
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 PART I

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

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

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

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

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

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

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



1 (3) The maximum speed limit established pursuant to
2 section 291C-104 by the director of transportation or
3 the counties for school zones and construction areas
4 in their respective jurisdictions.

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

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

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

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



- 1 (A) A fine of [~~not~~] no less than \$750 and [~~not~~] no
2 more than \$1,000;
- 3 (B) Prompt suspension of license and privilege to
4 operate a vehicle for a period of thirty days
5 with an absolute prohibition from operating a
6 vehicle during the suspension period;
- 7 (C) Attendance in a course of instruction in driver
8 retraining;
- 9 (D) A surcharge of \$25 to be deposited into the
10 neurotrauma special fund[~~r~~] under section 321H-4;
- 11 (E) [~~May be charged a~~] A surcharge of [~~up to~~] no more
12 than \$100 to be deposited into the trauma system
13 special fund under section 321-22.5, if the court
14 so orders;
- 15 (F) An assessment for driver education pursuant to
16 section 286G-3; and
- 17 (G) Either one of the following:
 - 18 (i) [~~Not~~] No less than one hundred twenty hours
19 of community service work; or
 - 20 (ii) [~~Not~~] No less than five days but [~~not~~] no
21 more than fourteen days of imprisonment of



1 which at least forty-eight hours shall be
2 served consecutively[; and
3 ~~(3) For an offense that occurs within five years of two~~
4 ~~prior convictions for offenses under this section, by:~~
5 ~~(A) A fine of \$1,000;~~
6 ~~(B) Revocation of license and privilege to operate a~~
7 ~~vehicle for a period of not less than ninety days~~
8 ~~but not more than one year;~~
9 ~~(C) Attendance in a course of instruction in driver~~
10 ~~retraining;~~
11 ~~(D) No fewer than ten days but no more than thirty~~
12 ~~days of imprisonment of which at least forty-~~
13 ~~eight hours shall be served consecutively;~~
14 ~~(E) A surcharge of \$25 to be deposited into the~~
15 ~~neurotrauma special fund;~~
16 ~~(F) May be charged a surcharge of up to \$100 to be~~
17 ~~deposited into the trauma system special fund if~~
18 ~~the court so orders; and~~
19 ~~(G) An assessment for driver education pursuant to~~
20 ~~section 286G-3].~~



1 (d) Notwithstanding subsection (c), any person who
2 violates subsection (a) within five years of two prior
3 convictions for the same offense shall be guilty of a class C
4 felony and shall be sentenced to an indeterminate term of
5 imprisonment of five years pursuant to section 706-660 without
6 the possibility of probation or suspension of sentence, along
7 with the following:

- 8 (1) Revocation of license and privilege to operate a
9 vehicle for a period of no less than ninety days but
10 no more than one year; provided that the applicable
11 period of revocation shall commence upon the release
12 of the person from the period of imprisonment imposed
13 pursuant to this section;
- 14 (2) A surcharge of \$25 to be deposited into the
15 neurotrauma special fund under section 321H-4;
- 16 (3) A surcharge of no more than \$100 to be deposited into
17 the trauma system special fund under section 321-22.5,
18 if the court so orders;
- 19 (4) An assessment for driver education pursuant to section
20 286G-3; and



1 traffic abstract and shall not be used for insurance purposes in
2 the provision of motor vehicle insurance coverage."

3 SECTION 3. Section 291L-5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Notwithstanding any law to the contrary and except as
6 otherwise provided in this chapter, beginning January 1, 2025,
7 [~~whenever any motor vehicle is determined, by means of~~] when an
8 automated speed enforcement system[~~, to have exceeded the posted~~
9 ~~maximum speed limit by not less than five miles per hour in~~
10 ~~violation of~~] determines that a motor vehicle has violated
11 section 291C-108, the State's third-party contractor shall
12 [~~cause~~] issue a summons or citation[~~, as described~~] in
13 accordance with this section[~~, to~~]. The summons or citations
14 shall be sent by first-class mail[~~, that is~~] and postmarked
15 [~~within~~] no later than ten calendar days [~~after the date of the~~
16 ~~incident,~~] following the date of the violation to the registered
17 owner of the motor vehicle at the address on record at the
18 vehicle licensing division. If the [~~end of the ten-calendar-day~~
19 ~~period~~] tenth day falls on a Saturday, Sunday, or [~~holiday, then~~
20 ~~the ending period shall run until the end of the next day that~~
21 ~~is not a Saturday, Sunday, or holiday.~~] state-recognized



