
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding two new sections to part I to be appropriately
3 designated and to read as follows:

4 "§286- Active intelligent speed assistance systems.

5 (a) The director shall establish and administer a statewide
6 program relating to certification and monitoring of active
7 intelligent speed assistance systems installed pursuant to
8 chapter 291C and shall select a single vendor to install and
9 maintain those systems pursuant to this section.

10 (b) The program shall include standards and procedures for
11 the certification of active intelligent speed assistance systems
12 installed pursuant to chapter 291C. The program shall, at a
13 minimum, require that the systems:

14 (1) Do not impede the safe operation of the motor vehicle;

15 (2) Minimize opportunities to be bypassed, circumvented,
16 or tampered with, and provide evidence that the system
17 has not been bypassed, circumvented, or tampered with;



- 1 (3) Work accurately and reliably in an unsupervised
2 environment;
- 3 (4) Have the capability to provide an accurate measure of
4 speed and record each attempt to bypass, circumvent,
5 or tamper with the active intelligent speed assistance
6 systems;
- 7 (5) Minimize inconvenience to other users of the motor
8 vehicle;
- 9 (6) Be manufactured or distributed by the vendor that is
10 responsible for the installation, user training,
11 service, and maintenance of the active intelligent
12 speed assistance systems;
- 13 (7) Operate reliably over the range of motor vehicle
14 environments or motor vehicle manufacturing standards;
- 15 (8) Be manufactured by an entity that is adequately
16 insured against liability, in an amount established by
17 the director, including product liability and
18 liability against installation and maintenance errors;
19 and
- 20 (9) Provide for an electronic log of a driver's experience
21 with an active intelligent speed assistance system



1 with an information management system capable of
2 electronically delivering information to the
3 department of transportation within twenty-four hours
4 of the collection of the information from the data
5 logger.

6 (c) The vendor selected for installation and maintenance
7 of the active intelligent speed assistance systems shall be
8 audited annually by the department of transportation pursuant to
9 this section and the rules adopted under this section. The
10 department of transportation may require the vendor to pay for
11 all or part of the costs incurred in conducting the audit.

12 (d) The director shall adopt rules pursuant to chapter 91
13 necessary for the purposes of this section.

14 (e) For the purposes of this section, "active intelligent
15 speed assistance system" has the same meaning as defined in
16 section 291C-1.

17 **§286- Automobile manufacturer, distributor, or retailer**
18 **responsibility; liability; lessors and lienholders.** (a) A

19 manufacturer, distributor, or retailer of a motor vehicle shall
20 not be liable for any loss, injury, or damages caused by the
21 design, manufacture, or installation of an active intelligent



1 speed assistance system or the improper installation, use, or
2 misuse of an active intelligent speed assistance system.

3 (b) Notwithstanding subsection (a), a manufacturer,
4 distributor, or retailer of a motor vehicle shall be liable if
5 the manufacturer, distributor, or retailer intentionally or
6 knowingly engages in a repair or update of an active intelligent
7 speed assistance system and the repair or update proximately
8 causes loss, injury, or damage.

9 (c) Nothing in this chapter shall require a manufacturer,
10 distributor, or retailer of a motor vehicle to manufacture,
11 distribute, or offer for sale a motor vehicle that includes or
12 is compatible with an active intelligent speed assistance
13 system.

14 (d) Nothing in this chapter shall prohibit a lessor or
15 lienholder from requiring that a motor vehicle lessee or owner
16 notify the lessor or lienholder that an active intelligent speed
17 assistance system has been installed in a motor vehicle that is
18 subject to a lease or finance agreement.

19 (e) A lessor or lienholder may charge a reasonable fee to
20 a customer for the removal of an active intelligent speed
21 assistance system.



1 (f) For the purposes of this section, "active intelligent
2 speed assistance system" has the same meaning as defined in
3 section 291C-1."

4 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
5 amended by adding two new sections to part X to be appropriately
6 designated and to read as follows:

7 "§291C-A Circumvention of or tampering with an active

8 intelligent speed assistance system. (a) A person commits the
9 offense of circumvention of or tampering with an active
10 intelligent speed assistance system if the person intentionally,
11 knowingly, or recklessly circumvents or tampers with an active
12 intelligent speed assistance system installed on a motor vehicle
13 pursuant to this chapter resulting in the system becoming
14 inaccurate or inoperable.

