H.B. NO. 3199

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

SECTION 1. Section 286G-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Driver education assessments of:

(1) $100 shall be levied on persons convicted under section 291E-61 or 291E-61.5 to defray costs of services provided by the driver education and training program;

(2) $50 shall be levied on persons required to attend [~~a~~]:

(A) A child passenger restraint system safety class under section 291-11.5; [~~and~~] or

(B) An anger management or driver training course under section 291-2(b); and

(3) $75 shall be levied on persons convicted under section 291C-105 to defray costs of services provided by the driver education and training program."

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

"§291-2 **Reckless driving of vehicle or riding of animals; penalty.** (a) Whoever operates any vehicle or rides any animal recklessly in disregard of the safety of other persons or the person's self or property is guilty of reckless driving of vehicle or reckless riding of an animal, as appropriate, and shall be fined not more than [~~$1,000~~] $2,500 or imprisoned not more than thirty days, or both.

(b) If a judge finds a defendant guilty of the offense of reckless driving and finds that the defendant committed two or more traffic violations under part IV, V, VI, VIII, or X of Chapter 291C, then the judge shall impose the following:

(1) For a first offense not preceded by a prior conviction for an offense under this section 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

1 operating a vehicle and, for the remainder of the
2 thirty-day period, a restriction on the license
3 that allows the person to drive for limited
4 work-related purposes;
5 (C) Attendance in a course of instruction for anger
6 management and driver training;
7 (D) An assessment for driver education pursuant to
8 section 286G-3; and
9 (E) Either one of the following:
10 (i) Thirty-six hours of community service work;
11 or
12 (ii) Not less than forty-eight hours and not more
13 than five days of imprisonment;
14 (2) For an offense that occurs within five years of a
15 prior conviction for an offense under this
16 section:
17 (A) A fine of not less than $750 and not more than
18 $1,500;
19 (B) Ninety-day prompt suspension of license and
20 privilege to operate a vehicle during the
21 suspension period, or the court may impose, in
22 lieu of the ninety-day prompt suspension of

license, a minimum forty five-day prompt suspension of license with absolute prohibition from operating a vehicle and for the remainder of the ninety-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 for anger management and driver training;

(D) An assessment for driver education pursuant to section 286G-3; and

(E) 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:

(A) A fine of $1,000-$2,500;

(B) Revocation of license and privilege to operate a

1 vehicle for a period of not less than ninety
2 days, but not more than one year;
3 (C) Attendance in a course of instruction for anger
4 management and drivers training;
5 (D) An assessment for driver education pursuant to
6 section 286G-3;
7 (E) No fewer than ten days, but no more than thirty
8 days of imprisonment, of which at least
9 forty-eight hours shall be served consecutively.
10 (c) A conviction and sentence for reckless driving or
11 reckless riding of an animal shall not preclude a conviction for
12 another traffic violation arising out of the same course of
13 action."
14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.
17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material in underscored.
19 SECTION 5. This Act shall take effect upon its approval.
20
21 INTRODUCED BY: Calvin K Y Say
22 BY REQUEST
JAN 22 2008

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Report Title:
Highway; safety; reckless driving; traffic violations

Description:
Strengthens the current reckless driving penalties for individuals guilty of two or more traffic violations under the State's Traffic Code.

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JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY.

PURPOSE: To modify the current reckless driving law to include enhanced penalties for individuals guilty of two or more traffic violations under the State's Traffic Code.

MEANS: Amend sections 286G-3(b) and 291-2, Hawaii Revised Statutes.

JUSTIFICATION: The Fatality Analysis Reporting System (FARS) data discloses for the calendar years of 2004 through 2005 within the State of Hawaii, there were a total of 399 fatal motor vehicle crashes that resulted in 443 fatalities. The FARS data further reveals that of those 399 fatal motor vehicle crashes, 101 or 27.6 percent involved multiple driver factors characteristic of a reckless driver that resulted in 133 (or 33.0 percent) fatalities.

Currently, the State's reckless driving law deals with only one traffic violation. We believe this expansion of the reckless driving statutes to impose additional penalties for two or more traffic violations will deter habitual behavior.

If a judge finds that the defendant has committed two or more traffic violations under specific parts of Hawaii's Traffic Code, this bill would enable the courts to impose the following:

For a first offense (not preceded by a prior conviction in the past five years)

- $500-$1,000 fine
- 15-30-day license and operating suspension

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- attendance in anger management course and driver training
- an assessment for driver education
- community service (36 hours)

or

- imprisonment (48 hours-5 days)

For an offense within 5 years of a prior conviction:

- $750-$1,500 fine
- 45-90-day license and operating suspension
- attendance in anger management course and driver training
- an assessment for driver education
- community service (not less than 120 hours)

or

- imprisonment (5-14 days)

For an offense within 5 years of *two* prior convictions:

- $1,000-$2,500 fine
- 90 days-1 year revocation of license and privilege to operate vehicle
- attendance in course for anger management and driver training
- an assessment for driver education
- imprisonment (10-30 days)

Impact on the public: The proposed legislation to enhance the penalties for reckless drivers will be a deterrent and result in a safer roadway to use.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PBS PROGRAM DESIGNATION: TRN 595.

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OTHER AFFECTED AGENCIES: County Police Departments, County Prosecutors

EFFECTIVE DATE: Upon approval.