

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

Thursday, February 20, 2025
2:00 P.M.
State Capitol, Room 325

H.B. 54 H.D. 1
RELATING TO MOTOR VEHICLES

House Committee on Judiciary & Hawaiian Affairs

The Hawaii Department of Transportation **supports H.B. 54 H.D. 1**, relating to motor vehicles. This proposed bill:

- 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.

According to National Highway Traffic Safety Administration, 44 percent (460 of 1,037) of Hawaii's traffic fatalities from 2013-2022 were speed related. Additionally, HDOT's Behavioral Survey reveals that 52 percent of drivers admit to driving between 10 and 20 miles per hour over the posted speed limit. Researchers have identified that the risk of fatality increases slowly until impact speeds of around 30 mph. Above this speed, risk increases rapidly — the increase is between 3.5 and 5.5 times from 30 mph to 40 mph.¹ Speed-related fatalities and injuries can be prevented if drivers obeyed Hawaii's speed limits, particularly around areas where people are known to walk or bike.

Increasing the penalty for this section and authorizing that the vehicle used in the commission of the offense be subject to forfeiture, could serve as stronger deterrents to those drivers choosing to engage in risky driving behaviors.

Thank you for the opportunity to provide testimony.

¹ <https://www.propublica.org/article/unsafe-at-many-speeds>

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February 19, 2025

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
415 South Beretania Street, Conf. Rm. 325
State Capital
Honolulu, HI 96813

Re: Testimony in Opposition of H.B. 54
Hearing: February 20, 2025, 2:00 PM

Dear Chair Tarnas, Vice Chair Poepoe and Committee Members:

The Office of the Public Defender strongly opposes H.B. 54 which would increase the third or subsequent offense of excessive speeding to a class C felony and authorize the court to order the vehicle used in the commission of the offense to be subject to forfeiture. This bill is deeply concerning given the unnecessariness, the disproportionate punishment the bill inflicts on a non-violent traffic offense, and the issues of legality of forfeiture, legality of post-conviction identification processing and driver's education requirements without probation.

The bill states no basis to justify the escalation in penalty. A felony conviction is life-changing in many ways beyond the fines, fees, classes and potential incarceration. Rather, a felony conviction is a stigma that lasts long after the sentence is fulfilled. The black mark of a felony conviction must be considered and balanced with the conduct that is being punished. A felony conviction and its taint significantly and negatively impact an individual's ability to obtain employment, find and rent housing, own firearms, serving on a jury and voting. It can also result in deportation, impact child custody rights and effect the placement of a child. Criminal records are accessible by the general public and the felony conviction will follow the individual for the rest of their lives. In Hawaii, our community is small and the stigma would be difficult if not impossible to overcome. Further, we live in one of the most expensive places in the world. Any barrier to obtaining gainful employment and a place to live, is an encumbrance far beyond what should be imposed for a non-violent traffic offense that is not conducted with malice intent.

The current law already imposes stiff penalties that adequately address the non-violent traffic offender. A conviction under the current law mandates a high fine (\$500-\$1000), driver's education, court fees, 30-day license suspension, as well as either 36 hours of community service or a 2-5 day jail sentence. Additionally, a first conviction of this current offense also triggers the requirement of three years of SR22 high-risk insurance, which if the individual is unable to obtain the special expensive insurance, then the driver's license could be suspended for three years. The penalties for a first offense and subsequent offenses, which significantly increase the penalties, is more than sufficient to deter the conduct of the traffic offender. Increasing the offense to a felony is not necessary.

Notably, the Office of the Public Defender average offender is often a young adult rushing to/from work or to/ from home or hastening to a loved one in need. Most of the offenders were unaware of the actual speed that they were traveling. None of the individuals intended to harm any person or property. Creating a felony offense for a non-violent traffic offense that mainly impacts young adults results in an insurmountable label and taint that will set the individual up for failure. All of which is unnecessary and unjustly punitive for a non-violent traffic offense.

