

JAN 17 2025

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## A BILL FOR AN ACT

RELATING TO TRANSPORTATION SAFETY.

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

1       SECTION 1. The legislature finds that vehicles with a hood  
2 height greater than forty inches are forty-five per cent more  
3 likely to kill pedestrians as they strike pedestrians closer to  
4 the head or torso rather than their legs. The legislature also  
5 finds that possible penalties for excessive speeding and driving  
6 while intoxicated are fines or license suspension in a tiered  
7 system.

8       Accordingly, the purpose of this Act is to require:

9       (1) The examiner of drivers to test applicants for  
10 driver's licenses on the applicant's knowledge of the  
11 dangers that larger motor vehicles, including trucks  
12 and sport utility vehicles, pose to pedestrians and  
13 bicyclists; and

14       (2) Persons who commit the offense of excessive speeding  
15 or habitually operating a vehicle under the influence  
16 of an intoxicant to retake and pass a driver's license  
17 examination for each offense.



SECTION 2. Section 286-108, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Except as provided in section 286-107.5(a) ~~[7]~~ or any other law in this part, the examiner of drivers shall examine every applicant for a driver's license~~[, except as otherwise provided in this part]~~. The examination shall include a test of:

- (1) The applicant's eyesight and any further physical examination that the examiner of drivers finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways;
- (2) The applicant's ability to understand highway signs regulating, warning, and directing traffic;
- (3) The applicant's knowledge of the rules of the road based on the traffic laws of the State and the traffic ordinances of the county where the applicant resides or intends to operate a motor vehicle; provided that the examination shall specifically test the applicant's knowledge of the provisions of ~~[section]~~ sections 291C-121.5 and ~~[section]~~ 291C-137; ~~[and]~~



1        (4) The applicant's knowledge of the dangers that large  
2        vehicles, including trucks, pose to pedestrians and  
3        bicyclists; and

4        [~~44~~] (5) The actual demonstration of ability to exercise  
5        ordinary and reasonable control in the operation of a  
6        motor vehicle.

7        The examinations shall be appropriate to the operation of the  
8        category of motor vehicle for which the applicant seeks to be  
9        licensed and shall be conducted as required by the director.

10       The examiner of drivers shall require every applicant to  
11       comply with section 286-102.5.

12       The examiner of drivers may waive the actual demonstration  
13       of ability to operate a motorcycle or motor scooter for any  
14       person who furnishes evidence, to the satisfaction of the  
15       examiner of drivers, that the person has completed the  
16       motorcycle education course approved by the director in  
17       accordance with section 431:10G-104.

18       For the purposes of this section, [~~the term~~] "applicant"  
19       does not include any person reactivating a license under section  
20       286-107.5(a)."

21       2. By amending subsection (c) to read:



1       "(c) The examiner of drivers may waive the written or oral  
2 examination required under subsection (a)(2), ~~[and]~~ (3), and 4  
3 and the actual demonstration of ability to operate a motor  
4 vehicle for any person who:

5       (1) Is at least eighteen years of age and ~~[who]~~ possesses  
6 a valid driver's license issued to the applicant in  
7 any other state of the United States, the District of  
8 Columbia, the Commonwealth of Puerto Rico, American  
9 Samoa, Guam, a province of the Dominion of Canada, or  
10 the Commonwealth of the Northern Mariana Islands for  
11 the operation of vehicles in categories 1 through 3 of  
12 section 286-102;

13       (2) Has completed the same requirements as set forth in  
14 section 286-102.6(f) in another state and possesses a  
15 valid provisional license from that state; or

16       (3) Is at least eighteen years of age and ~~[who]~~ possesses  
17 a valid driver's license issued to the applicant in  
18 any jurisdiction for which the director has granted  
19 reciprocal licensing privileges in accordance with  
20 section 286-101.5 for the operation of vehicles in  
21 category (3) of section 286-102(b)."



