
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 the use of intelligent speed
16 assistance technology for habitual speeders;



- 1 (2) Establish liability for a manufacturer, distributor,
- 2 or retailer regarding the design, manufacture,
- 3 installation, or repair of an aftermarket intelligent
- 4 speed distance system;
- 5 (3) Allow for 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 286, 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 **§286-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 systems include
 21 all necessary components for installation, operation,



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

7 "Habitual speeder" means a person designated a habitual
8 speeder by a court pursuant to section 286-B.

9 **§286-B Habitual speeder designation.** (a) A person shall
10 be designated a habitual speeder if the person is convicted of
11 or found to have committed the requisite number of offenses
12 under part X of chapter 291C within the time period specified in
13 subsection (b).

14 (b) A person shall be designated a habitual speeder if the
15 person has been convicted of or found to have committed:

16 (1) or more speeding violations within any five-year
17 period; and

18 (2) At least one of the violations involved:

19 (A) Exceeding the posted speed limit by miles
20 per hour or more; or



1 (B) Occurrence in a school zone, construction zone
2 pursuant to section 291C-104, or pedestrian-
3 priority area.

4 (c) For purposes of this section, a person shall be deemed
5 to have been "convicted of or found to have committed" a
6 speeding violation if the person:

- 7 (1) Is adjudicated to have committed the violation; or
- 8 (2) Admits the violation or pays the applicable fine.

9 (d) Upon determining that a person meets the criteria set
10 forth in subsection (b), the court shall designate the person a
11 habitual speeder.

12 **§286-C Court ordered intelligent speed assistance.** (a)

13 In addition to any penalty under part X of chapter 291C, upon
14 designating a person as a habitual speeder pursuant to section
15 286-B, the court may order, as a condition of continued driving
16 privileges, that any motor vehicle operated by the person be
17 equipped with an active intelligent speed assistance system.

18 (b) The court shall specify:

- 19 (1) The duration of the requirement;
- 20 (2) Whether the system shall be advisory or speed-
21 limiting;



- 1 (3) Any compliance verification requirements; and
- 2 (4) Conditions for early termination based on demonstrated
- 3 compliance.

4 (c) Failure to comply with a court-ordered intelligent
5 speed assistance requirement, including removing the system
6 prematurely or tampering with the system, shall constitute a
7 violation of this chapter and may result in license suspension,
8 revocation, or other lawful sanctions.

9 **§286-D Approved systems and standards.** (a) The
10 department of transportation shall adopt rules pursuant to
11 chapter 91 establishing standards for active intelligent speed
12 assistance systems, including:

- 13 (1) Accuracy and reliability;
- 14 (2) Tamper resistance;
- 15 (3) Driver notification requirements; and
- 16 (4) Procedures for verification of installation and
- 17 operation.

18 (b) The department of transportation may approve multiple
19 categories of systems, including advisory-only and speed-
20 limiting systems.



1 **§286-E Automobile manufacturer, distributor, or retailer**
2 **responsibility; liability; lessors and lienholders.** (a) A
3 manufacturer, distributor, or retailer of a motor vehicle shall
4 not be liable for any loss, injury, or damages caused by the
5 design, manufacture, or installation of an aftermarket
6 intelligent speed assistance system, or improper installation,
7 use, or misuse of an aftermarket intelligent speed assistance
8 system.

9 (b) Notwithstanding subsection (a), a manufacturer,
10 distributor, or retailer of a motor vehicle shall be liable if
11 the manufacturer, distributor, or retailer intentionally or
12 knowingly engages in a repair or update of an aftermarket
13 intelligent speed assistance system and the repair or update
14 proximately causes loss, injury, or damage.

15 (c) Nothing in this part shall require a manufacturer,
16 distributor, or retailer of a motor vehicle to manufacture,
17 distribute, or offer for sale a motor vehicle that includes or
18 is compatible with an aftermarket intelligent speed assistance
19 system.

