
A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 286-12, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Any person who violates this section shall be fined
4 \$250 for each violation[-]; provided that for a third or
5 subsequent violation within a one-year period, the person shall
6 also be sentenced to perform community service."

7 SECTION 2. Section 286-25, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§286-25 Operation of a vehicle or moped without a**
10 **certificate of inspection.** Whoever operates, permits the
11 operation of, causes to be operated, or parks any vehicle or
12 moped on a public highway without a current official certificate
13 of inspection, issued under section 286-26, shall be fined not
14 more than \$100[-]; provided that for a third or subsequent
15 violation within a one-year period, the person shall also be
16 sentenced to perform community service."



1 SECTION 3. Section 286-136, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Except as provided in subsection (b), any person who
4 violates section 286-102, 286-122, 286-130, 286-131, 286-132,
5 286-133, or 286-134 shall be fined not more than \$1,000 or
6 imprisoned not more than thirty days, or both. Any person who
7 violates any other section in this part shall be fined not more
8 than \$1,000 [-]; provided that for a third or subsequent
9 violation within a one-year period, the person shall also be
10 sentenced to perform community service.

11 (b) Any person who is convicted of violating section
12 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134
13 shall be subject to a minimum fine of \$500 and a maximum fine of
14 \$1,000, or imprisoned not more than one year, or both, if the
15 person has two or more prior convictions for the same offense in
16 the preceding five-year period [-]; provided that for a third or
17 subsequent conviction for the same offence in the preceding one-
18 year period, the person shall also be sentenced to perform
19 community service."

20 SECTION 4. Section 286-181, Hawaii Revised Statutes, is
21 amended by amending subsection (g) to read as follows:



1 "(g) Any person operating a school vehicle who fails to
2 comply with any rule adopted pursuant to this section shall be
3 fined not more than \$500 or imprisoned not more than six months,
4 or both[-]; provided that for a third or subsequent violation
5 within a one-year period, the person shall also be sentenced to
6 perform community service."

7 SECTION 5. Section 286-202.8, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Violation of this section shall be subject to a fine
10 of \$50, notwithstanding section 286-206[-]; provided that for a
11 third or subsequent violation within a one-year period, the
12 person shall also be sentenced to perform community service."

13 SECTION 6. Section 286-210, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§286-210 Operation of a motor carrier vehicle without a
16 safety inspection decal. Whoever operates, permits the
17 operation of, causes to be operated, or parks any motor carrier
18 vehicle on a public highway without a current motor carrier
19 vehicle safety inspection decal, issued under section 286-209,
20 shall be fined \$100 for each day of the violation[-]; provided
21 that for a third or subsequent violation within a one-year



1 period, the person shall also be sentenced to perform community
2 service."

3 SECTION 7. Section 286-234, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (c) to read:

6 "(c) Any employer who violates subsection (a) or (b)(1) or
7 (2) shall for a first conviction be fined not more than \$100;
8 for conviction of a second offense committed within one year
9 after the date of the prior conviction, the employer shall be
10 fined not more than \$300; for conviction of a third or
11 subsequent offense committed within two years after the date of
12 the second conviction, the employer shall be fined not more than
13 \$1,000[-] and shall be sentenced to perform community service
14 for conviction of a third or subsequent offense committed within
15 a one-year period after the date of the second conviction."

16 2. By amending subsection (e) to read:

17 "(e) Any employer who is convicted of a violation of
18 subsection (b)(4) shall be subject to a civil penalty of not
19 more than \$10,000[-]; provided that for a third or subsequent
20 violation within a one-year period, the employer shall also be
21 sentenced to perform community service."



1 SECTION 8. Section 286-249, Hawaii Revised Statutes, is
2 amended by amending subsections (c) and (d) to read as follows:

3 "(c) Any person convicted under or found in violation of
4 section 286-242(a) shall be fined not more than \$200[-];
5 provided that for a third or subsequent violation within a one-
6 year period, the person shall also be sentenced to perform
7 community service.

