
A BILL FOR AN ACT

RELATING TO TRAFFIC INFRACTIONS.

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

1 SECTION 1. Section 291D-5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The form for the notice of traffic infraction shall
4 be prescribed by rules of the district court which shall be
5 uniform throughout the State. Except in the case of traffic
6 infractions involving parking, the notice shall include the
7 following:

8 (1) A statement of the specific traffic infraction,
9 including a brief statement of facts, for which the
10 notice was issued;

11 (2) A statement of the total amount to be paid for each
12 traffic infraction, which amount shall include any
13 fee, surcharge, or cost required by statute, ordinance
14 or rule, and any monetary assessment, established for
15 the particular traffic infraction pursuant to section
16 291D-9, to be paid by the driver, which shall be
17 uniform throughout the State;



- 1 (3) A statement of the options provided in section 291D-
2 6(b) for answering the notice and the procedures
3 necessary to exercise the options;
- 4 (4) A statement that the person to whom the notice is
5 issued must answer, choosing one of the options
6 specified in section 291D-6(b), within twenty-one
7 days;
- 8 (5) A statement that failure to answer the notice of
9 traffic infraction within twenty-one days shall result
10 in the entry of judgment by default for the State and
11 may result in the assessment of a late penalty, and,
12 that if the driver fails to pay the total amount
13 specified in the default judgment within an additional
14 thirty days or otherwise take action to set aside the
15 default, notice shall be sent to the director of
16 finance of the appropriate county that the person to
17 whom the notice was issued shall not be permitted to
18 renew or obtain a driver's license or, where the
19 notice was issued to a motor vehicle, the registered
20 owner shall not be permitted to register, renew the
21 registration of, or transfer title to the motor



- 1 vehicle until the traffic infraction is finally
2 disposed of pursuant to this chapter;
- 3 (6) A statement that, at a hearing requested to contest
4 the notice of traffic infraction conducted pursuant to
5 section 291D-8 or in consideration of a written
6 statement contesting the notice of traffic infraction,
7 no officer shall be present unless the driver timely
8 requests the court to have the officer present. The
9 standard of proof to be applied by the court is
10 whether a preponderance of the evidence proves that
11 the specified traffic infraction was committed;
- 12 (7) A statement that, at a hearing requested for the
13 purpose of explaining mitigating circumstances
14 surrounding the commission of the infraction or in
15 consideration of a written request for mitigation, the
16 person shall be considered to have committed the
17 traffic infraction;
- 18 (8) A space in which the driver's [~~signature~~,] current
19 address[~~7~~] and driver's license number may be affixed;
20 and



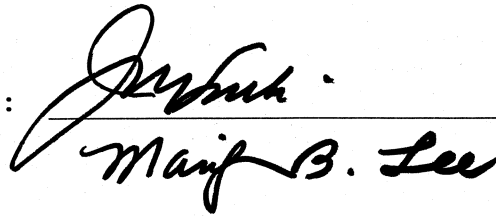
1 (9) The date, time, and place at which the driver must
2 appear in court, if the driver is required by the
3 notice to go to hearing."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken.

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY:



JAN 25 2006



Report Title:

Notice of Traffic Infractions; Driver's Signature

Description:

Repeals the provision specifying that the notice of traffic infraction include space for the driver's signature.

