
A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

1 SECTION 1. The legislature finds that excessive speeding
2 is a leading cause of traffic fatalities and serious injuries in
3 the State. The legislature further finds that a small number of
4 repeat speeding offenders account for a disproportionate share
5 of dangerous driving behavior.

6 The legislature recognizes that advancements in vehicle
7 safety technology, including intelligent speed assistance
8 systems, can reduce speeding, improve roadway safety, and save
9 lives while preserving access to lawful driving privileges. The
10 legislature also finds that the State of Washington has enacted
11 legislation establishing intelligent speed assistance as a
12 remedial tool for habitual speeding offenses, providing a model
13 for improving traffic safety outcomes.

14 The purpose of this Act is to:

15 (1) Allow courts to order, and enforce compliance with,
16 intelligent speed assistance technology for habitual
17 speeders;



- 1 (2) Clarify liability for a manufacturer, distributor, or
- 2 retailer regarding the design, manufacture,
- 3 installation, repair, or update of an active
- 4 intelligent speed assistance system;
- 5 (3) Allow probation for persons who are charged with
- 6 excessive speeding; and
- 7 (4) Require a report to the legislature on certain data
- 8 and the effectiveness of intelligent speed assistance
- 9 requirements.

10 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
11 amended by adding a new part to be appropriately designated and
12 to read as follows:

13 **"PART . INTELLIGENT SPEED ASSISTANCE AND HABITUAL SPEEDING**

14 **§291C-A Definitions.** As used in this part, unless the
15 context clearly requires otherwise:

16 "Active intelligent speed assistance system" means an
17 aftermarket device that actively prevents a motor vehicle from
18 exceeding the applicable speed limit, does not interact with the
19 braking system, and is installed in or integrated with a motor
20 vehicle. "Active intelligent speed assistance system" includes
21 all necessary components for installation, operation,



1 monitoring, and data transmission. "Active intelligent speed
2 assistance system" determines the applicable speed limit and
3 prevents the vehicle from exceeding that limit, excluding
4 dynamic speed zones, using technology, including but not limited
5 to integrated location-based technology, digital mapping data,
6 or camera-based traffic sign recognition.

7 "Habitual speeder" means a person designated a habitual
8 speeder by a court pursuant to section 291C-B.

9 **§291C-B Habitual speeder designation.** (a) A person shall
10 be designated a habitual speeder if the person has been
11 convicted of or found to have committed or more speeding
12 violations under part X, including violations adjudicated as
13 traffic infractions, within any five-year period, and at least
14 one of the violations:

- 15 (1) Involved exceeding the posted speed limit
16 by miles per hour or more; or
17 (2) Occurred in a school zone or construction zone
18 pursuant to section 291C-104, or pedestrian-priority
19 area.



1 (b) For purposes of this section, a person shall be deemed
2 to have been "convicted of or found to have committed" a
3 speeding violation if the person:

4 (1) Is adjudicated to have committed the violation; or

5 (2) Admits the violation or pays the applicable fine.

6 (c) Upon determining, on its own motion or upon motion by
7 the prosecuting attorney, that a person meets the criteria set
8 forth in subsection (a), the court shall designate the person as
9 a habitual speeder.

10 (d) For the purposes of this section, "pedestrian-priority
11 area" means a roadway or geographic area that is formally
12 designated by a county, by ordinance, resolution, administrative
13 rule, or traffic control device, as an area in which pedestrian
14 safety is prioritized and for which special traffic controls,
15 speed restrictions, or pedestrian-oriented design features are
16 in effect.

17 **§291C-C Court-ordered intelligent speed assistance. (a)**

18 In addition to any penalty under part X, upon designating a
19 person as a habitual speeder pursuant to section 291C-B, the
20 court may order, as a condition of continued driving privileges,



1 that any motor vehicle operated by the person be equipped with
2 an active intelligent speed assistance system.

3 (b) The court shall specify:

4 (1) The duration of the requirement;

5 (2) Whether the system shall be advisory or speed-
6 limiting;

7 (3) Any compliance verification requirements; and

8 (4) Conditions for early termination based on demonstrated
9 compliance.

10 (c) A person who fails to comply with a court-ordered
11 intelligent speed assistance requirement imposed pursuant to
12 this section shall be subject to section 291C-D.