Although the Committee on Transportation cites and relies on a 2011 study by the AAA Foundation for Traffic Safety to justify the bill and its enhanced penalties, the study cannot be relied upon based upon the study's own concession that its data cannot be generalized. Moreover, the study's safety conclusions also do not support H.B. 54. According to the study, recent data is necessary to accurately address the relationship between speed and pedestrian injuries because the reliability of data changes based on the fluctuations in composition of walking population, differences in vehicle design and advancements in medical care. Regardless, it is notable, and it undermines the necessity of this bill, that the average risk of serious injury for a pedestrian struck by a vehicle occurs at speeds as low as 16 mph. Hence, the 2011 AAA study concludes that the most effective manner to ensure pedestrian safety from being struck by a vehicle, even those traveling at a higher speed, is to create physical space where higher speeds are used and to develop vehicle based systems that detect pedestrians and warn the driver or brake automatically when collision is imminent. Regardless, it is notable that the Committee on Transportation is mistaken in the belief that excessive speeding significantly intersects with pedestrian safety because a large percentage of the citations issued for excessive speeding occurs on freeways and highways, apart from pedestrian traffic areas.

The motivation for the bill, to deter dangerous driving behaviors and promote greater accountability among motorists can and should be achieved through alternate means. In fact, the AAA Foundation for Traffic Safety also studied and promoted the importance of enhancing and reinforcing traffic safety culture. The same outcomes of deterring dangerous driving and promoting accountability can be achieved through the current traffic laws and crimes and promoting traffic safety.

The bill also seeks to preclude probation or suspension of sentence taking away sentencing discretion from the court. Without probation, the driver education mandates would be unenforceable as the individuals would be serving a prison term and could not participate in driver's education. This would mandate an open term of incarceration which is unreasonable in the context of a petty misdemeanor non-violent traffic offense. Creating a felony offense for undesired conduct, especially a non-violent driving offense, is not the answer to community issues. This bill raises the *possibility* of *non-mandatory jail* from two days to *mandatory* five years in *prison*. This is simply not reasonable or sound. A felony excessive speeding will not slow drivers down. It will not curb the behavior. It does not make the roads safer. Rather, increasing penalties to a "felony" offense appears to be an automatic response to community complaints which is not a solution to the problem and not well thought out. I urge you to reconsider the significant impact that such a penalty would have on an individual weighed with the little to no impact that incarcerating a single driver for five years would have on the safety of the roadway.

The request for vehicle forfeiture as a penalty further demonstrates the ill-conceived nature of this bill. This will not stop the offense. In Hawaii, given the high cost of living, a large number of drivers are not the registered owner of the vehicle. Forfeiture of the vehicle will face significant legal challenges. The provision will trigger unnecessary and useless paperwork, additional judicial proceedings, and the impacted players, the prosecution, the defense and the courts, will request additional staffing to meet these needs. This is a huge impact on multiple agencies for forfeiture which will not deter or curb the underlying criminal conduct. Even if, however, the ticketed individual is the registered owner of the vehicle, H.B. 54 begs the questions of which agency will be moving for forfeiture, which agency will store the vehicle and who will guarantee that the vehicle is not damaged during the pendency of the case. Cases are routinely dismissed for various reasons, and in those circumstances, the vehicle must be returned to the registered owner and storage would be for naught. Notably, if there is any damage to the vehicle or property inside the vehicle, the state would be liable for it. Similarly, the requirement for post-conviction identification processing is contrary to the fingerprinting and identification processing that occurs upon arrest and initiation of the charge. To require otherwise would be solely to assist the government in gathering evidence against an individual for a later enhanced criminal charge.

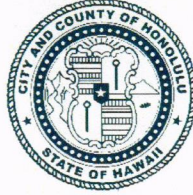
I urge you to reconsider the impact and redundant nature of H.B. 54. This bill does not promote justice, fairness or sound judgment. This bill is unnecessary. This bill is excessively punitive. And forfeiting a vehicle will not effectively stop the behavior. Please oppose this bill and most importantly, resist the movement to create needless felony crimes out of petty traffic offenses.

