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# 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.

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 710, Hawaii Revised Statutes, is  
5 amended by adding a new section to part II to be appropriately  
6 designated and to read as follows:

7        "§710-        Circumvention of, or tampering with, an active  
8 intelligent speed assistance system. (1) A person commits the  
9 offense of circumvention of, or tampering with, an active  
10 intelligent speed assistance system if the person intentionally  
11 or knowingly circumvents or tampers with an active intelligent  
12 speed assistance system installed on a motor vehicle pursuant to  
13 chapter 291C and does so with the intention or knowledge to  
14 circumvent or aid in the circumvention of any vehicular speed  
15 law within the State.

16        (2) Circumvention of, or tampering with, an active  
17 intelligent speed assistance system shall be a misdemeanor.

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



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

3 **"§286-132 Driving while license suspended or revoked.**  
4 Except as provided in [~~section~~] sections 291C-103, 291C-105, and  
5 291E-62, no resident or nonresident whose driver's license,  
6 right, or privilege to operate a motor vehicle in [~~this~~] the  
7 State has been canceled, suspended, or revoked may drive any  
8 motor vehicle upon the highways of [~~this~~] the State while the  
9 license, right, or privilege remains canceled, suspended, or  
10 revoked."

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

14 "Active intelligent speed assistance system" means an  
15 aftermarket device that actively prevents a motor vehicle from  
16 exceeding the applicable speed limit, does not interact with the  
17 braking system, and is installed in or integrated with a motor  
18 vehicle. "Active intelligent speed assistance system"  
19 determines the applicable speed limit and prevents the vehicle  
20 from exceeding that limit, excluding dynamic speed zones, using  
21 technology including, but not limited to integrated location-



1 based technology, digital mapping data, or camera-based traffic  
2 sign recognition. "Active intelligent speed assistance system"  
3 includes all necessary components for installation, operation,  
4 monitoring, and data transmission."

5 SECTION 5. Section 291C-102, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§291C-102 Noncompliance with speed limit prohibited.** (a)

8 A person violates this section if the person drives:

9 (1) A motor vehicle at a speed greater than the maximum  
10 speed limit other than provided in section 291C-105;  
11 or

12 (2) A motor vehicle at a speed less than the minimum speed  
13 limit,

14 where the maximum or minimum speed limit is established by  
15 county ordinance or by official signs placed by the director of  
16 transportation on highways under the director's jurisdiction.

17 (b) If the maximum speed limit is exceeded by more than  
18 ten miles per hour, a surcharge of \$10 shall be imposed, in  
19 addition to any other penalties, and shall be deposited into the  
20 neurotrauma special fund.



1       (c) For a violation that occurs within five years  
2       of prior violations of this section, the court may impose a  
3       requirement that the person install active intelligent speed  
4       assistance systems on all vehicles operated by the person on a  
5       public highway for a period determined by the court and at the  
6       expense of the person."

7       SECTION 6. Section 291C-103, Hawaii Revised Statutes, is  
8       amended to read as follows:

9       "**§291C-103 Racing on highways.** (a) Except as provided in  
10       section 291C-149, no person shall drive any vehicle in any race,  
11       speed competition or contest, drag race or acceleration contest,  
12       test of physical endurance, exhibition of speed or acceleration,  
13       or for the purpose of making a speed record, and no person shall  
14       in any manner participate in any race, competition, contest,  
15       test, or exhibition prohibited by this section.

16       (b) Any person who violates this section, except in the  
17       case of an exhibition of speed or acceleration, shall be fined  
18       ~~[not]~~ no more than \$500 or imprisoned ~~[not]~~ no more than six  
19       months, or both. Any person who violates this section by way of  
20       an exhibition of speed or acceleration shall be fined ~~[not]~~ no



1 more than \$500 or be sentenced to perform community service, or  
2 both.