8 (d) Notwithstanding subsection (a)(2), any person
9 convicted under or found in violation of section 286-242(c)
10 shall be fined not more than \$500[-]; provided that for a third
11 or subsequent violation within a one-year period, the person
12 shall also be sentenced to perform community service."

13 SECTION 9. Section 291-2, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§291-2 Reckless driving of vehicle or riding of animals;
16 penalty. Whoever operates any vehicle or rides any animal
17 recklessly in disregard of the safety of persons or property is
18 guilty of reckless driving of vehicle or reckless riding of an
19 animal, as appropriate, and shall be fined not more than \$1,000
20 or imprisoned not more than thirty days, or both[-]; provided
21 that for a third or subsequent violation within a one-year



1 period, the person shall also be sentenced to perform community
2 service."

3 SECTION 10. Section 291-3.1, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) Any person violating this section shall be fined not
6 more than \$2,000 or imprisoned not more than thirty days, or
7 both[-]; provided that for a third or subsequent violation
8 within a one-year period, the person shall also be sentenced to
9 perform community service."

10 SECTION 11. Section 291-3.2, Hawaii Revised Statutes, is
11 amended by amending subsection (c) to read as follows:

12 "(c) Any person violating this section shall be guilty of
13 a petty misdemeanor[-]; provided that for a third or subsequent
14 violation within a one-year period, in addition to any other
15 penalty, the person shall be sentenced to perform community
16 service."

17 SECTION 12. Section 291-4.6, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) Any person convicted of violating this section shall
20 be sentenced as follows:



- 1 (1) For a first offense, or any offense not preceded
2 within a five-year period by a conviction under this
3 section:
- 4 (A) A term of imprisonment at least three consecutive
5 days but not more than thirty days;
- 6 (B) A fine not less than \$250 but not more than
7 \$1,000; and
- 8 (C) License suspension or denial shall continue until
9 written authorization of compliance is issued by
10 the child support enforcement agency, the office
11 of child support hearings, or the family court;
12 and
- 13 (2) For an offense which occurs within five years of a
14 prior conviction under this section:
- 15 (A) Thirty days' imprisonment;
- 16 (B) A fine of \$1,000; and
- 17 (C) License suspension or denial shall continue until
18 written authorization of compliance pursuant to
19 section 576D-13 [†]is[†] issued by the child
20 support enforcement agency, the office of child
21 support hearings, or the family court.



1 (3) For an offense which occurs within a one-year period
2 of at least two prior convictions under this section,
3 in addition to any other penalty, the person shall be
4 sentenced to perform community service.

5 SECTION 13. Section 291-10, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§291-10 Penalty. Any person violating any of the
8 provisions of sections 291-8 and 291-9 shall be fined not less
9 than \$5 nor more than \$150[-]; provided that for a third or
10 subsequent violation within a one-year period, the person shall
11 also be sentenced to perform community service."

12 SECTION 14. Section 291-11, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) A motorcycle or motor scooter driver who violates
15 this section shall be fined not more than \$200[-]; provided that
16 for a third or subsequent violation within a one-year period,
17 the person shall also be sentenced to perform community
18 service."

19 SECTION 15. Section 291-11.5, Hawaii Revised Statutes, is
20 amended by amending subsection (e) to read as follows:



1 "(e) Violation of this section shall be considered an
2 offense as defined under section 701-107(5) and shall subject
3 the violator to the following penalties:

4 (1) For a first conviction, the person shall:

5 (A) Be fined not more than \$100;

6 (B) Be required by the court to attend a child
7 passenger restraint system safety class conducted
8 by the division of driver education; provided
9 that:

10 (i) The class may include video conferences as
11 determined by the administrator of the
12 division of driver education as an
13 alternative method of education; and

14 (ii) The class shall not exceed four hours;

15 (C) Pay a \$50 driver education assessment as provided
16 in section 286G-3;

17 (D) Pay a \$10 surcharge to be deposited into the
18 neurotrauma special fund; and

19 (E) Pay up to a \$10 surcharge to be deposited into
20 the trauma system special fund if the court so
21 orders;