Thank you for taking these comments into consideration.

KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE JS-TK

February 20, 2025

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary
and Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: House Bill No. 54, H.D. 1, Relating to Motor Vehicles

I am James Slayter, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 54, H.D. 1, Relating to Motor Vehicles.

The HPD supports the proposal to increase the penalty for a third or subsequent offense of excessive speeding to a class C felony.


In recent years, speeding has been identified as a factor in approximately one-third of all traffic-related fatalities and critical collisions on O'ahu's roadways. Research shows that speeding reduces reaction time, increases stopping distance, and reduces the ability to safely control the vehicle or avoid other hazards. Speeding is a serious problem that needs to be addressed. Any proposal that could deter motorists from speeding should be considered.

The HPD urges you to support House Bill No. 54, H.D. 1, Relating to Motor Vehicles.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


James Slayter, Major
Traffic Division



Testimony of the Oahu Metropolitan Planning Organization

Committee on Judiciary & Hawaiian Affairs

02/20/25 2:00 PM
CR 325 & Videoconference

HB54 HD1 RELATING TO MOTOR VEHICLES

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports HB54 HD1**, which increases the penalty for a third or subsequent offense of excessive speeding to a class C felony and requires that the vehicle used by the person in commission of the offense be subject to forfeiture.

This bill supports our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities increased ten percent between 2023 and 2024 in Hawaii. In 2024, the State of Hawaii Department of Transportation conducted an annual [behavioral study](#), and nearly one-quarter of respondents admitted to exceeding the speed limit by more than 20 miles per hour, and over half exceeded the speed limit by 10-20 miles per hour in the last six months.

A 2011 study conducted by [AAA Foundation for Traffic Safety](#) found that the average risk of death for a pedestrian reaches 50% at an impact speed of 42 MPH, 75% at 50 MPH, and 90% at an impact speed of 58 MPH. These alarming statistics do not consider age and fatality rates would be higher for our most vulnerable populations including keiki, kupuna, and individuals with disabilities. HRS §291C-105 defines excessive speeding as exceeding speed limits by thirty miles per hour or more. On roads where the speed limit is 25 MPH, excessive speeding occurs at 55 MPH; a pedestrian would have less than a 25 percent chance of survival.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.

HB-54-HD-1

Submitted on: 2/20/2025 11:25:24 AM

Testimony for JHA on 2/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Drug Policy Forum of Hawaii	Oppose	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and JHA Committee Members:

On behalf of Drug Policy Forum of Hawaii, I am writing in opposition to HB 54, HD 1.

While driving at excessive speeds does pose some risk to road safety, the State Public Defender notes the shortcomings of creating a new felony given the sufficiency of current penalties. Policymakers should also be leery of further criminalizing younger persons, given the range of [collateral consequences that come from a felony conviction](#). On this front, it should be also be noted that Hawaii already [leads the nation in the arrest rates of its schoolchildren](#) and has [a probation system that features the longest average term in the nation](#) (59 months).

Comprehensive sentencing reform and probation reform is long overdue given the impact of the criminal legal system on those from under resourced communities and accelerating costs of jails and prisons borne by state government. The continued functional criminalization of behavioral health issues should be addressed to better align with recommendations of the [American Public Health Association](#), the [American Medical Association](#), and other groups.

Similarly, state policymakers should refrain from authorizing another avenue for asset forfeiture given the wanton lack of comprehensive asset forfeiture reform since the State Auditor [outlined the serious shortcomings of the current program in its 2018 report](#).

Mahalo for the opportunity to provide testimony.

HB-54-HD-1

Submitted on: 2/19/2025 1:15:25 PM

Testimony for JHA on 2/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruth Love	Individual	Support	Written Testimony Only

Comments:

Will the vehicle be impounded/forfeited to the State irregardless of whether it is owned by the person speeding ? What is this person has borrowed the car?

Thank you

Mrs Ruth Love