

ACT 170

S.B. NO. 97

A Bill for an Act Relating to Motor Vehicles.

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

PART I

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

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

- (1) The applicable state or county speed limit by thirty miles per hour or more; or
- (2) Eighty miles per hour or more irrespective of the applicable state or county speed limit.

(b) For the purposes of this section, “the applicable state or county speed limit” means[:] the maximum speed limit established:

- (1) ~~[The maximum speed limit established by]~~ By county ordinance;
- (2) ~~[The maximum speed limit established by]~~ By official signs placed by the director of transportation on highways under the director’s jurisdiction; or

- (3) ~~[The maximum speed limit established pursuant]~~ Pursuant to section 291C-104 by the director of transportation or the counties for school zones and construction areas in their respective jurisdictions.
- (c) Any person who violates ~~[this section]~~ subsection (a) shall be guilty of a petty misdemeanor and shall be sentenced as follows without the possibility of probation or suspension of sentence:
 - (1) For a first offense not preceded by a prior conviction for an offense under ~~[this section]~~ subsection (a) in the preceding five years:
 - (A) A fine of not less than \$500 and not more than \$1,000;
 - (B) Thirty-day prompt suspension of license and privilege to operate a vehicle during the suspension period, or the court may impose, in lieu of the thirty-day prompt suspension of license, a minimum fifteen-day prompt suspension of license with absolute prohibition from operating a vehicle and, for the remainder of the thirty-day period, a restriction on the license that allows the person to drive for limited work-related purposes;
 - (C) Attendance in a course of instruction in driver retraining;
 - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund~~[:]~~ under section 321H-4;
 - (E) ~~[May be charged a]~~ A surcharge of ~~[up to]~~ not more than \$100 to be deposited into the trauma system special fund under section 321-22.5, if the court so orders;
 - (F) An assessment for driver education pursuant to section 286G-3; and
 - (G) Either one of the following:
 - (i) Thirty-six hours of community service work; or
 - (ii) Not less than forty-eight hours and not more than five days of imprisonment; and
 - (2) For an offense that occurs within five years of a prior conviction for an offense under ~~[this section, by:]~~ subsection (a):
 - (A) A fine of not less than \$750 and not more than \$1,000;
 - (B) Prompt suspension of license and privilege to operate a vehicle for a period of thirty days with an absolute prohibition from operating a vehicle during the suspension period;
 - (C) Attendance in a course of instruction in driver retraining;
 - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund~~[:]~~ under section 321H-4;
 - (E) ~~[May be charged a]~~ A surcharge of ~~[up to]~~ not more than \$100 to be deposited into the trauma system special fund under section 321-22.5, if the court so orders;
 - (F) An assessment for driver education pursuant to section 286G-3; and
 - (G) Either one of the following:
 - (i) Not less than one hundred twenty hours of community service work; or
 - (ii) Not less than five days but not more than fourteen days of imprisonment of which at least forty-eight hours shall be served consecutively~~[:]~~ and
 - (3) For an offense that occurs within five years of two prior convictions for offenses under this section, by:
 - (A) A fine of \$1,000;

- (B) ~~Revocation of license and privilege to operate a vehicle for a period of not less than ninety days but not more than one year;~~
- (C) ~~Attendance in a course of instruction in driver retraining;~~
- (D) ~~No fewer than ten days but no more than thirty days of imprisonment of which at least forty-eight hours shall be served consecutively;~~
- (E) ~~A surcharge of \$25 to be deposited into the neurotrauma special fund;~~
- (F) ~~May be charged a surcharge of up to \$100 to be deposited into the trauma system special fund if the court so orders; and~~
- (G) ~~An assessment for driver education pursuant to section 286G-3].~~

(d) Notwithstanding subsection (c), any person who violates subsection (a) within five years of two prior convictions for the same offense shall be guilty of a misdemeanor and shall be sentenced as follows without the possibility of probation or suspension of sentence:

- (1) A mandatory minimum jail sentence of thirty days;
- (2) Revocation of license and privilege to operate a vehicle for a period of not less than ninety days but not more than six months;
- (3) Attendance in a course of instruction in driver retraining;
- (4) A surcharge of \$25 to be deposited into the neurotrauma special fund under section 321H-4;
- (5) A surcharge of not more than \$100 to be deposited into the trauma system special fund under section 321-22.5, if the court so orders;
- (6) An assessment for driver education pursuant to section 286G-3; and
- (7) That the vehicle used in the commission of the offense be subject to forfeiture under chapter 712A, if the court so orders.”

PART II

SECTION 2. Section 291L-5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Notwithstanding any law to the contrary and except as otherwise provided in this chapter, beginning January 1, 2025, whenever any motor vehicle is determined, by means of an automated speed enforcement system, to have ~~[exceeded the posted maximum speed limit by not less than five miles per hour in violation of]~~ violated section 291C-108, the State’s third-party contractor shall cause a summons or citation, as described in this section, to be sent by first-class mail¹ that is postmarked within ten calendar days after the date of the incident, to the registered owner of the motor vehicle at the address on record at the vehicle licensing division. If the end of the ten-calendar-day period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or holiday. The registered owner shall be determined by the identification of the motor vehicle license plate.”

2. By amending subsection (d) to read:

“(d) Before mailing the summons or citation for a traffic infraction pursuant to subsection (a), the applicable county police department shall review and verify the ~~[validity of the]~~ clear and unobstructed photographic, digital, or other visual image of the license plate of the motor vehicle required under this section.”

PART III

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)

Note

1. Prior to amendment, a comma appeared here.