1 (2) For a conviction of a second offense committed within
2 three years of any other conviction under this
3 section, the person shall:

4 (A) Be fined not less than \$100 but not more than
5 \$200;

6 (B) Be required by the court to attend a child
7 passenger restraint system safety class not to
8 exceed four hours in length conducted by the
9 division of driver education if the person has
10 not previously attended such a class;

11 (C) Pay a \$50 driver education assessment as provided
12 in section 286G-3 if the person has not
13 previously attended a child passenger restraint
14 system safety class conducted by the division of
15 driver education;

16 (D) Pay a \$10 surcharge to be deposited into the
17 neurotrauma special fund; and

18 (E) Pay up to a \$10 surcharge to be deposited into
19 the trauma system special fund if the court so
20 orders;



- 1 (3) For a conviction of a third or subsequent offense
- 2 committed within three years of any other conviction
- 3 under this section, the person shall:
- 4 (A) Be fined not less than \$200 but not more than
- 5 \$500;
- 6 (B) Be required by the court to attend a child
- 7 passenger restraint system safety class not to
- 8 exceed four hours in length conducted by the
- 9 division of driver education if the person has
- 10 not previously attended such a class;
- 11 (C) Pay a \$50 driver education assessment as provided
- 12 in section 286G-3 if the person has not
- 13 previously attended a child passenger restraint
- 14 system safety class conducted by the division of
- 15 driver education;
- 16 (D) Pay a \$10 surcharge to be deposited into the
- 17 neurotrauma special fund; and
- 18 (E) Pay up to a \$10 surcharge to be deposited into
- 19 the trauma system special fund if the court so
- 20 orders.



1 (4) For a conviction of a third or subsequent offense
 2 committed within a one-year period of any other
 3 conviction under this section, the person shall also
 4 be sentenced to perform community service.

5 SECTION 16. Section 291-11.6, Hawaii Revised Statutes, is
 6 amended by amending subsection (e) to read as follows:

7 "(e) A person who fails to comply with the requirements of
 8 this section:

9 (1) Shall be subject to:

10 (A) A fine of \$45 for each violation; provided that
 11 for a third or subsequent violation within a one-
 12 year period, the person shall also be sentenced
 13 to perform community service; and

14 (B) A surcharge of \$10 that shall be deposited into
 15 the neurotrauma special fund; and

16 (2) May be subject to a surcharge of up to \$10 that shall
 17 be deposited into the trauma system special fund."

18 SECTION 17. Section 291-12, Hawaii Revised Statutes, is
 19 amended to read as follows:

20 "**§291-12 Inattention to driving.** Whoever operates any
 21 vehicle negligently as to cause a collision with, or injury or



1 damage to, as the case may be, any person, vehicle or other
2 property shall be fined not more than \$500 or imprisoned not
3 more than thirty days, or both, and may be subject to a
4 surcharge of up to \$100, which shall be deposited into the
5 trauma system special fund[-]; provided that for a third or
6 subsequent violation within a one-year period, the person shall
7 also be sentenced to perform community service."

8 SECTION 18. Section 291-14, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) Any person who violates this section shall be subject
11 to a fine of \$25 for each violation; provided that any person
12 who violates subsection (c) shall be subject to a fine of \$50
13 for each separate violation[-]; provided further that for a
14 third or subsequent violation within a one-year period of this
15 section or subsection (c) the person shall also be sentenced to
16 perform community service."

17 SECTION 19. Section 291-17, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) Any person who is convicted of violating subsection
20 (a) shall be fined not more than \$2,750 in addition to the
21 driving disqualification of section 286-240(e) [-]; provided that



1 for a third or subsequent violation within a one-year period,
2 the person shall also be sentenced to perform community
3 service."

