeanor" offense appears to be an automatic response to community complaints which is not a solution to the problem and not well thought out. I urge you to reconsider the significant impact that such a penalty would have on an individual weighed with the little to no impact that significantly increasing mandatory jail will have on the safety of the roadway.

Similarly, identification processing, fingerprinting and photographing, which occurs upon arrest to document the arrest of the individual should not be part of the law. The only purpose of identification processing post-conviction is to gather evidence for the future prosecution of an individual in order to prove the prior conviction. A law not only condoning but ordering that the court assist the prosecution in the evidence gathering for future prosecution is wrong. Not only is the proposal partisan, but it arguably violates constitutional guarantees of due process and a fair tribunal. There is no basis for this provision other than for the convenience and inertia of the government.

The request for vehicle forfeiture as a penalty further demonstrates the ill-conceived nature of this bill. This 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, H.B. 54 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. Similarly, the requirement for post-conviction identification processing is contrary to the fingerprinting and identification processing that occurs upon arrest and initiation of the charge. To require otherwise would be solely to assist the government in gathering evidence against an individual for a later enhanced criminal charge.

I urge you to reconsider the impact and redundant nature of H.B. 54. This bill does not promote justice, fairness or sound judgment. This bill is unnecessary. This bill is excessively punitive. And 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 Oahu Metropolitan Planning Organization

Senate Committee on Transportation & Culture and the Arts

03/18/2025 3:00 PM
CR 224 & Videoconference

HB54 HD2 RELATING TO MOTOR VEHICLES

Dear Chair Lee Vice Chair Inouye, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports HB54 HD2**, which 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, and 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.

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.

Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200 Honolulu, Hawaii 96813
Telephone: (808) 587-2015 | Fax: (808) 587-2018
www.oahumpo.org

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.honolulu.police.org



RICK BLANGIARDI
MAYOR
MEI'A

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 18, 2025

The Honorable Chris Lee, Chair
and Members
Committee on Transportation and
Culture and the Arts
State Senate
415 South Beretania Street, Room 224
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 54, H.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 House Bill No. 54, H.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 House Bill No. 54, H.D. 2, Relating to Motor Vehicles.

Thank you for the opportunity to testify.

APPROVED:


Arthur J. Logan
Chief of Police

Sincerely,


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 17, 2025

Senator Chris Lee
Chairperson and Committee Members Committee
on Transportation and Culture and the Arts
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: HOUSE BILL 54 HD2; RELATING TO MOTOR VEHICLES.
HEARING DATE: MARCH 18, 2025
TIME: 3:00 P.M.

Dear Senator Lee:

The Hawai'i Police Department **strongly supports** House Bill 54 SD2 to increase the penalty for any person who violates a third or subsequent offense of excessive speeding within a five-year timeframe to a misdemeanor.

The rising number of high-speed violations, including speeds 30 miles per hour above the limit or exceeding 80 miles per hour, poses a significant risk to public safety. The bill provides law enforcement with clearer definitions and stronger penalties, including higher fines, license suspensions, and retraining, which will act as an effective deterrent to dangerous driving.

Speeding contributes to a substantial number of traffic fatalities, accounting for 29% of U.S. motor vehicle deaths in 2021 (NCSA, 2022). In Hawai'i County, speeding was a factor in 31% of traffic-related fatalities in 2024. Excessive speeding impairs reaction time, increases stopping distances, and heightens the risk of severe accidents. By imposing tougher penalties on repeat offenders, this bill will help prevent further tragedies and protect our community.

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 House Bill 54 SD2.

Sincerely,


BENJAMIN T. MOSZKOWICZ
POLICE CHIEF