13 **§291C-D Operating a motor vehicle in violation of a court-**
14 **ordered intelligent speed assistance requirement; circumvention**
15 **of or tampering with an active intelligent speed assistance**
16 **system; penalties.** (a) No person whose driving privileges have
17 been restricted pursuant to section 291C-C to operating a motor
18 vehicle equipped with an active intelligent speed assistance
19 system shall knowingly:



1 (1) Operate or assume actual physical control of a motor
2 vehicle that is not equipped with an active
3 intelligent speed assistance system; or

4 (2) Circumvent, disable, remove, or tamper with an active
5 intelligent speed assistance system required under
6 section 291C-C.

7 (b) Any person who violates subsection (a) shall be
8 sentenced without possibility of probation or suspension of
9 sentence as follows:

10 (1) For a first offense, or any offense not preceded
11 within a ten-year period by conviction under this
12 section:

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

15 (B) A fine of no less than \$250 and no more than
16 \$1,000; and

17 (C) Revocation of license and privilege to operate a
18 motor vehicle for one year;

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

21 (A) Thirty days imprisonment;



1 (B) A \$1,000 fine; and

2 (C) Revocation of license and privilege to operate a
3 motor vehicle for two years;

4 (3) For an offense that occurs within ten years of two or
5 more prior convictions for offenses under this
6 section:

7 (A) One year imprisonment;

8 (B) A \$2,000 fine; and

9 (C) Permanent revocation of the person's license and
10 privilege to operate a motor vehicle; and

11 (4) In addition to a sentence imposed under paragraphs (1)
12 through (3), any person who is convicted under this
13 section and also convicted under part X, for an
14 offense based on the same incident or arising from the
15 same episode, shall be sentenced to terms of
16 imprisonment for both offenses, which shall be served
17 consecutively.

18 (c) The applicable period of revocation in subsection (b)
19 shall commence upon the release of the person from the period of
20 imprisonment imposed pursuant to this section.



1 **§291C-E Approved systems and standards.** (a) The
2 department of transportation shall adopt rules pursuant to
3 chapter 91 establishing standards for active intelligent speed
4 assistance systems, including:

- 5 (1) Accuracy and reliability;
- 6 (2) Tamper resistance;
- 7 (3) Driver notification requirements; and
- 8 (4) Procedures for verification of installation and
9 operation.

10 (b) The department of transportation may approve multiple
11 categories of systems, including advisory-only and speed-
12 limiting systems.

13 **§291C-F Automobile manufacturer, distributor, or retailer**
14 **responsibility; liability; lessors and lienholders.** (a) A
15 manufacturer, distributor, or retailer of a motor vehicle shall
16 not be liable for any loss, injury, or damages caused by the
17 design, manufacture, or installation by a third party of an
18 active intelligent speed assistance system, or improper
19 installation, use, or misuse by a third party or vehicle
20 operator of an active intelligent speed assistance system.



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

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

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

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



1 **§291C-G Privacy and data protection.** (a) An active
2 intelligent speed assistance system required under this part
3 shall not:

- 4 (1) Collect location or driving data beyond what is
5 necessary for speed compliance; or
- 6 (2) Transmit data to third parties except for compliance
7 verification as ordered by a court.

8 (b) Any data collected pursuant to this part shall not be
9 sold, used for commercial purposes, or disclosed except as
10 authorized by law.

11 **§291C-H Financial assistance and equity.** The director of
12 transportation shall contract with one or more active
13 intelligence speed assistance vendors to provide partial
14 financial relief for the installation and the periodic
15 calibration charges to offenders who apply for the assistance,
16 are subject to a court-ordered intelligent speed assistance
17 requirement pursuant to this part, and are recipients of:

- 18 (1) Food assistance under the Supplemental Nutrition
19 Assistance Program; or



1 (2) Free services under the Older Americans Act or
2 Developmental Disabilities Assistance and Bill of
3 Rights Act.

4 **§291C-I Rules.** The department of transportation may adopt
5 rules pursuant to chapter 91 necessary to carry out the purposes
6 of this part. The judiciary may adopt rules as necessary to
7 carry out the purposes of this part."

8 SECTION 3. Chapter 291C, Hawaii Revised Statutes, is
9 amended by adding a new section to part X to be appropriately
10 designated and to read as follows:

11 "§291C- Speed safety intervention. The courts may
12 require a person to participate in speed safety interventions,
13 including the installation or use of an active intelligent speed
14 assistance system pursuant to part , education programs, or
15 monitoring, as part of sentencing for speeding-related
16 offenses."

