
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
21 work-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~~] 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~~] No less than forty-eight hours and
14 [~~not~~] no more than five days of
15 imprisonment; and

16 (2) For an offense that occurs within five years of a
17 prior conviction for an offense under [~~this section,~~
18 ~~by:~~] subsection (a):

19 (A) A fine of [~~not~~] no less than \$750 and [~~not~~] no
20 more than \$1,000;



1 (B) Prompt suspension of license and privilege to
2 operate a vehicle for a period of [~~thirty days~~]
3 no less than ninety days but no more than one
4 hundred eighty days with an absolute prohibition
5 from operating a vehicle during the suspension
6 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, if the court so orders;

14 (F) An assessment for driver education pursuant to
15 section 286G-3; and

16 (G) Either one of the following:

17 (i) [~~Not~~] No less than one hundred twenty hours
18 of community service work; or

19 (ii) [~~Not~~] No less than five days but [~~not~~] no
20 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 jail sentence of no less than ten days but no more
7 than thirty days;

8 (2) Revocation of license and privilege to operate a
9 vehicle for a period of no less than one year but no
10 more than three years, beginning upon release from
11 incarceration;

12 (3) Attendance in a course of instruction in driver
13 retraining;

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

16 (5) A surcharge of no more than \$100 to be deposited into
17 the trauma system special fund, if the court so
18 orders;

19 (6) An assessment for driver education pursuant to section
20 286G-3; and



1 (7) That the vehicle used in the commission of the offense
2 be subject to forfeiture under chapter 712A, if the
3 court so orders.

4 (e) Any person who is convicted of violating subsection
5 (a) shall be ordered by the court to report to the appropriate
6 police department, sheriff's office, or other governmental
7 agency for identification processing, including fingerprinting
8 and photographing as provided in section 846-2.5(b), if that
9 person has not previously undergone identification processing
10 for the offense."

11 SECTION 2. 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 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Excessive Speeding; Vehicle; Property Forfeiture; Penalties

Description:

Increases penalties for a third or subsequent offense within five years of excessive speeding to a misdemeanor. Increases penalties for a second offense within five years of excessive speeding. 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 individuals convicted of excessive speeding to be subject to identification processing procedures. Effective 7/1/3000. (SD2)

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