4 SECTION 20. Section 291-21.5, Hawaii Revised Statutes, is
5 amended by amending subsection (e) to read as follows:

6 "(e) Any person who violates this section shall be fined:

7 (1) Not less than \$250 or more than \$500 for each separate
8 offense if the person is the owner of the motor
9 vehicle which is in violation; and

10 (2) Not less than \$500 nor more than \$1,000 for each
11 separate offense if the person or business entity is
12 the installer of any sun screening device which does
13 not meet the requirements of this section. The
14 installer shall also reinstall sun protective devices
15 which comply with this section, free of charge, or
16 reimburse the motor vehicle owner for the cost of
17 installing sun protective devices by another installer
18 which comply with this section[-];

19 provided that for a third or subsequent violation within a one-
20 year period, the person shall also be sentenced to perform
21 community service. The receipt from the installer in the



1 possession of the person in the motor vehicle at the time of the
2 issuance of the citation shall be prima facie evidence of the
3 identity of the installer. The installer shall issue a
4 certificate to the vehicle owner at the time the sunscreen
5 device is installed certifying that the device complies with
6 law. The certificate shall be stored in the motor vehicle at
7 all times."

8 SECTION 21. Section 291-23, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§291-23 Penalty. Whoever is convicted of violating any
11 of the provisions of section 291-22 shall be fined not more than
12 \$100[-]; provided that for a third or subsequent violation
13 within a one-year period, the person shall also be sentenced to
14 perform community service."

15 SECTION 22. Section 291-24, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) Whoever violates this section shall be fined not more
18 than \$100[-]; provided that for a third or subsequent violation
19 within a one-year period, the person shall also be sentenced to
20 perform community service."



1 SECTION 23. Section 291-24.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Any violation of this section shall constitute a
4 violation and shall be enforceable by police officers. The fine
5 for this violation shall be not less than \$25 nor more than \$250
6 for each separate offense[-]; provided that for a third or
7 subsequent violation within a one-year period, the person shall
8 also be sentenced to perform community service. Any person who
9 violates the provisions of this section may be issued a summons
10 or citation for such violation."

11 SECTION 24. Section 291-31.5, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) Any violation of this section shall be punished by a
14 fine not exceeding \$1,000, or by imprisonment not exceeding one
15 year, or both[-]; provided that for a third or subsequent
16 violation within a one-year period, the person shall also be
17 sentenced to perform community service."

18 SECTION 25. Section 291-32, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) Whoever violates any of the provisions of this
21 section, or of sections 291-25 to 291-31, shall be fined not



1 more than \$10. Each violation shall be deemed a separate
2 offense, and a subsequent violation of the same provision within
3 a one-year period shall be subject to twice the fine imposed
4 upon the prior conviction therefor[-] and the person shall be
5 sentenced to perform community service."

6 SECTION 26. Section 291-37, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Any person who omits to perform any of the acts
9 required by, or who commits any of the acts prohibited by,
10 sections 291-2 to 291-33, or any rules adopted to enforce those
11 sections, shall be guilty of a violation and shall be fined not
12 less than \$25 nor more than \$1,800, except as otherwise
13 provided[-]; and provided that for a third or subsequent
14 violation within a one-year period, the person shall also be
15 sentenced to perform community service.

16 Any person who omits to perform any of the acts required
17 by, or who commits any of the acts prohibited by, section
18 291-34, 291-35, or 291-36 shall be fined in accordance with the
19 following tables:

20		The fine for a
21	If the excess weight is:	violation shall be:



1	100 to 1,500 pounds	\$ 250
2	1,501 to 2,000 pounds	260
3	2,001 to 2,500 pounds	280
4	2,501 to 3,000 pounds	320
5	3,001 to 3,500 pounds	360
6	3,501 to 4,000 pounds	400
7	4,001 to 4,500 pounds	450
8	4,501 to 5,000 pounds	500
9	5,001 to 5,500 pounds	550
10	5,501 to 6,000 pounds	600
11	6,001 to 6,500 pounds	660
12	6,501 to 7,000 pounds	720
13	7,001 to 7,500 pounds	780
14	7,501 to 8,000 pounds	840
15	8,001 to 8,500 pounds	910
16	8,501 to 9,000 pounds	980
17	9,001 to 9,500 pounds	1050
18	9,501 to 10,000 pounds	1120
19	10,001 pounds and over	1160