17 SECTION 4. Section 291C-105, Hawaii Revised Statutes, is
18 amended by amending subsections (c) and (d) to read as follows:

19 "(c) Any person who violates subsection (a) shall be
20 guilty of a petty misdemeanor and shall be sentenced as follows



1 without the possibility of [~~probation or~~] suspension of
2 sentence:

3 (1) For a first offense not preceded by a prior conviction
4 for an offense under subsection (a) in the preceding
5 five years:

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

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

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

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



- 1 (E) A surcharge of [~~not~~] no more than \$100 to be
- 2 deposited into the trauma system special fund
- 3 under section 321-22.5, if the court so orders;
- 4 (F) An assessment for driver education pursuant to
- 5 section 286G-3; and
- 6 (G) Either one of the following:
 - 7 (i) Thirty-six hours of community service work;
 - 8 or
 - 9 (ii) [~~Not~~] No less than forty-eight hours and
 - 10 [~~not~~] no more than five days of
 - 11 imprisonment; and
- 12 (2) For an offense that occurs within five years of a
- 13 prior conviction for an offense under subsection (a):
 - 14 (A) A fine of [~~not~~] no less than \$750 and [~~not~~] no
 - 15 more than \$1,000;
 - 16 (B) Prompt suspension of license and privilege to
 - 17 operate a vehicle for a period of thirty days
 - 18 with an absolute prohibition from operating a
 - 19 vehicle during the suspension period;
 - 20 (C) Attendance in a course of instruction in driver
 - 21 retraining;



- 1 (D) A surcharge of \$25 to be deposited into the
- 2 neurotrauma special fund under section 321H-4;
- 3 (E) A surcharge of [~~not~~] no more than \$100 to be
- 4 deposited into the trauma system special fund
- 5 under section 321-22.5, if the court so orders;
- 6 (F) An assessment for driver education pursuant to
- 7 section 286G-3; and
- 8 (G) Either one of the following:
- 9 (i) [~~Not~~] No less than one hundred twenty hours
- 10 of community service work; or
- 11 (ii) [~~Not~~] No less than five days but [~~not~~] no
- 12 more than fourteen days of imprisonment of
- 13 which at least forty-eight hours shall be
- 14 served consecutively.

15 (d) Notwithstanding subsection (c), any person who

16 violates subsection (a) within five years of two prior

17 convictions for the same offense shall be guilty of a

18 misdemeanor and shall be sentenced as follows without the

19 possibility of [~~probation or~~] suspension of sentence:

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



- 1 (2) Revocation of license and privilege to operate a
- 2 vehicle for a period of [~~not~~] no less than ninety days
- 3 but [~~not~~] no more than six months;
- 4 (3) Attendance in a course of instruction in driver
- 5 retraining;
- 6 (4) A surcharge of \$25 to be deposited into the
- 7 neurotrauma special fund under section 321H-4;
- 8 (5) A surcharge of [~~not~~] no more than \$100 to be deposited
- 9 into the trauma system special fund under section 321-
- 10 22.5, if the court so orders;
- 11 (6) An assessment for driver education pursuant to section
- 12 286G-3; and
- 13 (7) That the vehicle used in the commission of the offense
- 14 be subject to forfeiture under chapter 712A, if the
- 15 court so orders."

16 SECTION 5. (a) The department of transportation, in
17 coordination with the judiciary and county law enforcement
18 agencies, shall collect data regarding:

- 19 (1) Speed-related crashes;
- 20 (2) Recidivism rates among habitual speeders; and



1 (3) The effectiveness of intelligent speed assistance
2 interventions.

3 (b) The department of transportation shall submit a report
4 of its findings and recommendations, including any proposed
5 legislation, on the data collected pursuant to subsection (a)
6 and on the effectiveness of the intelligent speed assistance
7 requirements to the legislature no later than twenty days prior
8 to the convening of the regular session of 2028.

9 SECTION 6. In codifying the new sections added by section
10 2 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 7. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

Judiciary; DOT; Speeding Offenses; Habitual Speeder; Intelligent Speed Assistance; Excessive Speeding; Report

Description:

Establishes a framework for the use of intelligent speed assistance technology for habitual speeders. Clarifies liability for a manufacturer, distributor, or retailer regarding the design, manufacture, installation, repair, or update of an active intelligent speed assistance system. Allows probation for persons who are charged with excessive speeding. Requires a report to the Legislature. Effective 7/1/3000. (HD2)

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