3 (c) Any person who violates this section while operating a  
4 vehicle at a speed exceeding the posted speed limit by thirty  
5 miles per hour or more shall be subject to a fine of [~~not~~] no  
6 more than \$2,000, a term of imprisonment of [~~not~~] no more than  
7 one year, or both; provided that the following additional  
8 penalties shall also apply:

9 (1) For an offense that occurs within five years of a  
10 prior conviction[~~, a~~]:

11 (A) A one-year license suspension;

12 (B) Installation during the suspension period of  
13 active intelligent speed assistance systems on  
14 all vehicles operated by the person on a public  
15 highway; and

16 (C) At the court's discretion, the imposition of a  
17 requirement that the person install active  
18 intelligent speed assistance systems on all  
19 vehicles operated by the person on a public  
20 highway for a period beyond the suspension period  
21 determined by the court;



- 1 (2) For an offense that occurs within five years of two  
2 prior convictions:
- 3 (A) A three-year license suspension; [~~and~~]
- 4 (B) Installation during the suspension period of  
5 active intelligent speed assistance systems on  
6 all vehicles operated by the person on a public  
7 highway;
- 8 (C) At the court's discretion, the imposition of a  
9 requirement that the person install active  
10 intelligent speed assistance systems on all  
11 vehicles operated by the person on a public  
12 highway for a period beyond the suspension period  
13 determined by the court; and
- 14 [~~(B)~~] (D) A vehicle owned by the defendant and used in  
15 the commission of the offense which has been used  
16 in at least two prior offenses that resulted in  
17 convictions may be ordered by the court to be  
18 subject to forfeiture under chapter 712A; [~~and~~]
- 19 (3) For all offenses under this section, a surcharge of up  
20 to \$100 may be deposited in the trauma system special  
21 fund if the court so orders [~~-~~]; and



- 1        (4) If the person demonstrates to the court that the  
2        person:
- 3        (A) Does not own or have the use of a vehicle in  
4        which the person can install an active  
5        intelligent speed assistance system during the  
6        suspension period; or
- 7        (B) Is otherwise unable to drive during the  
8        suspension period,
- 9        the person shall be prohibited from driving on a  
10       public highway during the period of applicable  
11       suspension provided in paragraphs (1) and (2);  
12       provided that the person shall be sentenced to the  
13       maximum license suspension period, the court shall not  
14       issue an active intelligent speed assistance system  
15       permit pursuant to subsection (d), and the person  
16       shall be subject to the penalties for violating  
17       section 286-132 if the person drives on a public  
18       highway during the applicable suspension period.
- 19       (d) Upon proof that the defendant has:



1        (1) Installed an active intelligent speed assistance  
2        system in any vehicle the defendant operates on a  
3        public highway pursuant to subsection (c); and  
4        (2) Obtained motor vehicle insurance or self-insurance  
5        that complies with the requirements under either  
6        section 431:10C-104 or 431:10C-105,  
7        the court shall issue an active intelligent speed assistance  
8        system permit that will allow the defendant to drive a vehicle  
9        equipped with an active intelligent speed assistance system on a  
10       public highway during the suspension period. Installation and  
11       maintenance of the active intelligent speed assistance system  
12       shall be at the defendant's own expense.

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 7. 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;

4 (C) Installation during the suspension period of  
5 active intelligent speed assistance systems on  
6 all vehicles operated by the person on a public  
7 highway;

8 (D) At the court's discretion, the imposition of a  
9 requirement that the person install active  
10 intelligent speed assistance systems on all  
11 vehicles operated by the person on a public  
12 highway for a period beyond the suspension period  
13 determined by the court;

14 [~~(C)~~] (E) Attendance in a course of instruction in  
15 driver retraining;

16 [~~(D)~~] (F) A surcharge of \$25 to be deposited into the  
17 neurotrauma special fund under section 321H-4;