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

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

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

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

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

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

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

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



(c) Any person who violates this section shall be guilty of a petty misdemeanor and shall be sentenced as follows without the possibility of probation or suspension of sentence:

(1) For a first offense not preceded by a prior conviction for an offense under this section in the preceding five years:

(A) A fine of not less than \$500 and not more than \$1,000;

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

(C) Attendance in a course of instruction in driver retraining;



(D) A surcharge of \$25 to be deposited into the neurotrauma special fund;

(E) ~~[May be charged]~~ If the court so orders, a surcharge of up to \$100 to be deposited into the trauma system special fund ~~[if the court so orders];~~

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

(G) Either one of the following:

(i) Thirty-six hours of community service work; or

(ii) Not less than forty-eight hours and not more than five days of imprisonment;

(2) For an offense that occurs within five years of a prior conviction for an offense under this section~~[7~~ by]:

(A) A fine of not less than \$750 and not more than \$1,000;

(B) Prompt suspension of license and privilege to 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;
- 7 (E) ~~[May be charged]~~ If the court so orders, a
- 8 surcharge of up to \$100 to be deposited into the
- 9 trauma system special fund if the court so
- 10 orders;
- 11 (F) An assessment for driver education pursuant to
- 12 section 286G-3; and
- 13 (G) Either one of the following:
- 14 (i) Not less than one hundred twenty hours of
- 15 community service work; or
- 16 (ii) Not less than five days but not more than
- 17 fourteen days of imprisonment of which at
- 18 least forty-eight hours shall be served
- 19 consecutively; and
- 20 (3) For an offense that occurs within five years of two
- 21 prior convictions for offenses under this section, by:





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



1 and pass a driver's license examination as provided in section  
2 286-108."

3 SECTION 4. Section 291E-61.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§291E-61.5 Habitually operating a vehicle under the**  
6 **influence of an intoxicant.** (a) A person commits the offense  
7 of habitually operating a vehicle under the influence of an  
8 intoxicant if:

9 (1) The person is a habitual operator of a vehicle while  
10 under the influence of an intoxicant; and

11 (2) The person operates or assumes actual physical control  
12 of a vehicle:

13 (A) While under the influence of alcohol in an amount  
14 sufficient to impair the person's normal mental  
15 faculties or ability to care for the person and  
16 guard against casualty;

17 (B) While under the influence of any drug that  
18 impairs the person's ability to operate the  
19 vehicle in a careful and prudent manner;

20 (C) With .08 or more grams of alcohol per two hundred  
21 ten liters of breath; or



(D) With .08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood.

(b) Habitually operating a vehicle while under the influence of an intoxicant [~~is~~] shall be a class C felony.

(c) For a conviction under this section, the sentence shall be either:

(1) An indeterminate term of imprisonment of five years;

or

(2) A term of probation of five years, with conditions to include:

(A) Mandatory revocation of license to operate a vehicle for a period [~~no~~] not less than three years but [~~no~~] not more than five years, with mandatory installation of an ignition interlock device in all vehicles operated by the respondent during the revocation period;

(B) [~~No~~] Not less than ten days imprisonment, of which at least forty-eight hours shall be served consecutively;

(C) A fine of [~~no~~] not less than \$2,000 but [~~no~~] not more than \$5,000, to be deposited into the drug



1 and alcohol toxicology testing laboratory special  
2 fund;

3 (D) Referral to a certified substance abuse counselor  
4 as provided in subsection (e);

5 (E) A surcharge of \$25 to be deposited into the  
6 neurotrauma special fund; and

7 (F) A surcharge of up to \$50 to be deposited into the  
8 trauma system special fund if the court so  
9 orders.

10 In addition to the foregoing, any vehicle owned and operated by  
11 the person committing the offense shall be subject to forfeiture  
12 pursuant to chapter 712A.

13 (d) For any person who is convicted under this section and  
14 was a highly intoxicated driver at the time of the subject  
15 incident, the offense shall be a class B felony and the person  
16 shall be sentenced to the following:

17 (1) An indeterminate term of imprisonment of ten years; or

18 (2) A term of probation of five years, with conditions to  
19 include the following:

20 (A) Permanent revocation of license to operate a  
21 vehicle;



1 (B) [~~No~~] Not less than eighteen months imprisonment;

2 (C) A fine of [~~no~~] not less than \$5,000 but [~~no~~] not  
3 more than \$25,000; and

4 (D) Referral to a certified substance abuse counselor  
5 as provided in subsection (e).

6 In addition to the foregoing, any vehicle owned and operated by  
7 the person who committed the offense shall be subject to  
8 forfeiture pursuant to chapter 712A.

9 (e) Whenever a court sentences a person under this  
10 section, it shall also require that the offender be referred to  
11 the driver's education program for an assessment, by a certified  
12 substance abuse counselor, of the offender's substance abuse or  
13 dependence and the need for appropriate treatment. The  
14 counselor shall submit a report with recommendations to the  
15 court. The court shall require the offender to obtain  
16 appropriate treatment if the counselor's assessment establishes  
17 the offender's substance abuse or dependence. All costs for  
18 assessment and treatment shall be borne by the offender.

