
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[+] the minimum speed limit
12 established:

13 (1) [~~The maximum speed limit established by~~] By county
14 ordinance;

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



1 (3) [~~The maximum speed limit established pursuant]~~
2 Pursuant to section 291C-104 by the director of
3 transportation or the counties for school zones and
4 construction areas 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 that allows the person to drive for limited
2 work-related purposes;
- 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~~] A surcharge of [~~up to~~] no more
8 than \$100 to be deposited into the trauma system
9 special fund under section 321-22.5, if the court
10 so orders;
- 11 (F) An assessment for driver education pursuant to
12 section 286G-3; and
- 13 (G) Either one of the following:
- 14 (i) Thirty-six hours of community service work;
15 or
- 16 (ii) [~~Not~~] No less than forty-eight hours and
17 [~~not~~] no more than five days of
18 imprisonment; and
- 19 (2) For an offense that occurs within five years of a
20 prior conviction for an offense under [~~this section,~~
21 ~~by:~~] subsection (a):



- 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[+] 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
4 misdemeanor and shall be sentenced as follows without the
5 possibility of probation or suspension of sentence:

6 (1) A mandatory minimum jail sentence of thirty days;

7 (2) Revocation of license and privilege to operate a
8 vehicle for a period of no less than ninety days but
9 no more than six months;

10 (3) Attendance in a course of instruction in driver
11 retraining;

12 (4) A surcharge of \$25 to be deposited into the
13 neurotrauma special fund under section 321H-4;

14 (5) A surcharge of no more than \$100 to be deposited into
15 the trauma system special fund under section 321-22.5,
16 if the court so orders;

17 (6) An assessment for driver education pursuant to section
18 286G-3;

19 (7) To report, within seven days, to the appropriate
20 police department, sheriff's office, or other
21 governmental agency for fingerprinting; and



1 automated speed enforcement system, to have [~~exceeded the posted~~
2 ~~maximum speed limit by not less than five miles per hour in~~
3 ~~violation of~~] violated section 291C-108, the State's third-party
4 contractor shall cause a summons or citation, as described in
5 this section, to be sent by first-class mail [~~, that is~~
6 ~~postmarked within ten calendar days after the date of the~~
7 ~~incident,~~] to the registered owner of the motor vehicle. The
8 summons or citation shall be mailed to the registered [~~owner of~~
9 ~~the motor vehicle at the~~] owner's address on record at the
10 vehicle licensing division[~~-~~] and submitted to the post office
11 within ten calendar days after the date of the incident. The
12 State or the State's third-party contractor shall implement a
13 process to record the date on which the summons or citation was
14 submitted to the post office, and the record shall be prima
15 facie evidence of the date the summons or citation was submitted
16 to the post office. If the end of the ten-calendar-day period
17 falls on a Saturday, Sunday, or holiday, then the ending period
18 shall run until the end of the next day that is not a Saturday,
19 Sunday, or holiday. The registered owner shall be determined by
20 the identification of the motor vehicle license plate[~~-~~], and



1 corresponding records maintained by the vehicle licensing
2 division."

3 2. By amending subsection (d) to read:

4 "(d) Before mailing the summons or citation for a traffic
5 infraction pursuant to subsection (a), the applicable county
6 police department shall review and verify the ~~[validity of the]~~
7 clear and unobstructed photographic, digital, or other visual
8 image of the license plate of the motor vehicle required under
9 this section."

10 PART III

11 SECTION 4. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. 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 within five years of excessive speeding to a misdemeanor with a mandatory minimum jail sentence of thirty days. Part II: Clarifying 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. (HD2)

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