
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Section 286-136, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§286-136~~ **Penalty.** (a) Except as provided in
4 ~~[subsection]~~ subsections (b) ~~[7]~~ and (c), any person who violates
5 section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or
6 286-134 shall be fined no more than \$1,000 or imprisoned no more
7 than thirty days, or both. Any person who violates any other
8 section in this part shall be fined no more than \$1,000.

9 (b) Any person who is convicted of violating section
10 286-102, 286-122, 286-130, ~~[286-131,]~~ or 286-132 ~~[, 286-133, or~~
11 ~~286-134]~~ shall be ~~[subject]~~ :

12 (1) Subject to a minimum fine of \$500 and a maximum fine
13 of \$1,000, or imprisoned no more than one year, or
14 both, if the person has ~~[two or~~
15 ~~more]~~ _____ to _____ prior convictions;

16 (2) Guilty of a class C felony if the person
17 has _____ to _____ prior convictions; or



1 (3) Guilty of a class B felony if the person has or
2 more prior convictions,

3 for the same offense in the preceding five-year period.

4 (c) Any person who is convicted of violating section
5 286-131, 286-133, or 286-134 shall be subject to a minimum fine
6 of \$500 and a maximum fine of \$1,000, or imprisoned no more than
7 one year, or both, if the person has two or more prior
8 convictions for the same offense in the preceding five-year
9 period.

10 [~~e~~] (d) Notwithstanding subsections (a) [~~and~~], (b), and
11 (c), a minor under the age of eighteen under the jurisdiction of
12 the family court who is subject to this section shall either
13 lose the right to drive a motor vehicle until the age of
14 eighteen or be subject to a fine of \$500.

15 [~~d~~] (e) Any person subject to a fine under this section
16 and who fails to timely pay the fine shall be given an
17 opportunity to petition the court to demonstrate that the
18 person's nonpayment or inability to pay is not wilful; provided
19 that if the person petitions the court, the court shall make an
20 individualized assessment of the person's ability to pay based
21 upon the totality of the circumstances, including the person's



1 disposable income, financial obligations, and liquid assets;
 2 provided further that if the court determines that the person's
 3 nonpayment or inability to pay is not wilful, the court may
 4 enter an order that allows additional time for payment; reduces
 5 the amount of each installment; revokes the fee or fine, or
 6 unpaid portion thereof, in whole or in part; or converts any
 7 outstanding fine to community service."

8 SECTION 2. Section 291E-62, Hawaii Revised Statutes, is
 9 amended by amending subsection (c) to read as follows:

10 "(c) Any person convicted of violating this section shall
 11 be ~~[sentenced as follows]~~ penalized as follows, without the
 12 possibility of probation or suspension of any sentence:

13 (1) For a first offense, or any offense not preceded
 14 within a ten-year period by conviction for an offense
 15 under this section, section 291E-66, or section
 16 291-4.5 as that section was in effect on December 31,
 17 2001:

18 (A) [A] The person shall serve a term of imprisonment
 19 of no less than three consecutive days and no
 20 more than thirty days;



- 1 (B) [A] The person shall pay a fine of no less than
2 \$250 and no more than \$1,000, to be deposited
3 into the drug and alcohol toxicology testing
4 laboratory special fund; and
- 5 (C) [~~Revocation of~~] The person's license and
6 privilege to operate a vehicle shall be revoked
7 for an additional year;
- 8 (2) For an offense that occurs within ten years of a prior
9 conviction for an offense under this section, section
10 291E-66, or section 291-4.5 as that section was in
11 effect on December 31, 2001:
- 12 (A) [~~Thirty~~] The person shall serve a term of
13 imprisonment of thirty days [~~imprisonment~~];
- 14 (B) [A] The person shall pay a \$1,000 fine, to be
15 deposited into the drug and alcohol toxicology
16 testing laboratory special fund; and
- 17 (C) [~~Revocation of~~] The person's license and
18 privilege to operate a vehicle shall be revoked
19 for an additional two years;
- 20 (3) For an offense that occurs within ten years of two [~~or~~
21 ~~more~~] to _____ prior convictions for offenses under



1 this section, section 291E-66, or section 291-4.5 as
2 that section was in effect on December 31, 2001, or
3 any combination thereof:

4 (A) [~~No~~] The person shall serve no less than six
5 months and no more than one year imprisonment;