20	If the excess dimension is:	The fine shall be:
21	Up to 5 feet	\$ 50



1	Over 5 feet and up to 10 feet	100
2	Over 10 feet and up to 15 feet	150
3	Over 15 feet	200

4

5 For the purposes of this section, "person" means the driver
6 of the vehicle unless the driver is an employee in the scope and
7 course of employment, in which case "person" means the employer
8 of the driver. In the case of the transportation of a sealed
9 container or transportation by flatrack, "person" means:

- 10 (1) The individual or company the cargo is consigned to;
11 or
12 (2) The individual or company located in the State
13 shipping the cargo.

14 The consignee or the shipper shall not be cited if the power
15 units' drive axle group is overweight, and the weight is not
16 more than that allowed for a tandem axle with any applicable
17 tolerances.

18 All penalties imposed and collected for violations of
19 sections 291-33 to 291-36 shall be paid into the state highway
20 fund.



1 The department of transportation shall institute a system
2 where the fine, based on the tables in this subsection, may be
3 mailed in when the citation or penalty is not to be contested.
4 This system shall include an ability for the owner of the
5 vehicle or combination of vehicles to request the operator be
6 held harmless and the citation be transferred to that owner of
7 the vehicle or combination of vehicles."

8 SECTION 27. Section 291C-72, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) Every person who violates this section shall be
11 subject to the following penalties:

12 (1) For a first infraction, or any infraction not preceded
13 within one year by a prior violation of this section,
14 a fine of \$150;

15 (2) For an infraction that occurs within one year of a
16 prior violation of this section, a fine of \$300 and
17 revocation of the person's driver's license and
18 privilege to operate a vehicle for a period of ninety
19 days; and

20 (3) For an infraction that occurs within two years of two
21 prior violations of this section, and for the fourth



1 and each additional infraction of this section,
 2 regardless of when committed, a fine of \$1,000 and
 3 revocation of the person's driver's license and
 4 privilege to operate a vehicle for a period of one
 5 hundred eighty days.

6 (4) For an infraction that occurs within one year of two
 7 prior violations of this section, the person shall
 8 also be sentenced to perform community service."

9 SECTION 28. Section 291C-95, Hawaii Revised Statutes, is
 10 amended by amending subsection (h) to read as follows:

11 "(h) Any person who violates this section shall be fined
 12 not more than \$500 or sentenced to perform community service, or
 13 both; provided that any person who violates subsection (a) on a
 14 state highway shall be fined not more than \$1,000 or sentenced
 15 to perform community service, or both[-]; provided further that
 16 for a third or subsequent violation within a one-year period of
 17 this section or subsection (a) the person shall be fined and
 18 sentenced to perform community service."

19 SECTION 29. Section 291C-103, Hawaii Revised Statutes, is
 20 amended by amending subsection (e) to read as follows:



1 "(e) Any person who violates this section, except
2 subsection (d), shall be fined not more than \$500 or imprisoned
3 not more than six months, or both. Any person who violates
4 subsection (d) shall be fined not more than \$500 or be sentenced
5 to perform community service, or both[-]; provided that for a
6 third or subsequent violation within a one-year period of this
7 section or subsection (d) the person shall be fined and
8 sentenced to perform community service."

9 SECTION 30. Section 291C-104, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) Any person who violates this section shall be fined
12 \$250, may be charged with a surcharge of up to \$100 to be
13 deposited into the trauma system special fund, and, where the
14 violation involves speeding in a school zone, shall be charged
15 with a surcharge of \$25 to be deposited into the safe routes to
16 school program special fund[-]; provided that for a third or
17 subsequent violation within a one-year period, the person shall
18 also be sentenced to perform community service."

