
A BILL FOR AN ACT

RELATING TO TRANSPORTATION SAFETY.

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

1 SECTION 1. The legislature finds that vehicles having a
2 hood height greater than forty inches are forty-five per cent
3 more likely to kill pedestrians after striking them, because the
4 impact is closer to the head or torso rather than with lower
5 vehicles. The legislature also finds that the penalties for
6 excessive speeding and driving while intoxicated may include
7 fines or license suspension.

8 Accordingly, the purpose of this Act is to require:

- 9 (1) The examiner of drivers to test driver's license
10 applicants on knowledge of the dangers that larger
11 motor vehicles, including trucks and sport utility
12 vehicles, pose to pedestrians and bicyclists; and
13 (2) Persons who commit the offense of excessive speeding
14 to pass a driver's license examination only if and
15 when those drivers apply for a new driver's license.

16 SECTION 2. Section 286-108, Hawaii Revised Statutes, is
17 amended as follows:



1 1. By amending subsection (a) to read:

2 "(a) Except as provided in section 286-107.5(a) [~~7~~] or as
3 otherwise provided in this part, the examiner of drivers shall
4 examine every applicant for a driver's license [~~7~~, ~~except as~~
5 ~~otherwise provided in this part~~]. The examination shall include
6 a test of:

- 7 (1) The applicant's eyesight and any further physical
8 examination that the examiner of drivers finds
9 necessary to determine the applicant's fitness to
10 operate a motor vehicle safely upon the highways;
- 11 (2) The applicant's ability to understand highway signs
12 regulating, warning, and directing traffic;
- 13 (3) The applicant's knowledge of the rules of the road
14 based on the traffic laws of the State and the traffic
15 ordinances of the county where the applicant resides
16 or intends to operate a motor vehicle; provided that
17 the examination shall specifically test the
18 applicant's knowledge of the provisions of [~~section~~]
19 sections 291C-121.5 and [~~section~~] 291C-137; [~~and~~]



1 (4) The applicant's knowledge of the dangers that large
2 vehicles, including trucks, pose to pedestrians and
3 bicyclists; and

4 [~~(4)~~] (5) The actual demonstration of ability to exercise
5 ordinary and reasonable control in the operation of a
6 motor vehicle.

7 The examinations shall be appropriate to the operation of the
8 category of motor vehicle for which the applicant seeks to be
9 licensed and shall be conducted as required by the director.

10 The examiner of drivers shall require every applicant to
11 comply with section 286-102.5.

12 The examiner of drivers may waive the actual demonstration
13 of ability to operate a motorcycle or motor scooter for any
14 person who furnishes evidence, to the satisfaction of the
15 examiner of drivers, that the person has completed the
16 motorcycle education course approved by the director in
17 accordance with section 431:10G-104.

18 For the purposes of this section, [~~the term~~] "applicant"
19 does not include any person reactivating a license under section
20 286-107.5(a)."

21 2. By amending subsection (c) to read:



1 "(c) The examiner of drivers may waive the written or oral
2 examination required under subsection (a)(2) [~~and~~], (3), and 4
3 and the actual demonstration of ability to operate a motor
4 vehicle for any person who:

5 (1) Is at least eighteen years of age and [~~who~~] possesses
6 a valid driver's license issued to the applicant in
7 any other state of the United States, the District of
8 Columbia, the Commonwealth of Puerto Rico, American
9 Samoa, Guam, a province of the Dominion of Canada, or
10 the Commonwealth of the Northern Mariana Islands for
11 the operation of vehicles in categories 1 through 3 of
12 section 286-102;

13 (2) Has completed the same requirements as set forth in
14 section 286-102.6(f) in another state and possesses a
15 valid provisional license from that state; or

16 (3) Is at least eighteen years of age and [~~who~~] possesses
17 a valid driver's license issued to the applicant in
18 any jurisdiction for which the director has granted
19 reciprocal licensing privileges in accordance with
20 section 286-101.5 for the operation of vehicles in
21 category (3) of section 286-102(b)."



1 SECTION 3. Section 291C-105, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291C-105 Excessive speeding.** (a) No person shall drive
4 a motor vehicle at a speed exceeding:

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

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

9 (b) For the purposes of this section, "the applicable
10 state or county speed limit" means the maximum speed limit
11 established:

12 (1) By county ordinance;

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

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

19 (c) Any person who violates subsection (a) shall be guilty
20 of a petty misdemeanor and shall be sentenced as follows without
21 the possibility of probation or suspension of 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~~] no less than \$500 and [~~not~~] no
5 more than \$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;
- 20 (E) [A] If the court so orders, a surcharge of [~~not~~]
21 no more than \$100 to be deposited into the trauma



- 1 system special fund under section 321-22.5 [~~if~~
2 ~~the court so orders~~];
- 3 (F) An assessment for driver education pursuant to
4 section 286G-3; and
- 5 (G) Either one of the following:
- 6 (i) Thirty-six hours of community service work;
7 or
- 8 (ii) [~~Not~~] No less than forty-eight hours and
9 [~~not~~] no more than five days of
10 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~~] no less than \$750 and [~~not~~] no
14 more than \$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] If the court so orders, a surcharge of [~~not~~]
4 no more than \$100 to be deposited into the trauma
5 system special fund under section 321-22.5[~~, if~~
6 ~~the court so orders~~];
- 7 (F) An assessment for driver education pursuant to
8 section 286G-3; and
- 9 (G) Either one of the following:
- 10 (i) [~~Not~~] No less than one hundred twenty hours
11 of community service work; or
- 12 (ii) [~~Not~~] No less than five days but [~~not~~] no
13 more than fourteen days of imprisonment of
14 which at least forty-eight hours shall be
15 served consecutively.
- 16 (d) Notwithstanding subsection (c), any person who
17 violates subsection (a) within five years of two prior
18 convictions for the same offense shall be guilty of a
19 misdemeanor and shall be sentenced as follows without the
20 possibility of probation or suspension of sentence:
- 21 (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 (e) In addition to any penalties imposed by this section,
17 any person who violates this section and applies for a driver's
18 license anytime thereafter shall be required to pass a driver's
19 license examination as provided in section 286-108."



1 SECTION 4. 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 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Driver's License; License Examination; Excessive Speeding;
Penalties

Description:

Requires testing of driver license applicants on the dangers that larger motor vehicles present to pedestrians and bicyclists. Requires persons who commit the offense of excessive speeding to pass the driver license examination only if and when those drivers apply for a new driver's license. Effective 7/1/3000. (HD1)

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