6 (B) [A] The person shall pay a \$2,000 fine, to be
7 deposited into the drug and alcohol toxicology
8 testing laboratory special fund; and

9 (C) [~~Permanent revocation of the~~] The person's
10 license and privilege to operate a vehicle[~~and~~]
11 shall be permanently revoked;

12 (4) For an offense that occurs within ten years
13 of to prior convictions for offenses under
14 this section or section 291E-66, or any combination
15 thereof:

16 (A) The person shall be guilty of a class C felony;
17 provided that any fine collected shall be
18 deposited into the drug and alcohol toxicology
19 testing laboratory special fund; and

20 (B) The person's license and privilege to operate a
21 vehicle shall be permanently revoked;



1 (5) For an offense that occurs within ten years of or
2 more prior convictions for offenses under this section
3 or section 291E-66, or any combination thereof:

4 (A) The person shall be guilty of a class B felony;
5 provided that any fine collected shall be
6 deposited into the drug and alcohol toxicology
7 testing laboratory special fund; and

8 (B) The person's license and privilege to operate a
9 vehicle shall be permanently revoked; and

10 ~~[(4)]~~ (6) In addition to a sentence imposed under
11 paragraphs (1) through ~~[(3)]~~ (5), any person who is
12 convicted under this section and also convicted under
13 section 291E-61 or 291E-61.5, for an offense based on
14 the same incident or arising from the same episode,
15 shall be sentenced to terms of imprisonment for both
16 offenses, which shall be served consecutively."

17 SECTION 3. Section 291E-62, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) Any person convicted of violating this section shall
20 be ~~[sentenced as follows]~~ penalized as follows, without the
21 possibility of probation or suspension of any sentence:



1 (1) For a first offense, or any offense not preceded
2 within a ten-year period by conviction for an offense
3 under this section, section 291E-66, or section
4 291-4.5 as that section was in effect on December 31,
5 2001:

6 (A) [A] The person shall serve a term of imprisonment
7 of [~~not~~] no less than three consecutive days and
8 [~~not~~] no more than thirty days;

9 (B) [A] The person shall pay a fine of [~~not~~] no less
10 than \$250 and [~~not~~] no more than \$1,000; and

11 (C) [~~Revocation of~~] The person's license and
12 privilege to operate a vehicle shall be revoked
13 for an additional year;

14 (2) For an offense that occurs within ten years of a prior
15 conviction for an offense under this section, section
16 291E-66, or section 291-4.5 as that section was in
17 effect on December 31, 2001:

18 (A) [~~Thirty~~] The person shall serve a term of
19 imprisonment of thirty days [~~imprisonment~~];

20 (B) [A] The person shall pay a \$1,000 fine; and



1 (C) [~~Revocation of~~] The person's license and
2 privilege to operate a vehicle shall be revoked
3 for an additional two years;

4 (3) For an offense that occurs within ten years of two [~~or~~
5 ~~more~~] to prior convictions for offenses under
6 this section, section 291E-66, or section 291-4.5 as
7 that section was in effect on December 31, 2001, or
8 any combination thereof:

9 (A) [~~No~~] The person shall serve no less than six
10 months and no more than one year imprisonment;

11 (B) [A] The person shall pay a \$2,000 fine; and

12 (C) [~~Permanent revocation of the~~] The person's
13 license and privilege to operate a vehicle [~~; and~~]
14 shall be permanently revoked;

15 (4) For an offense that occurs within ten years
16 of to prior convictions for offenses under
17 this section or section 291E-66, or any combination
18 thereof:

19 (A) The person shall be guilty of a class C felony;
20 and



1 SECTION 6. This Act shall take effect on July 1, 3000;

2 provided that:

3 (1) Section 2 shall be repealed; and

4 (2) Section 3 shall take effect,

5 on the date that section 291E-62(c), Hawaii Revised Statutes, is

6 repealed and reenacted pursuant to section 11 of Act 196,

7 Session Laws of Hawaii 2021, as amended by section 8 of Act 148,

8 Session Laws of Hawaii 2023.



Report Title:

Vehicles; Driving; Highways; Operating; Licenses; Penalties

Description:

Increases penalties for certain offenses relating to the unauthorized driving or operation of motor vehicles. Effective 7/1/3000. (HD1)

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