20 (d) Nothing in this part shall prohibit a lessor or
21 lienholder from requiring that a motor vehicle lessee or owner



1 notify the lessor or lienholder that an aftermarket intelligent
2 speed assistance system has been installed in a motor vehicle
3 that is subject to a lease or finance agreement.

4 (e) A lessor or lienholder may charge a reasonable fee to
5 a customer for the removal of an aftermarket intelligent speed
6 assistance system.

7 **§286-F Privacy and data protection.** (a) An active
8 intelligent speed assistance system required under this part
9 shall not:

- 10 (1) Collect location or driving data beyond what is
11 necessary for speed compliance; or
12 (2) Transmit data to third parties except for compliance
13 verification as ordered by a court.

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

17 **§286-G Financial assistance and equity.** The courts may
18 provide partial financial relief for any costs associated with
19 active intelligent speed assistance systems to persons who apply
20 for such assistance and who are recipients, at the time of
21 arrest, of either food stamps under the Supplemental Nutrition



1 Assistance Program, or free services under the Older Americans
2 Act or Developmentally Disabled Assistance and Bill of Rights
3 Act.

4 **§286-H Rules.** The judiciary and department of
5 transportation may adopt rules pursuant to chapter 91 necessary
6 to carry out the purposes of this part."

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

10 "§291C- Speed safety intervention. The courts may
11 require participation in speed safety programs, including active
12 intelligent speed assistance pursuant to part of chapter
13 286, education, or monitoring, as part of sentencing for
14 speeding-related offenses."

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

17 "(c) Any person who violates subsection (a) shall be
18 guilty of a petty misdemeanor and shall be sentenced as follows
19 without the possibility of [~~probation or~~] suspension of
20 sentence:



- 1 (1) For a first offense not preceded by a prior conviction
2 for an offense under subsection (a) in the preceding
3 five years:
- 4 (A) A fine of not less than \$500 and not more than
5 \$1,000;
- 6 (B) Thirty-day prompt suspension of license and
7 privilege to operate a vehicle during the
8 suspension period, or the court may impose, in
9 lieu of the thirty-day prompt suspension of
10 license, a minimum fifteen-day prompt suspension
11 of license with absolute prohibition from
12 operating a vehicle and, for the remainder of the
13 thirty-day period, a restriction on the license
14 that allows the person to drive for limited work-
15 related purposes;
- 16 (C) Attendance in a course of instruction in driver
17 retraining;
- 18 (D) A surcharge of \$25 to be deposited into the
19 neurotrauma special fund under section 321H-4;



- 1 (E) A surcharge of not more than \$100 to be deposited
- 2 into the trauma system special fund under section
- 3 321-22.5, 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 less than forty-eight hours and not more
- 10 than five days of imprisonment; and
- 11 (2) For an offense that occurs within five years of a
- 12 prior conviction for an offense under subsection (a):
- 13 (A) A fine of not less than \$750 and not more than
- 14 \$1,000;
- 15 (B) Prompt suspension of license and privilege to
- 16 operate a vehicle for a period of thirty days
- 17 with an absolute prohibition from operating a
- 18 vehicle during the suspension period;
- 19 (C) Attendance in a course of instruction in driver
- 20 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 more than \$100 to be deposited
- 4 into the trauma system special fund under section
- 5 321-22.5, 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 less than one hundred twenty hours of
 - 10 community service work; or
 - 11 (ii) Not less than five days but not more than
 - 12 fourteen days of imprisonment of which at
 - 13 least forty-eight hours shall be served
 - 14 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 less than ninety days but
- 3 not 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 more than \$100 to be deposited into
- 9 the trauma system special fund under section 321-22.5,
- 10 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. Establishes liability for a manufacturer, distributor, or retailer regarding the design, manufacture, installation, or repair of an aftermarket intelligent speed assistance system. Requires a report to the Legislature. Allows for probation for persons who are charged with excessive speeding. Effective 7/1/3000. (HD1)

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

