

JAN 19 2024

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 more~~] to prior
15 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 pursuant to this section,
12 without the possibility of probation or suspension of any
13 sentence:

14 (1) For a first offense, or any offense not preceded
15 within a ten-year period by conviction for an offense
16 under this section, section 291E-66, or section
17 291-4.5 as that section was in effect on December 31,
18 2001:

19 (A) [A] The person shall serve a term of imprisonment
20 of no less than three consecutive days and no
21 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
 2 of to prior convictions for offenses under
 3 this section or section 291E-66, or any combination
 4 thereof:

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

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

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

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

20 "(c) Any person convicted of violating this section shall
 21 be [~~sentenced as follows~~] penalized pursuant to this section,

1 without the possibility of probation or suspension of any
2 sentence:

3 (1) For a first offense, or any offense not preceded
4 within a ten-year period by conviction for an offense
5 under this section, section 291E-66, or section
6 291-4.5 as that section was in effect on December 31,
7 2001:

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

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

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

16 (2) For an offense that occurs within ten years of a prior
17 conviction for an offense under this section, section
18 291E-66, or section 291-4.5 as that section was in
19 effect on December 31, 2001:

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



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

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

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

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

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

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

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

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

1 SECTION 5 Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2024;
4 provided that:

5 (1) Section 2 shall be repealed; and

6 (2) Section 3 shall take effect,

7 on the date that section 291E-62(c), Hawaii Revised Statutes is
8 repealed and reenacted pursuant to section 11 of Act 196,
9 Session Laws of Hawaii 2021, as amended by section 8 of Act 148,
10 Session Laws of Hawaii 2023.

11

INTRODUCED BY:





S.B. NO. 2588

Report Title:

Vehicles; Driving; Highways; Operating; Licenses; Penalties

Description:

Increases penalties for certain offenses relating to the unauthorized driving or operation of motor vehicles.

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