

**WRITTEN 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, S.D. 1, RELATING TO MOTOR VEHICLES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 25, 2025 **TIME:** 10:01 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Mark S. Tom,
Deputy Attorney General, at 808-586-1500)

Chair Rhoads 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 subjects an offender to the provisions of section 846-2.5, HRS.

The amendments made to section 291C-105(e), HRS, do not address our concerns regarding identification processing.

Hawaii's courts, law enforcement agencies, and other entities within the criminal justice system routinely use and rely upon information collected by the Hawaii Criminal Justice Data Center (HCJDC), to provide complete and accurate criminal history record information. Currently, section 846-2.5, HRS, only requires and authorizes HCJDC to collect such information in cases initiated by arrest or penal summons. Often, the offense of excessive speeding starts via a citation, where the offender would not be subject to any arrest proceedings. The amendment to subsection (e), on page 7, lines 4-5, does not adequately address the citation issue to ensure that convictions become a

part of HCJDC's data. It merely references what is already in place, which applies only to cases initiated via arrest or penal summons.

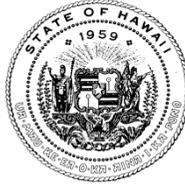
Therefore, the Department requests this Committee to replace the current wording in subsection (e), page 7, lines 4-5, with the proposed wording below, to ensure that individuals will also not be subjected to unnecessary statutorily mandated identification processing a second time for the same offense if they were already processed when arrested.

(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.

Because the same identification processing concerns apply to similar traffic offenses for which the penalties are listed in section 286-136, HRS, the Department recommends amending section 286-136, HRS, to add a new subsection (b) that reads as follows (with applicable redesignation of the 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.



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

LATE

March 25, 2025
10:01 a.m.
State Capitol, Room 016 & Videoconference

**H.B. 54, H.D. 2, S.D. 1
RELATING TO MOTOR VEHICLES**

Senate Committee on Judiciary

The Hawaii Department of Transportation **supports H.B. 54, H.D. 2, S.D. 1**, 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.

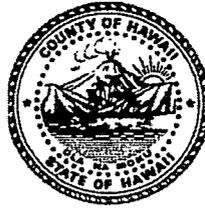
According to National Highway Traffic Safety Administration, 44 percent (460 of 1,037) of Hawaii's traffic fatalities from 2013-2022 were speed related. Additionally, HDOT's Behavioral Survey reveals that 52 percent of drivers admit to driving between 10 and 20 miles per hour over the posted speed limit. 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>

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

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March 21, 2025

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
And Committee Members
Committee on Judiciary
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: HOUSE BILL 54, HD2, SD1 RELATING TO MOTOR VEHICLES
HEARING DATE: MARCH 25, 2025
TIME: 10:01 A.M.

Dear Senators Rhoads and Gabbard:

The Hawai'i Police Department **strongly supports** House Bill 54 HD2, SD1 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 revocations, and driver 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 HD2, SD1.

Sincerely,


BENJAMIN T. MOSZKOWICZ
POLICE CHIEF



Testimony of the Oahu Metropolitan Planning Organization

Senate Committee on Judiciary

**03/25/2025 10:01AM
CR 016 & Videoconference**

HB54 HD2 SD1 RELATING TO MOTOR VEHICLES

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports HB54 HD2 SD1**, 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, 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, and requires individuals convicted of excessive speeding to be subject to identification processing procedures.

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.

HB-54-SD-1

Submitted on: 3/21/2025 2:09:53 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.

LATE

HB-54-SD-1

Submitted on: 3/24/2025 9:11:41 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

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

Comments:

I oppose this bill. We do not need more laws, just enforce what is already there.