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



- 1           ~~(F)~~ (H) An assessment for driver education pursuant  
2           to section 286G-3; and
- 3           ~~(G)~~ (I) Either one of the following:
- 4           (i) Thirty-six hours of community service work;  
5           or
- 6           (ii) ~~Not~~ No less than forty-eight hours and  
7           ~~not~~ no more than five days of  
8           imprisonment; and
- 9           (2) For an offense that occurs within five years of a  
10          prior conviction for an offense under subsection (a):
- 11          (A) A fine of ~~not~~ no less than \$750 and ~~not~~ no  
12          more than \$1,000;
- 13          (B) Prompt suspension of license and privilege to  
14          operate a vehicle for a period of thirty days  
15          with an absolute prohibition from operating a  
16          vehicle during the suspension period;
- 17          (C) Installation during the suspension period of  
18          active intelligent speed assistance systems on  
19          all vehicles operated by the person on a public  
20          highway;



- 1            (D) At the court's discretion, the imposition of a  
2            requirement that the person install active  
3            intelligent speed assistance systems on all  
4            vehicles operated by the person on a public  
5            highway for a period beyond the suspension period  
6            determined by the court;
- 7            [~~(C)~~] (E) Attendance in a course of instruction in  
8            driver retraining;
- 9            [~~(D)~~] (F) A surcharge of \$25 to be deposited into the  
10           neurotrauma special fund under section 321H-4;
- 11           [~~(E)~~] (G) A surcharge of [~~not~~] no more than \$100 to be  
12           deposited into the trauma system special fund  
13           under section 321-22.5, if the court so orders;
- 14           [~~(F)~~] (H) An assessment for driver education pursuant  
15           to section 286G-3; and
- 16           [~~(G)~~] (I) 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.

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 of license and privilege to operate a  
10           vehicle for a period of [~~not~~] no less than ninety days  
11           but [~~not~~] no more than six months;

12           (3) Installation during the revocation period of active  
13           intelligent speed assistance systems on all vehicles  
14           operated by the person on a public highway;

15           (4) At the court's discretion, the imposition of a  
16           requirement that the person install active intelligent  
17           speed assistance systems on all vehicles operated by  
18           the person on a public highway for a period beyond the  
19           revocation period determined by the court;

20           [~~+3~~] (5) Attendance in a course of instruction in driver  
21           retraining;



- 1        [~~(4)~~] (6) A surcharge of \$25 to be deposited into the
- 2                    neurotrauma special fund under section 321H-4;
- 3        [~~(5)~~] (7) A surcharge of [~~not~~] no more than \$100 to be
- 4                    deposited into the trauma system special fund under
- 5                    section 321-22.5, if the court so orders;
- 6        [~~(6)~~] (8) An assessment for driver education pursuant to
- 7                    section 286G-3; and
- 8        [~~(7)~~] (9) That the vehicle used in the commission of the
- 9                    offense be subject to forfeiture under chapter 712A,
- 10                   if the court so orders.

11        (e) If the person demonstrates to the court that the  
 12 person:

- 13        (1) Does not own or have the use of a vehicle in which the
- 14                    person can install an active intelligent speed
- 15                    assistance system during the suspension or revocation
- 16                    period; or
- 17        (2) Is otherwise unable to drive during the suspension or
- 18                    revocation period,

19 the person shall be prohibited from driving on a public highway  
 20 during the period of applicable suspension or revocation  
 21 provided in subsections (c) and (d); provided that the person



1 shall be sentenced to the maximum license suspension period, the  
2 court shall not issue an active intelligent speed assistance  
3 system permit pursuant to subsection (f), and the person shall  
4 be subject to the penalties for violating section 286-132 if the  
5 person drives on a public highway during the applicable  
6 suspension or revocation period.

7 (f) Upon proof that the defendant has:

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

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

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

18 Installation and maintenance of the active intelligent speed  
19 assistance system shall be at the defendant's own expense."



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

6 SECTION 10. This Act shall take effect on July 1, 3000;  
7 provided that nothing in this Act shall preclude the department  
8 of transportation from implementing the provisions of this Act,  
9 or portions thereof, before July 1, 2030.



**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. 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 7/1/3000. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

