
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 purposes of this section, "active intelligent
15 speed assistance system" has the same meaning as in section
16 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 purposes of this section, "active intelligent
2 speed assistance system" has the same meaning as in section
3 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 knowingly
11 circumvents or tampers with an active intelligent speed
12 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 purposes of this section, "active intelligent
19 speed assistance system" has the same meaning as in section
20 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; and

15 (C) At the court's discretion, the imposition of a
16 requirement that the person install active
17 intelligent speed assistance systems on all
18 vehicles operated by the person for a period
19 beyond the suspension period determined by the
20 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;
- 7 (C) At the court's discretion, the imposition of a
8 requirement that the person install active
9 intelligent speed assistance systems on all
10 vehicles operated by the person for a period
11 beyond the suspension period determined by the
12 court; and
- 13 [~~(B)~~] (D) A vehicle owned by the defendant and used in
14 the commission of the offense which has been used
15 in at least two prior offenses that resulted in
16 convictions may be ordered by the court to be
17 subject to forfeiture under chapter 712A; [~~and~~]
- 18 (3) For all offenses under this section, a surcharge of up
19 to \$100 may be deposited in the trauma system special
20 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 during the
10 period of applicable suspension provided in paragraphs
11 (1) and (2); provided that the person shall be
12 sentenced to the maximum license suspension period,
13 the court shall not issue an active intelligent speed
14 assistance system permit pursuant to subsection (d),
15 and the person shall be subject to the penalties for
16 violating section 286-132 if the person drives during
17 the applicable suspension period.
- 18 (d) Upon proof that the defendant has:
- 19 (1) Installed an active intelligent speed assistance
20 system in any vehicle the defendant operates pursuant
21 to subsection (c); and



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

10 [~~(d)~~] (e) As used in this section:

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

18 "Exhibition of speed or acceleration" means the sudden
19 acceleration of a vehicle resulting in the screeching of the
20 vehicle's tires that is done to intentionally draw the attention
21 of persons present toward the vehicle.



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

6 SECTION 7. Section 291C-105, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§291C-105 Excessive speeding.** (a) No person shall drive
9 a motor vehicle at a speed exceeding:

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

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

14 (b) For the purposes of this section, "the applicable
15 state or county speed limit" means the maximum speed limit
16 established:

17 (1) By county ordinance;

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



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

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

7 (1) For a first offense not preceded by a prior conviction
8 for an offense under subsection (a) in the preceding
9 five years:

10 (A) A fine of [~~not~~] no less than \$500 and [~~not~~] no
11 more than \$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 work-
21 related purposes;



1 (ii) [~~Not~~] No less than forty-eight hours and
 2 [~~not~~] no more than five days of
 3 imprisonment; and

4 (2) For an offense that occurs within five years of a
 5 prior conviction for an offense under subsection (a):

6 (A) A fine of [~~not~~] no less than \$750 and [~~not~~] no
 7 more than \$1,000;

8 (B) Prompt suspension of license and privilege to
 9 operate a vehicle for a period of thirty days
 10 with an absolute prohibition from operating a
 11 vehicle during the suspension period;

12 (C) Installation during the suspension period of
 13 active intelligent speed assistance systems on
 14 all vehicles operated by the person;

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



- 1 ~~[-C-]~~ (E) Attendance in a course of instruction in
2 driver retraining;
- 3 ~~[-D-]~~ (F) A surcharge of \$25 to be deposited into the
4 neurotrauma special fund under section 321H-4;
- 5 ~~[-E-]~~ (G) A surcharge of ~~[not]~~ no more than \$100 to be
6 deposited into the trauma system special fund
7 under section 321-22.5, if the court so orders;
- 8 ~~[-F-]~~ (H) An assessment for driver education pursuant
9 to section 286G-3; and
- 10 ~~[-G-]~~ (I) Either one of the following:
- 11 (i) ~~[Not]~~ No less than one hundred twenty hours
12 of community service work; or
- 13 (ii) ~~[Not]~~ No less than five days but ~~[not]~~ no
14 more than fourteen days of imprisonment of
15 which at least forty-eight hours shall be
16 served consecutively.
- 17 (d) Notwithstanding subsection (c), any person who
18 violates subsection (a) within five years of two prior
19 convictions for the same offense shall be guilty of a
20 misdemeanor and shall be sentenced as follows without the
21 possibility of probation or suspension of sentence:



- 1 (1) A mandatory minimum jail sentence of thirty days;
- 2 (2) Revocation of license and privilege to operate a
3 vehicle for a period of [~~not~~] no less than ninety days
4 but [~~not~~] no more than six months;
- 5 (3) Installation during the revocation period of active
6 intelligent speed assistance systems on all vehicles
7 operated by the person;
- 8 (4) At the court's discretion, the imposition of a
9 requirement that the person install active intelligent
10 speed assistance systems on all vehicles operated by
11 the person for a period beyond the revocation period
12 determined by the court;
- 13 [~~+3~~] (5) Attendance in a course of instruction in driver
14 retraining;
- 15 [~~+4~~] (6) A surcharge of \$25 to be deposited into the
16 neurotrauma special fund under section 321H-4;
- 17 [~~+5~~] (7) A surcharge of [~~not~~] no more than \$100 to be
18 deposited into the trauma system special fund under
19 section 321-22.5, if the court so orders;
- 20 [~~+6~~] (8) An assessment for driver education pursuant to
21 section 286G-3; and



1 [~~7~~] (9) That the vehicle used in the commission of the
2 offense be subject to forfeiture under chapter 712A,
3 if the court so orders.

4 (e) If the person demonstrates to the court that the
5 person:

6 (1) Does not own or have the use of a vehicle in which the
7 person can install an active intelligent speed
8 assistance system during the suspension or revocation
9 period; or

10 (2) Is otherwise unable to drive during the suspension or
11 revocation period,

12 the person shall be prohibited from driving during the period of
13 applicable suspension or revocation provided in subsections (c)
14 and (d); provided that the person shall be sentenced to the
15 maximum license suspension period, the court shall not issue an
16 active intelligent speed assistance system permit pursuant to
17 subsection (f), and the person shall be subject to the penalties
18 for violating section 286-132 if the person drives during the
19 applicable suspension or revocation period.

20 (f) Upon proof that the defendant has:



1 (1) Installed an active intelligent speed assistance
2 system in any vehicle the defendant operates pursuant
3 to subsection (c) or (d); 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
10 during the suspension or revocation period. Installation and
11 maintenance of the active intelligent speed assistance system
12 shall be at the defendant's own expense."

13 SECTION 8. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

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



1 SECTION 10. This Act shall take effect on July 1, 3000;
2 provided that nothing in this Act shall preclude the department
3 of transportation from implementing the provisions of this Act,
4 or portions thereof, prior to 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. (HD2)

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