19 (f) Notwithstanding any other law to the contrary,  
20 whenever a court revokes a person's driver's license pursuant to  
21 this section, the examiner of drivers shall not grant to the



1 person a new driver's license until expiration of the period of  
2 revocation determined by the court. After the period of  
3 revocation is complete, and subject to subsection (h), the  
4 person may apply for, and the examiner of drivers may grant to  
5 the person, a new driver's license.

6 (g) Any person sentenced under this section may be ordered  
7 to reimburse the county for the cost of any blood or urine tests  
8 conducted pursuant to section 291E-11. The court shall order  
9 the person to make restitution in a lump sum, or in a series of  
10 prorated installments, to the police department or other agency  
11 incurring the expense of the blood or urine test.

12 (h) In addition to any other penalty imposed by this  
13 section, any person convicted of violating this section shall be  
14 required to retake and pass a driver's license examination as  
15 provided in section 286-108.

16 [~~(h)~~] (i) As used in this section:

17 "Convicted one or more times for offenses of habitually  
18 operating a vehicle under the influence" means that, at the time  
19 of the behavior for which the person is charged under this  
20 section, the person had one or more times within ten years of  
21 the instant offense:



1 (1) A judgment on a verdict or a finding of guilty, or a  
2 plea of guilty or nolo contendere, for a violation of  
3 this section or section 291-4.4 as that section was in  
4 effect on December 31, 2001;

5 (2) A judgment on a verdict or a finding of guilty, or a  
6 plea of guilty or nolo contendere, for an offense that  
7 is comparable to this section or section 291-4.4 as  
8 that section was in effect on December 31, 2001; or

9 (3) An adjudication of a minor for a law or probation  
10 violation that, if committed by an adult, would  
11 constitute a violation of this section or section  
12 291-4.4 as that section was in effect on December 31,  
13 2001,

14 that, at the time of the instant offense, had not been expunged  
15 by pardon, reversed, or set aside. All convictions that have  
16 been expunged by pardon, reversed, or set aside before the  
17 instant offense shall not be deemed prior convictions for the  
18 purposes of proving the person's status as a habitual operator  
19 of a vehicle while under the influence of an intoxicant.

20 "Convicted two or more times for offenses of operating a  
21 vehicle under the influence" means that, at the time of the



1 behavior for which the person is charged under this section, the  
2 person had two or more times within ten years of the instant  
3 offense:

4 (1) A judgment on a verdict or a finding of guilty, or a  
5 plea of guilty or nolo contendere, for a violation of  
6 section 291E-61 or 707-702.5;

7 (2) A judgment on a verdict or a finding of guilty, or a  
8 plea of guilty or nolo contendere, for an offense that  
9 is comparable to section 291E-61 or 707-702.5; or

10 (3) An adjudication of a minor for a law or probation  
11 violation that, if committed by an adult, would  
12 constitute a violation of section 291E-61 or 707-  
13 702.5,

14 that, at the time of the instant offense, had not been expunged  
15 by pardon, reversed, or set aside. All convictions that have  
16 been expunged by pardon, reversed, or set aside before the  
17 instant offense shall not be deemed prior convictions for the  
18 purposes of proving that the person is a habitual operator of a  
19 vehicle while under the influence of an intoxicant.

20 "Examiner of drivers" has the same meaning as ~~[provided]~~  
21 defined in section 286-2.





1 "Habitual operator of a vehicle while under the influence  
2 of an intoxicant" means that the person was convicted:

3 (1) Two or more times for offenses of operating a vehicle  
4 under the influence; or

5 (2) One or more times for offenses of habitually operating  
6 a vehicle under the influence."

7 SECTION 5. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10 SECTION 6. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on July 1, 2025;  
13 provided that the amendments made to section 291E-61.5, Hawaii  
14 Revised Statutes, by section 4 of this Act shall not be repealed  
15 when that section is reenacted on June 30, 2028, pursuant to  
16 section 11 of Act 196, Session Laws of Hawaii 2021, as amended  
17 by section 8 of Act 148, Session Laws of Hawaii 2023.

18  
INTRODUCED BY: 



# S.B. NO. 1115

**Report Title:**

Driver's License; License Examination; Excessive Speeding; DUI; Penalties

**Description:**

Requires the driver's license examination to test the applicant's knowledge of the dangers that larger motor vehicles present to pedestrians and bicyclists. Requires persons who commit the offense of excessively speeding or habitually driving while intoxicated to retake and pass the driver's license examination for each offense.

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