



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

February 6, 2025
10:00 A.M.
State Capitol, Room 430 & Videoconference

H.B. 54
RELATING TO MOTOR VEHICLES

House Committee on Transportation

The Hawaii Department of Transportation (HDOT) **supports H.B. 54**, 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.

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>

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February 5, 2025

Committee on Transportation
Rep. Darius K. Kila, Chair
Rep. Tina Nakada Grandinetti, Vice Chair
415 South Beretania Street, Conf. Rm. 430
State Capital
Honolulu, HI 96813

Re: Testimony in Opposition of H.B. 54
Hearing: February 6, 2025, 10:00 AM

Dear Chair Kila, Vice Chair Grandinetti and Committee Members:

I am writing to strongly oppose H.B. 54 which would increase the third or subsequent offense of excessive speeding to a class C felony and authorize 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, 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 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 felony is not necessary.

Notably, in my 20+ years of experience at 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.

The bill also seeks to preclude probation or suspension of sentence taking away sentencing discretion from the court. This would mandate an open term of incarceration which is unreasonable in the context of a petty misdemeanor non-violent traffic offense. Creating a felony offense 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 *mandatory five years in prison*. This is simply not reasonable or sound. A felony 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 “felony” 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 incarcerating a single driver for five years would have on the safety of the roadway.

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.

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.

Sincerely,
/s/ Taryn Tomasa
Deputy Public Defender

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE DARIUS KILA, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

February 5, 2025

RE: H.B. 54; RELATING TO MOTOR VEHICLES.

Chair Kila, Vice Chair Grandinett, and members of the House Committee on Transportation, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony **in support with comments** on H.B. 54.

H.B. 54 establishes a Class C felony for a third excessive speeding conviction within a five-year period. Last year, the Honolulu Police Department tallied more than four dozen traffic fatalities.¹ Speed appears to be a factor in many of these collisions.² Hazardous driving endangers everyone. Repeat offenses should not be treated lightly.

Each criminal speeding citation represents a police officer who risked his or her life to catch that speeding motorist. To apprehend someone driving 100 miles per hour, the officer has to drive faster than 100 miles per hour. And that is only the citation. Excessive speeding convictions often require exhaustive evidence regarding officer training and instrument calibration.³ A third conviction for excessive speeding represents an ingrained and dangerous pattern of lawbreaking. It deserves grading as a felony.

¹ Press Release, Honolulu Police Department, Traffic Fatality #53 of 2024 (Jan. 18, 2025), available at <https://www.honolulu.pd.org/traffic-media/critical-motor-vehicle-collision-13/>.

² See, e.g., Press Release, Honolulu Police Department, Traffic Fatality #44 of 2024 (Nov. 28, 2024), available at <https://www.honolulu.pd.org/traffic-media/traffic-fatality-44-of-2024/>; Press Release, Honolulu Police Department, Traffic Fatality #36 of 2024 (Oct. 22, 2024), available at <https://www.honolulu.pd.org/traffic-media/traffic-fatality-36-of-2024/>; Press Release, Honolulu Police Department, Traffic Fatality #21 of 2024 (July 15, 2024), available at <https://www.honolulu.pd.org/traffic-media/critical-motor-vehicle-collision-100/>.

³ See, e.g., *State v. Assaye*, 121 Hawai'i 204, 212, 216 P.3d 1227, 1235 (2009) (requiring evidence officer's testing protocol was recommended by the manufacturer); *State v. Apollonio*, 130 Hawai'i 353, 360-61, 311 P.3d 676, 683-84 (2013) (excluding officer testimony regarding

We offer one suggested amendment.

Because initial speeding offenses are usually subject to citation, officers usually do not arrest, book, and fingerprint these motorists. But proving the third offense, now a felony, before a jury may require fingerprint evidence. Jurors are less familiar with judgments and traffic abstracts, common ways of proving prior offenses in district court.⁴

To facilitate accurate records of prior convictions—and ensure no miscarriages of justice through mistaken identity—the Department recommends a fingerprinting requirement upon conviction. This procedure already exists for criminal cases initiated by penal summons.⁵

Thank you for the opportunity to testify.

contents of user manual); *State v. Amiral*, 132 Hawai‘i 170, 319 P.3d 1178 (foundation for laser reading inadequate because officer did not describe the training recommended in the manual).

⁴ See *State v. Davis*, 133 Hawai‘i 102, 122, 324 P.3d 912, 932 (2014) (affirming judgments containing a Social Security number and date of birth as sufficient evidence of prior conviction); *State v. Nishi*, 9 Haw. App. 516, 526-27, 852 P.2d 476, 481-82 (1993) (affirming certified traffic abstracts as a method for proving prior offenses).

⁵ HRS § 846-2.5(b).

HONOLULU POLICE DEPARTMENT
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OUR REFERENCE JS-TK

February 6, 2025

The Honorable Darius K. Kila, Chair
and Members
Committee on Transportation
House of Representatives
415 South Beretania Street, Room 430
Honolulu, Hawai'i 96813

Dear Chair Kila and Members:

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

Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


James Slayter, Major
Traffic Division



Testimony of the Oahu Metropolitan Planning Organization

Committee on Transportation

02/06/25 10:00 AM
CR 430 & Videoconference

HB54 RELATING TO MOTOR VEHICLES

Dear Chair Kila, Vice Chair Grandinetti, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports HB54**, which increases the penalty for a third or subsequent offense of excessive speeding to a class C felony and requires that the vehicle used by the person in 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.