
A BILL FOR AN ACT

RELATING TO TRAFFIC INFRACTIONS.

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

1 SECTION 1. The legislature finds that current law attaches
2 parking citations to the vehicle rather than the vehicle's
3 owner, which prevents the registration and transfer of ownership
4 to a new owner until the parking fines are paid. The purpose of
5 this Act is to clarify that the parking citation attaches to the
6 owner of the vehicle, and may prevent the owner's
7 re-registration but not the re-registration of a new owner.

8 SECTION 2. Section 291D-7, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

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



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



1 and the notice of traffic infraction shall be finally disposed.
2 In either case, the court, within thirty days, shall determine
3 the existence of good cause or excusable neglect and notify the
4 person of its decision in writing."

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

7 "(b) In all cases where the registered owner of a motor
8 vehicle to which a notice of traffic infraction has been issued
9 fails to pay the total amount of fines, fees, surcharges, costs,
10 or monetary assessments that have been ordered, the court shall
11 cause an entry to be made in the motor vehicle's record so as to
12 prevent issuance or renewal of the motor vehicle's certificate
13 of registration and transfer of title to the motor vehicle until
14 the outstanding amount is paid or the notice of traffic
15 infraction is otherwise disposed of pursuant to this chapter[-];
16 provided that if the traffic infraction involves an unpaid
17 parking violation under section 291D-7(e), this subsection shall
18 not prevent the issuance or renewal of the motor vehicle's
19 certificate of registration and transfer of title to the motor
20 vehicle to another person, in which case the clerk of the court
21 shall issue a clearance to effectuate the registration and



1 transfer of title; and provided further that in no event shall a
2 clearance:

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

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

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

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

12 SECTION 5. This Act shall take effect on January 1, 2007.

PROPOSED

Report Title:

Parking Citations; Motor Vehicle Registration

Description:

Clarifies that the motor vehicle owner is responsible for paying parking citations; clarifies that unpaid parking citations do not prevent the transfer of registration or ownership. (SD2)

