
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION.

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

1 SECTION 1. Section 291C-195, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~f~~]**§291C-195**[~~†~~] **Driving of mopeds.** (a) No person less
4 than fifteen years of age shall drive a moped.

5 (b) No person shall drive a two-wheeled moped except while
6 sitting astride the seat, facing forward, with one leg on each
7 side of the moped.

8 (c) No person shall drive a two-wheeled moped which is
9 carrying any other person nor shall any person other than the
10 driver ride upon a two-wheeled moped."

11 SECTION 2. Section 291D-7, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending subsections (b) and (c) to read:

14 "(b) When a denying answer is received, the court shall
15 proceed as follows:

16 (1) In the case of a traffic infraction that does not
17 involve parking where the person requests a hearing to
18 contest the infraction, the court shall notify the



1 person in writing of the date, time, and place of
2 hearing to contest the notice of traffic infraction.

3 The notice of hearing shall be sent to the address
4 stated in the answer, or if none is given, to the
5 address stated on the notice of traffic infraction.

6 The notification also shall advise the person that, if
7 the person fails to appear at the hearing, the court
8 shall enter judgment by default in favor of the State,
9 as of the date of the scheduled hearing, that the
10 total amount specified in the default judgment must be
11 paid within thirty days from notice of default, and,
12 if it is not paid, that the court shall take action as
13 provided in section 291D-10;

- 14 (2) In the case of a traffic infraction that involves
15 parking, the court shall notify the person or
16 registered owner or owners in writing of the date,
17 time, and place of hearing to contest the notice of
18 traffic infraction. The notice of hearing shall be
19 sent to the address stated in the denying answer or,
20 if none is given, to the address at which the vehicle
21 is registered. The notification also shall advise the
22 person that, if the person fails to appear at the



1 hearing, the court shall enter judgment by default in
2 favor of the State, as of the date of the scheduled
3 hearing, that the total amount specified in the
4 default judgment shall be paid within thirty days from
5 notice of default, and, if it is not paid, that the
6 court shall take action as provided in section 291D-
7 10; provided that payment of the total amount shall be
8 the responsibility of the registered owner of the
9 motor vehicle incurring the parking violation at the
10 time the violation was incurred; and

- 11 (3) When a denying answer is accompanied by a written
12 statement of the grounds on which the person contests
13 the notice of the traffic infraction, the court shall
14 proceed as provided in section 291D-8(a) and shall
15 notify the person of its decision, including the total
16 amount assessed by mailing it within thirty days of
17 the postmarked date of the answer to the address
18 provided by the person in the answer, or if none is
19 given, to the address given when the notice of traffic
20 infraction was issued or, in the case of parking
21 violations, to the address stated in the denying
22 answer or, if none is given, to the address at which



1 the vehicle is registered. The decision also shall
2 advise the person, if it is determined that the
3 infraction was committed, that the person has the
4 right, within thirty days, to request a trial and
5 shall specify the procedures for doing so. The notice
6 of decision shall also notify the person, if an amount
7 is assessed by the court for fines, fees, surcharges,
8 costs, or monetary assessments, that if the person
9 does not request a trial, the total amount assessed
10 shall be paid within thirty days. The notice shall
11 warn the person that if the total amount is not paid
12 within thirty days, the court shall take action as
13 provided in section 291D-10[-]; provided that in the
14 case of a traffic infraction involving parking,
15 payment of the total amount shall be the
16 responsibility of the registered owner of the motor
17 vehicle incurring the parking violation at the time
18 the violation was incurred.

19 (c) When an answer admitting commission of the infraction
20 but seeking to explain mitigating circumstances is received, the
21 court shall proceed as follows:

- 1 (1) In the case of a traffic infraction which does not
2 involve parking where the person requests a hearing to
3 explain mitigating circumstances, the court shall
4 notify the person in writing of the date, time, and
5 place of hearing to explain mitigating circumstances.
6 The notice of hearing shall be sent to the address
7 stated in the answer, or if none is given, to the
8 address stated on the notice of traffic infraction.
9 The notification also shall advise the person that, if
10 the person fails to appear at the hearing, the court
11 shall enter judgment by default in favor of the State,
12 as of the date of the scheduled hearing, that the
13 total amount stated in the default judgment shall be
14 paid within thirty days from notice of default, and,
15 if it is not paid, that the court shall take action as
16 provided in section 291D-10;
- 17 (2) In the case of a traffic infraction which involves
18 parking, the court shall notify the person in writing
19 of the date, time, and place of the hearing. The
20 notice shall be sent to the address at which the
21 vehicle is registered. The notice of hearing on
22 mitigating circumstances shall advise the person that