15 (b) Circumvention of or tampering with an active
16 intelligent speed assistance system shall be a misdemeanor. In
17 addition to any other penalties provided by law, all active
18 intelligent speed assistance system permits issued to the person
19 pursuant to section 291C-103(d) or 291C-105(e) at the time of
20 sentencing shall be suspended.



1 (c) For the purposes of this section, "active intelligent
2 speed assistance system" has the same meaning as defined in
3 section 291C-1.

4 §291C-B Operating a motor vehicle in violation of a court-
5 ordered active intelligent speed assistance system requirement;
6 penalties. (a) No person who has been ordered to install an
7 active intelligent speed assistance system pursuant to section
8 291C-103 or 291C-105 shall operate or assume actual physical
9 control of any vehicle not equipped with an active intelligent
10 speed assistance system.

11 (b) Any person convicted of violating this section shall
12 be sentenced as follows, without possibility of probation or
13 suspension of sentence:

14 (1) For a first offense, or any offense not preceded
15 within a ten-year period by conviction for an offense
16 under this section:

17 (A) A term of imprisonment of no less than three
18 consecutive days and no more than thirty days;

19 (B) A fine of no less than \$250 and no more than
20 \$1,000; and



- 1 (C) Suspension of license and privilege to operate a
- 2 motor vehicle for one year, including all active
- 3 intelligent speed assistance system permits
- 4 issued to the person pursuant to section 291C-
- 5 103(d) or 291C-105(e) that are in effect at the
- 6 time of sentencing;

- 7 (2) For an offense that occurs within ten years of a prior
- 8 conviction for an offense under this section:

- 9 (A) Thirty days imprisonment;
- 10 (B) A \$1,000 fine; and

- 11 (C) Suspension of license and privilege to operate a
- 12 motor vehicle for two years, including all active
- 13 intelligent speed assistance system permits
- 14 issued to the person pursuant to section 291C-
- 15 103(d) or 291C-105(e) that are in effect at the
- 16 time of sentencing; and

- 17 (3) For an offense that occurs within ten years of two or
- 18 more prior convictions for offenses under this
- 19 section:

- 20 (A) No less than six months and no more than one year
- 21 imprisonment;



1 (B) A \$2,000 fine; and
2 (C) Suspension of license and privilege to operate a
3 motor vehicle for four years, including all
4 active intelligent speed assistance system
5 permits issued to the person pursuant to section
6 291C-103(d) or 291C-105(e) that are in effect at
7 the time of sentencing.

8 (c) The applicable period of suspension pursuant to
9 subsection (b) shall commence upon the release of the person
10 from the period of imprisonment imposed pursuant to this
11 section."

12 SECTION 3. Section 286-132, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§286-132 Driving while license suspended or revoked.**
15 Except as provided in [~~section~~] sections 291C-103, 291C-105, and
16 291E-62, no resident or nonresident whose driver's license,
17 right, or privilege to operate a motor vehicle in [~~this~~] the
18 State has been canceled, suspended, or revoked may drive any
19 motor vehicle upon the highways of [~~this~~] the State while the
20 license, right, or privilege remains canceled, suspended, or
21 revoked."



1 SECTION 4. Section 291C-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 ""Active intelligent speed assistance system" means an
5 aftermarket device that actively advises a driver when a vehicle
6 is or prevents a motor vehicle from exceeding the applicable
7 speed limit, does not interact with the braking system, and is
8 installed in or integrated with a motor vehicle. "Active
9 intelligent speed assistance system" determines the applicable
10 speed limit and advises a driver when the vehicle is or prevents
11 the vehicle from exceeding that limit, excluding dynamic speed
12 zones, using technology including, but not limited to integrated
13 location-based technology, digital mapping data, or camera-based
14 traffic sign recognition. "Active intelligent speed assistance
15 system" includes all necessary components for installation,
16 operation, monitoring, and data transmission."

