
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 less than \$500 and not more than
11 \$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;

5 (E) May be charged a surcharge of [~~up to~~] not 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 less than forty-eight hours and not more
14 than five days of imprisonment; and

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

18 (A) A fine of not less than \$750 and not more than
19 \$1,000;

20 (B) Prompt suspension of license and privilege to
21 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 a surcharge of [~~up to~~] not more
8 than \$100 to be deposited into the trauma system
9 special fund, if the court so orders;

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

12 (G) Either one of the following:

13 (i) Not less than one hundred twenty hours of
14 community service work; or

15 (ii) Not less than five days but not more than
16 fourteen days of imprisonment of which at
17 least forty-eight hours shall be served
18 consecutively[~~and~~]

19 ~~(3) For an offense that occurs within five years of two~~
20 ~~prior convictions for offenses under this section, by:~~

21 ~~(A) A fine of \$1,000;~~



~~(B) Revocation of license and privilege to operate a vehicle for a period of not less than ninety days but not more than one year;~~

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

~~(D) No fewer than ten days but no more than thirty days of imprisonment of which at least forty eight hours shall be served consecutively;~~

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

~~(F) May be charged a surcharge of up to \$100 to be deposited into the trauma system special fund if the court so orders; and~~

~~(G) An assessment for driver education pursuant to section 286G-3].~~

(d) Notwithstanding subsection (c), any person who violates subsection (a) within five years of two prior convictions for the same offense shall be guilty of a class C felony and shall be sentenced to an indeterminate term of imprisonment of five years pursuant to section 706-660 without



1 the possibility of probation or suspension of sentence, along
2 with the following:

3 (1) Revocation of license and privilege to operate a
4 vehicle for a period of not less than ninety days but
5 not more than one year; provided that the applicable
6 period of revocation shall commence upon the release
7 of the person from the period of imprisonment imposed
8 pursuant to this section;

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

11 (3) May be charged a surcharge of not more than \$100 to be
12 deposited into the trauma system special fund, if the
13 court so orders;

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

16 (5) May be ordered that the vehicle used in the commission
17 of the offense be subject to forfeiture under chapter
18 712A.

19 (e) Any person who is convicted of violating subsection

20 (a) shall be ordered by the court to report to the appropriate
21 police department, sheriff's office, or other governmental



1 agency for identification processing, including fingerprinting
2 and photographing as provided in section 846-2.5(b), if that
3 person has not previously undergone identification processing
4 for the offense."

5 SECTION 2. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Excessive Speeding; Vehicle; Property Forfeiture; Penalties

Description:

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. Effective 7/1/2050. (SD2)

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