

ACT 74

H.B. NO. 502

A Bill for an Act Relating to Traffic Offenses Requiring Imposition of Increased Penalties for Subsequent Offenses.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291-11.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Violation of this section shall be considered an offense as defined under section 701-107(5) and shall subject the violator to the following penalties:

- (1) For a first conviction, the person shall:
 - (A) Be fined not more than \$100;
 - (B) Be required by the court to attend a child passenger restraint system safety class conducted by the division of driver education; provided that:
 - (i) The class may include video conferences as determined by the administrator of the division of driver education as an alternative method of education; and
 - (ii) The class shall not exceed four hours;
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3; and
 - (D) Pay a \$10 surcharge to be deposited into the neurotrauma special fund;
- (2) For a conviction of a second offense[;] committed within three years of any other conviction under this section, the person shall:
 - (A) Be fined not less than \$100 but not more than \$200;
 - (B) Be required by the court to attend a child passenger restraint system safety class not to exceed four hours in length conducted by the division of driver education if the person has not previously attended such a class;
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3 if the person has not previously attended a child passenger restraint system safety class conducted by the division of driver education; and
 - (D) Pay a \$10 surcharge to be deposited into the neurotrauma special fund; and
- (3) For a conviction of a third or subsequent offense[;] committed within three years of any other conviction under this section, the person shall:
 - (A) Be fined not less than \$200 but not more than \$500;
 - (B) Be required by the court to attend a child passenger restraint system safety class not to exceed four hours in length conducted by the division of driver education if the person has not previously attended such a class;
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3 if the person has not previously attended a child passen-

- ger restraint system safety class conducted by the division of driver education; and
- (D) Pay a \$10 surcharge to be deposited into the neurotrauma special fund.”

SECTION 2. Section 291-24.6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If a motor vehicle alarm system installed in a motor vehicle is activated and emits a sound for more than five continuous minutes, the registered owner of the motor vehicle shall be fined not more than \$100; provided that after the third violation[,] within a five-year period, the fine shall be:

- (1) \$250 for the fourth violation;
- (2) \$375 for the fifth violation; and
- (3) \$500 for a sixth or subsequent violation.”

SECTION 3. Section 291-32, Hawaii Revised Statutes, is amended to read as follows:

“**§291-32 Penalties.** (a) The use or operation of any motor vehicle not equipped with lights in conformity with sections 291-25 to 291-31 upon the public highways is prohibited during the period specified in section 291-25(a).

(b) Whoever violates any of the provisions of this section, or of sections 291-25 to 291-31, shall be fined not more than \$10. Each violation shall be deemed a separate offense, and a subsequent violation of the same provision within a one-year period shall be subject to twice the fine imposed upon the prior conviction therefor.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

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

SECTION 6. This Act shall take effect upon its approval.

(Approved May 25, 2005.)