1 holiday, the deadline shall be extended to the next business
2 day. The registered owner shall be [~~determined by the~~
3 ~~identification of~~] identified based on the motor vehicle license
4 plate[-] and corresponding records maintained by the vehicle
5 licensing division."

6 PART III

7 SECTION 4. Section 286-136, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§286-136 Penalty.** (a) Any person who violates section
10 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134
11 shall be penalized as follows:

12 (1) For a first offense, or any offense not preceded
13 within a five-year period for the same offense, the
14 person shall pay a fine of no more than \$1,000 or
15 serve a term of imprisonment of no more than thirty
16 days, or both;

17 (2) For an offense that occurs within five years of a
18 prior conviction for the same offense, the person
19 shall pay a minimum fine of \$500 and a maximum fine of
20 \$1,000, or serve a term of imprisonment of no more
21 than one year, or both; or



1 (3) For an offense that occurs within five years of two or
2 more prior convictions for the same offense, the
3 person shall be guilty of a class C felony; provided
4 that the court, as part of the person's sentencing,
5 may order that the vehicle used by the person in the
6 commission of the offense be subject to forfeiture
7 under chapter 712A.

8 (b) Any person who violates section 286-102, 286-122, 286-
9 130, 286-131, 286-132, 286-133, or 286-134 and was convicted or
10 granted a deferred acceptance of a guilty or nolo contendere
11 plea or a conditional discharge of the offense shall be ordered
12 by the court to report to the appropriate police department,
13 sheriff's office, or other governmental agency for
14 identification processing, including fingerprinting and
15 photographing as provided in section 846-2.5(b), if that person
16 has not previously undergone such identification processing for
17 the offense.

18 [~~b~~] (c) Any person who violates any other section in
19 this part shall be fined no more than \$1,000.

20 [~~e~~] (d) Notwithstanding subsections (a) and [~~b~~], (c),
21 a minor under the age of eighteen under the jurisdiction of the



1 family court who is subject to this section shall either lose
2 the right to drive a motor vehicle until the age of eighteen or
3 be subject to a fine of \$500.

4 [~~d~~] (e) Any person subject to a fine under this section
5 and who fails to timely pay the fine shall be given an
6 opportunity to petition the court to demonstrate that the
7 person's nonpayment or inability to pay is not wilful; provided
8 that if the person petitions the court, the court shall make an
9 individualized assessment of the person's ability to pay based
10 upon the totality of the circumstances, including the person's
11 disposable income, financial obligations, and liquid assets;
12 provided further that if the court determines that the person's
13 nonpayment or inability to pay is not wilful, the court may
14 enter an order that allows additional time for payment; reduces
15 the amount of each installment; revokes the fee or fine, or
16 unpaid portion thereof, in whole or in part; or converts any
17 outstanding fine to community service."

18 PART IV

19 SECTION 5. 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 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2025.



Report Title:

Excessive Speeding; Vehicle; Property Forfeiture; Penalties;
Automated Speed Enforcement Systems

Description:

Part I: 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. Requires a repeat offender convicted of a class C felony for excessive speeding be subject to identification processing, including fingerprinting and photographing. Part II: Establishes penalties for noncompliance with the maximum speed limit under an automated speed enforcement system and specifying that any summons or citations resulting from noncompliance shall not be recorded on a person's traffic abstract and used for insurance purposes. Part III: Requires a person who was convicted of certain traffic offenses or granted a deferred acceptance of a guilty or nolo contendere plea or a conditional discharge of the offense to be ordered by the court to report for identification processing. (HD1)

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