
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Section 291C-105, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291C-105 Excessive speeding.** (a) No person shall drive
4 a motor vehicle at a speed exceeding:

5 (1) The applicable state or county speed limit by thirty
6 miles per hour or more; or

7 (2) Eighty miles per hour or more irrespective of the
8 applicable state or county speed limit.

9 (b) For the purposes of this section, "the applicable
10 state or county speed limit" means:

11 (1) The maximum speed limit established by county
12 ordinance;

13 (2) The maximum speed limit established by official signs
14 placed by the director of transportation on highways
15 under the director's jurisdiction; or

16 (3) The maximum speed limit established pursuant to
17 section 291C-104 by the director of transportation or



1 the counties for school zones and construction areas
2 in their respective jurisdictions.

3 (c) Any person who violates [~~this section~~] subsection (a)
4 shall be guilty of a petty misdemeanor and shall be sentenced as
5 follows without the possibility of probation or suspension of
6 sentence:

7 (1) For a first offense not preceded by a prior conviction
8 for an offense under [~~this section~~] subsection (a) in
9 the preceding five years:

10 (A) A fine of [~~not~~] no less than \$500 and [~~not~~] no
11 more than \$1,000;

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



- 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[+] under section 321H-4;
- 5 (E) May be charged a surcharge of [~~up to~~] no more
- 6 than \$100 to be deposited into the trauma system
- 7 special fund, if 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) Thirty-six hours of community service work;
- 12 or
- 13 (ii) Not less than forty-eight hours and not more
- 14 than five days of imprisonment; and
- 15 (2) For an offense that occurs within five years of a
- 16 prior conviction for an offense under [~~this section,~~]
- 17 subsection (a), by:
- 18 (A) A fine of [~~not~~] no less than \$750 and not more
- 19 than \$1,000;
- 20 (B) Prompt suspension of license and privilege to
- 21 operate a vehicle for a period of thirty days



- 1 with an absolute prohibition from operating a
- 2 vehicle during the suspension period;
- 3 (C) Attendance in a course of instruction in driver
- 4 retraining;
- 5 (D) A surcharge of \$25 to be deposited into the
- 6 neurotrauma special fund[+] under section 321H-4;
- 7 (E) May be charged a surcharge of [~~up to~~] no more
- 8 than \$100 to be deposited into the trauma system
- 9 special fund, if the court so orders;
- 10 (F) An assessment for driver education pursuant to
- 11 section 286G-3; and
- 12 (G) Either one of the following:
 - 13 (i) Not less than one hundred twenty hours of
 - 14 community service work; or
 - 15 (ii) Not less than five days but not more than
 - 16 fourteen days of imprisonment of which at
 - 17 least forty-eight hours shall be served
 - 18 consecutively[+] ~~and~~
- 19 ~~(3) For an offense that occurs within five years of two~~
- 20 ~~prior convictions for offenses under this section, by:~~
- 21 ~~(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 (d) Notwithstanding subsection (c), any person who
17 violates subsection (a) within five years of two prior
18 convictions for the same offense shall be guilty of a class C
19 felony and shall be sentenced as follows without the possibility
20 of probation or suspension of sentence:



- 1 (1) Revocation of license and privilege to operate a
2 vehicle for a period of no less than ninety days but
3 not more than one year;
- 4 (2) Attendance in a course of instruction in driver
5 retraining;
- 6 (3) A surcharge of \$25 to be deposited into the
7 neurotrauma special fund under section 321H-4;
- 8 (4) May be charged a surcharge of no more than \$100 to be
9 deposited into the trauma system special fund, if the
10 court so orders;
- 11 (5) An assessment for driver education pursuant to section
12 286G-3;
- 13 (6) Shall be ordered to report, within seven days, to the
14 appropriate police department, sheriff's office, or
15 other governmental agency for fingerprinting; and
- 16 (7) May be ordered that the vehicle used in the commission
17 of the offense be subject to forfeiture under
18 chapter 712A."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Excessive Speeding; Vehicle; Property Forfeiture; Penalties

Description:

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. Effective 7/1/3000. (HD1)

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