17 SECTION 5. Section 291C-103, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§291C-103 Racing on highways.** (a) Except as provided in
20 section 291C-149, no person shall drive any vehicle in any race,
21 speed competition or contest, drag race or acceleration contest,



1 test of physical endurance, exhibition of speed or acceleration,
2 or for the purpose of making a speed record, and no person shall
3 in any manner participate in any race, competition, contest,
4 test, or exhibition prohibited by this section.

5 (b) Any person who violates this section, except in the
6 case of an exhibition of speed or acceleration, shall be fined
7 ~~not~~ no more than \$500 or imprisoned ~~not~~ no more than six
8 months, or both. Any person who violates this section by way of
9 an exhibition of speed or acceleration shall be fined ~~not~~ no
10 more than \$500 or be sentenced to perform community service, or
11 both.

12 (c) Upon proof that the defendant:

13 (1) Had a valid driver's license at the time of sentencing
14 for the subject offense;

15 (2) Has installed an active intelligent speed assistance
16 system in any vehicle the defendant operates on a
17 public highway pursuant to this subsection; and

18 (3) Has obtained motor vehicle insurance or self-insurance
19 that complies with the requirements under either
20 section 431:10C-104 or 431:10C-105,



1 the court may issue an active intelligent speed assistance
2 system permit that shall allow the defendant to drive a vehicle
3 equipped with an active intelligent speed assistance system on a
4 public highway during the suspension period. Nothing in this
5 section shall prevent a court from subsequently revoking the
6 active intelligent speed assistance system permit, following a
7 subsequent offense or otherwise. Installation and maintenance
8 of the active intelligent speed assistance system shall be at
9 the defendant's own expense.

10 ~~(e)~~ (d) Any person who violates this section while
11 operating a vehicle at a speed exceeding the posted speed limit
12 by thirty miles per hour or more shall be subject to a fine of
13 ~~not~~ no more than \$2,000, a term of imprisonment of ~~not~~ no
14 more than one year, or both; provided that the following
15 additional penalties shall also apply:

16 (1) For an offense that occurs within five years of a
17 prior conviction, a one-year license suspension;

18 (2) For an offense that occurs within five years of two
19 prior convictions:

20 (A) A three-year license suspension; and



1 (B) A vehicle owned by the defendant and used in the
2 commission of the offense which has been used in
3 at least two prior offenses that resulted in
4 convictions may be ordered by the court to be
5 subject to forfeiture under chapter 712A; ~~and~~

6 (3) A person who fails to comply with active intelligent
7 speed assistance system requirements imposed pursuant
8 to this section shall be subject to section 291C-B;
9 and

10 ~~(3)~~ (4) For all offenses under this section, a surcharge
11 of up to \$100 may be deposited in the trauma system
12 special fund if the court so orders.

13 ~~(d)~~ (e) ~~[As used in]~~ For the purposes of this section:

14 "Drag race" means the operation of two or more vehicles
15 from a point side by side at accelerating speeds in a
16 competitive attempt to outdistance each other, or the operation
17 of one or more vehicles over a common selected course, from the
18 same point to the same point, for the purpose of comparing the
19 relative speeds or power of acceleration of the vehicle or
20 vehicles within a certain distance or time limit.



1 "Exhibition of speed or acceleration" means the sudden
2 acceleration of a vehicle resulting in the screeching of the
3 vehicle's tires that is done to intentionally draw the attention
4 of persons present toward the vehicle.

5 "Racing" means the use of one or more vehicles in an
6 attempt to outgain, outdistance, or prevent another vehicle from
7 passing, to arrive at a given destination ahead of another
8 vehicle or vehicles, or to test the physical stamina or
9 endurance of drivers over long distance driving routes."

10 SECTION 6. Section 291C-105, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§291C-105 Excessive speeding.** (a) No person shall drive
13 a motor vehicle at a speed exceeding:

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

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

18 (b) For the purposes of this section, "the applicable
19 state or county speed limit" means the maximum speed limit
20 established:

21 (1) By county ordinance;



1 (2) By official signs placed by the director of
2 transportation on highways under the director's
3 jurisdiction; or

4 (3) Pursuant to section 291C-104 by the director of
5 transportation or the counties for school zones and
6 construction areas in their respective jurisdictions.