19 SECTION 31. Section 291C-105, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) Any person who violates this section shall be guilty
2 of a petty misdemeanor and shall be sentenced as follows without
3 the possibility of probation or suspension of sentence:

4 (1) For a first offense not preceded by a prior conviction
5 for an offense under this section in the preceding
6 five years:

7 (A) A fine of not less than \$500 and not more than
8 \$1,000;

9 (B) Thirty-day prompt suspension of license and
10 privilege to operate a vehicle during the
11 suspension period, or the court may impose, in
12 lieu of the thirty-day prompt suspension of
13 license, a minimum fifteen-day prompt suspension
14 of license with absolute prohibition from
15 operating a vehicle and, for the remainder of the
16 thirty-day period, a restriction on the license
17 that allows the person to drive for limited work-
18 related purposes;

19 (C) Attendance in a course of instruction in driver
20 retraining;



- 1 (D) A surcharge of \$25 to be deposited into the
- 2 neurotrauma special fund;
- 3 (E) May be charged a surcharge of up to \$100 to be
- 4 deposited into the trauma system special fund if
- 5 the court so orders;
- 6 (F) An assessment for driver education pursuant to
- 7 section 286G-3; and
- 8 (G) Either one of the following:
 - 9 (i) Thirty-six hours of community service work;
 - 10 or
 - 11 (ii) Not less than forty-eight hours and not more
 - 12 than five days of imprisonment;
- 13 (2) For an offense that occurs within five years of a
- 14 prior conviction for an offense under this section,
- 15 by:
 - 16 (A) A fine of not less than \$750 and not more than
 - 17 \$1,000;
 - 18 (B) Prompt suspension of license and privilege to
 - 19 operate a vehicle for a period of thirty days
 - 20 with an absolute prohibition from operating a
 - 21 vehicle during the suspension period;



- 1 (C) Attendance in a course of instruction in driver
- 2 retraining;
- 3 (D) A surcharge of \$25 to be deposited into the
- 4 neurotrauma special fund;
- 5 (E) May be charged a surcharge of up to \$100 to be
- 6 deposited into the trauma system special fund if
- 7 the court so orders;
- 8 (F) An assessment for driver education pursuant to
- 9 section 286G-3; and
- 10 (G) Either one of the following:
 - 11 (i) Not less than one hundred twenty hours of
 - 12 community service work; or
 - 13 (ii) Not less than five days but not more than
 - 14 fourteen days of imprisonment of which at
 - 15 least forty-eight hours shall be served
 - 16 consecutively; and
- 17 (3) For an offense that occurs within five years of two
- 18 prior convictions for offenses under this section, by:
 - 19 (A) A fine of \$1,000;



- 1 (B) Revocation of license and privilege to operate a
- 2 vehicle for a period of not less than ninety days
- 3 but not more than one year;
- 4 (C) Attendance in a course of instruction in driver
- 5 retraining;
- 6 (D) No fewer than ten days but no more than thirty
- 7 days of imprisonment of which at least forty-
- 8 eight hours shall be served consecutively;
- 9 (E) A surcharge of \$25 to be deposited into the
- 10 neurotrauma special fund;
- 11 (F) May be charged a surcharge of up to \$100 to be
- 12 deposited into the trauma system special fund if
- 13 the court so orders; and
- 14 (G) An assessment for driver education pursuant to
- 15 section 286G-3.

16 (4) For an offense that occurs within one year of two
 17 prior convictions for offenses under this section, by
 18 also being sentenced to perform community service."

19 SECTION 32. Section 291C-123, Hawaii Revised Statutes, is
 20 amended by amending subsection (b) to read as follows:



1 "(b) Any person violating the parking prohibition in
 2 subsection (a) shall be fined \$200[-]; provided that for a third
 3 or subsequent violation within a one-year period, the person
 4 shall also be sentenced to perform community service. Fines
 5 collected pursuant to this section shall be deposited into the
 6 state highway fund."

7 SECTION 33. Section 291C-130, Hawaii Revised Statutes, is
 8 amended by amending subsection (c) to read as follows:

9 "(c) Any person who violates this section shall be fined
 10 not more than \$500[-]; provided that for a third or subsequent
 11 violation within a one-year period, the person shall also be
 12 sentenced to perform community service."