1 the court shall enter judgment for the State and the
2 hearing shall be limited to an explanation of the
3 mitigating circumstances. The notice of hearing also
4 shall state that if the person fails to appear at the
5 hearing, the total amount specified in the default
6 judgment shall be paid within thirty days of the
7 scheduled hearing. The notice of hearing shall warn
8 the person that if the total amount is not paid within
9 thirty days, the court shall take action as provided
10 in section 291D-10; provided that payment of the total
11 amount shall be the responsibility of the registered
12 owner of the motor vehicle incurring the parking
13 violation at the time the violation was incurred;
14 and

- 15 (3) If a written explanation is included with an answer
16 admitting commission of the infraction, the court
17 shall enter judgment for the State and, after
18 reviewing the explanation, determine the total amount
19 of the fines, fees, surcharges, costs, or monetary
20 assessments to be assessed, if any. The court shall
21 then notify the person of the total amount to be paid
22 for the infraction, if any. There shall be no appeal



1 from the order. If the court assesses an amount for
2 fines, fees, surcharges, costs, or monetary
3 assessments, the court shall also notify the person
4 that the total amount shall be paid within thirty days
5 of the postmarked date of the decision. The notice
6 also shall warn the person that if the total amount is
7 not paid within thirty days, the court shall take
8 action as provided in section 291D-10[-]; provided
9 that in the case of a traffic infraction involving
10 parking, payment of the total amount shall be the
11 responsibility of the registered owner of the motor
12 vehicle incurring the parking violation at the time
13 the violation was incurred."

14 2. By amending subsection (e) to read:

15 "(e) Whenever judgment by default in favor of the State is
16 entered, the court shall mail a notice of entry of judgment of
17 default to the address provided by the person when the notice of
18 traffic infraction was issued or, in the case of parking
19 violations, to the address stated in the answer, if any, or the
20 address at which the vehicle is registered. The notice shall
21 advise the person that the total amount specified in the default
22 judgment shall be paid within thirty days and shall explain the



1 procedure for setting aside a default judgment. The notice
2 shall also warn the person that if the total amount is not paid
3 within thirty days, the court shall take action as provided in
4 section 291D-10[-]; provided that payment of the total amount
5 shall be the responsibility of the registered owner of the motor
6 vehicle incurring the parking violation at the time the
7 violation was incurred. Judgment by default for the State
8 entered pursuant to this chapter may be set aside pending final
9 disposition of the traffic infraction upon written application
10 of the person and posting of an appearance bond equal to the
11 amount of the total amount specified in the default judgment and
12 any other assessment imposed pursuant to section 291D-9. The
13 application shall show good cause or excusable neglect for the
14 person's failure to take action necessary to prevent entry of
15 judgment by default. Upon receipt of the application, the court
16 shall take action to remove the restriction placed on the
17 person's driver's license or the person's motor vehicle's
18 registration and title imposed pursuant to section 291D-10.
19 Thereafter, the court shall determine whether good cause or
20 excusable neglect exists for the person's failure to take action
21 necessary to prevent entry of judgment by default. If so, the
22 notice of traffic infraction shall be disposed of pursuant to



1 this chapter. If not, the appearance bond shall be forfeited
2 and the notice of traffic infraction shall be finally disposed.
3 In either case, the court, within thirty days, shall determine
4 the existence of good cause or excusable neglect and notify the
5 person of its decision in writing."

6 SECTION 3. Section 291D-10, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) In all cases where the registered owner of a motor
9 vehicle to which a notice of traffic infraction has been issued
10 fails to pay the total amount of fines, fees, surcharges, costs,
11 or monetary assessments that have been ordered, the court shall
12 cause an entry to be made in the motor vehicle's record so as to
13 prevent issuance or renewal of the motor vehicle's certificate
14 of registration and transfer of title to the motor vehicle until
15 the outstanding amount is paid or the notice of traffic
16 infraction is otherwise disposed of pursuant to this chapter[-];
17 provided that if the traffic infraction involves an unpaid
18 parking violation under section 291D-7, this subsection shall
19 not prevent transfer of title to the motor vehicle to another
20 person, in which case the clerk of the court shall issue a
21 clearance to effectuate the registration and transfer of title;
22 and provided further that in no event shall a clearance:



1 (1) Absolve the registered owner of the motor vehicle at
2 the time the parking violation was incurred from
3 paying the fine;

4 (2) Prevent any subsequent issuance or renewal of the
5 motor vehicle's certificate of registration and
6 transfer of title to the motor vehicle; or

7 (3) Otherwise encumber the title of that motor vehicle."

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

10 SECTION 5. This Act shall take effect on July 1, 2096.



Report Title:

Parking Citations; Motor Vehicle Registration

Description:

Clarifies that: (1) responsibility for unpaid parking fines rests with the registered owner of the motor vehicle incurring the parking citation at the time of the violation; (2) unpaid parking fines do not prevent the transfer of the motor vehicle's registration and title; and (3) certain restrictions on the operation of mopeds applies to two-wheeled mopeds. Effective 7/1/2096. (SB2065 HD1)