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

10 (1) For a first offense not preceded by a prior conviction
11 for an offense under subsection (a) in the preceding
12 five years:

13 (A) A fine of [~~not~~] no less than \$500 and [~~not~~] no
14 more than \$1,000;

15 (B) Thirty-day prompt suspension of license and
16 privilege to operate a vehicle during the
17 suspension period, or [~~the court may impose,~~] in
18 lieu of the thirty-day prompt suspension of
19 license, a minimum fifteen-day prompt suspension
20 of license with absolute prohibition from
21 operating a vehicle and, for the remainder of the



- 1 thirty-day period, a restriction on the license
2 that allows the person to drive for limited work-
3 related purposes[+], subject to subsection (e);
- 4 (C) Attendance in a course of instruction in driver
5 retraining;
- 6 (D) A surcharge of \$25 to be deposited into the
7 neurotrauma special fund under section 321H-4;
- 8 (E) A surcharge of [~~not~~] no more than \$100 to be
9 deposited into the trauma system special fund
10 under section 321-22.5, if the court 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 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[~~+~~], subject
- 7 to subsection (e);
- 8 (C) Attendance in a course of instruction in driver
- 9 retraining;
- 10 (D) A surcharge of \$25 to be deposited into the
- 11 neurotrauma special fund under section 321H-4;
- 12 (E) A surcharge of [~~not~~] no more than \$100 to be
- 13 deposited into the trauma system special fund
- 14 under section 321-22.5, if the court 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.

3 (d) Notwithstanding subsection (c), any person who
4 violates subsection (a) within five years of two prior
5 convictions for the same offense shall be guilty of a
6 misdemeanor and shall be sentenced as follows without the
7 possibility of probation or suspension of sentence:

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

9 (2) [~~Revocation~~] Suspension of license and privilege to
10 operate a vehicle for a period of [~~not~~] no less than
11 ninety days but [~~not~~] no more than six months[~~+~~],
12 subject to subsection (e);

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

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

17 (5) A surcharge of [~~not~~] no more than \$100 to be deposited
18 into the trauma system special fund under section 321-
19 22.5, if the court so orders;

20 (6) An assessment for driver education pursuant to section
21 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) Upon proof that the defendant has:

5 (1) Installed an active intelligent speed assistance
6 system in any vehicle the defendant operates on a
7 public highway pursuant to subsection (c) or (d); and

8 (2) Obtained motor vehicle insurance or self-insurance
9 that complies with the requirements under either
10 section 431:10C-104 or 431:10C-105,

11 the court shall issue an active intelligent speed assistance
12 system permit that will allow the defendant to drive a vehicle
13 equipped with an active intelligent speed assistance system on a
14 public highway during the suspension or revocation period.

15 Nothing in this section shall prevent a court from subsequently
16 revoking the active intelligent speed assistance system permit,
17 following a subsequent offense or otherwise. Installation and
18 maintenance of the active intelligent speed assistance system
19 shall be at the defendant's own expense."



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

4 SECTION 8. In codifying the new sections added by section
5 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

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

10 SECTION 10. This Act shall take effect on January 1, 2028;
11 provided that section 1 of this Act shall take effect upon its
12 approval.



Report Title:

DOT; Judiciary; Active Intelligent Speed Assistance Systems;
Penal Code; Traffic Offenses

Description:

Requires the Department of Transportation to administer a statewide program for certification of active intelligent speed assistance systems and select a vendor for the installation and maintenance of systems. Limits the civil liability of motor vehicle manufacturers, distributors, and retailers for active intelligent speed assistance systems. Makes circumventing or tampering with an active intelligent speed assistance system a misdemeanor. Establishes penalties for operating a motor vehicle in violation of a court-ordered active intelligent speed assistance system requirement. Allows the Judiciary to impose the installation of active intelligent speed assistance systems as an additional penalty and as part of a license suspension or revocation for repeat offenders of certain traffic violations. Effective 1/1/2028. (CD1)

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