13 SECTION 34. Section 291C-131, Hawaii Revised Statutes, is
 14 amended by amending subsection (g) to read as follows:

15 "(g) Violation of this section shall be considered an
 16 offense as defined in section 701-107(5), shall not be subject
 17 to the provisions of chapter 291D, and shall subject the owner
 18 or driver of the vehicle, or both, to the following penalties
 19 without possibility of probation or suspension of sentence:

- 20 (1) For a first violation, by a fine of not less than \$250
 21 and not more than \$500.



1 (2) For a second violation involving a vehicle or driver
2 previously cited under this section within one year:

3 (A) Suspension of the vehicle registration or
4 suspension of the license of the driver, or both,
5 for not less than five working days but not more
6 than ten working days; and

7 (B) A fine of not less than \$500 and not more than
8 \$750.

9 (3) For a third or subsequent violation involving a
10 vehicle or driver previously cited under this section
11 within one year:

12 (A) Suspension of the vehicle registration or
13 suspension of the license of the driver, or both,
14 for a period of thirty calendar days; [~~and~~]

15 (B) A fine of not less than \$750 and not more than
16 \$1,000 [~~+~~]; and

17 (C) The owner or driver of the vehicle, or both,
18 shall be sentenced to perform community service.

19 In imposing a fine under this subsection, the court, in its
20 discretion, may apportion payment of the fine between the driver



1 of the vehicle and the owner of the vehicle according to the
2 court's determination of the degree of fault for the violation.

3 For the purposes of this subsection, a truck-trailer
4 combination and tractor-semitrailer combination, as they are
5 defined in section 286-2, shall be considered as one vehicle."

6 SECTION 35. Section 291C-132, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) The court shall fine the person convicted of
9 committing the offense of littering at least \$100, but not more
10 than \$500[-]; provided that for a third or subsequent violation
11 within a one-year period, the person shall also be sentenced to
12 perform community service."

13 SECTION 36. Section 291C-137, Hawaii Revised Statutes, is
14 amended by amending subsection (f) to read as follows:

15 "(f) Every person who violates this section shall be
16 subject to a fine of \$250 that shall be deposited into the state
17 highway fund; provided that if a person violates this section
18 while operating a motor vehicle in a school zone or construction
19 area, as defined in section 291C-104, the fine shall be \$300,
20 which shall be paid to the director of finance pursuant to
21 section 291C-171[-]; provided further that for a third or



1 subsequent violation within a one-year period, the person shall
2 also be sentenced to perform community service."

3 SECTION 37. Section 291C-138, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Violation of this section shall subject the driver of
6 the vehicle to a fine of \$250[-]; provided that for a third or
7 subsequent violation within a one-year period, the person shall
8 also be sentenced to perform community service."

9 SECTION 38. Section 291C-227, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§291C-227 Penalty. A person who violates any provision
12 of this part shall for a first conviction thereof be fined \$75;
13 for conviction of a second offense committed within one year
14 after the date of the first offense, the person shall be fined
15 \$150; for conviction of a third or subsequent offense committed
16 within one year after the date of the first offense, the person
17 shall be fined \$200[-] and shall be sentenced to perform
18 community service."

19 SECTION 39. Section 291E-67, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:

21 "(c) Any person who violates this section shall be:



1 (1) Fined not more than \$1,000 or imprisoned not more than
2 thirty days, or both, for any offense that does not
3 occur within five years of two prior convictions for
4 this offense; and

5 (2) Fined not less than \$500 but not more than \$1,000 or
6 imprisoned not more than one year, or both, if the
7 person has two or more prior convictions for the
8 offense in the preceding five-year period.

9 (3) Sentenced to perform community service if the person
10 has two or more prior convictions for the offense in
11 the preceding one-year period.

12 SECTION 40. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 41. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 42. This Act shall take effect on July 1, 2050.



Report Title:

Traffic Violations; Traffic Code; Community Service

Description:

Requires that for a third or subsequent moving traffic violation within a one-year period relating to the operation or ownership of a vehicle the person shall be sentenced to perform community service. Takes effect 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

