
A BILL FOR AN ACT

RELATING TO SOLID WASTE CONTROL.

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

1 SECTION 1. Chapter 342H, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§342H- Illegal dumping awareness program. There is
5 established within the department an illegal dumping awareness
6 program. The department shall develop and administer classes to
7 raise awareness of the ramifications of illegal solid waste
8 dumping and deter future violations among offenders of this
9 chapter. The department may adopt rules in accordance with
10 chapter 91 for the purpose of this section."

11 SECTION 2. Section 342H-37, Hawaii Revised Statutes, is
12 amended by amending subsection (c) to read as follows:

13 "(c) Felony disposal of solid waste is a class C felony
14 for which a maximum fine of \$50,000 for each separate offense
15 may be [~~imposed.~~] imposed; provided that the person shall be
16 fined not less than:

17 (1) \$2,500 for the first offense; and

18 (2) \$10,000 for the second or subsequent offense.



1 Any vehicle used in the commission of an offense under this
2 section shall be forfeited to the State, subject to the notice
3 and hearing requirements of chapter 712A; provided that for a
4 first offense, the forfeited vehicle shall be returned to the
5 owner when all fines imposed under this section are paid in
6 full.

7 Each day of violation shall constitute a separate offense."

8 SECTION 3. Section 342H-39, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Petty misdemeanor disposal of solid waste [~~is~~] shall
11 be punishable by:

12 (1) A fine of not more than \$25,000 for each separate
13 offense; provided that:

14 (A) For the first offense, petty misdemeanor disposal
15 of solid waste shall be punishable by:

16 (i) A mandatory minimum fine of \$500 for each
17 separate offense;

18 (ii) Twenty hours of community service picking up
19 solid waste;

20 (iii) hours of participation in an illegal
21 dumping awareness class administered by the
22 department; and



1 (iv) Not more than thirty days imprisonment for
2 each offense;

3 (B) For the second offense under this section, petty
4 misdemeanor disposal of solid waste shall be
5 punishable by:

6 (i) A mandatory minimum fine of \$1,000 for each
7 separate offense;

8 (ii) Fifty hours of community service picking up
9 solid waste;

10 (iii) hours of participation in an illegal
11 dumping awareness class administered by the
12 department; and

13 (iv) Not more than sixty days imprisonment for
14 each offense;

15 and

16 (2) In addition to the above, any petty misdemeanor
17 disposal of solid waste is punishable by revocation or
18 suspension by court order of any contractor's license
19 or any applicable certificate of authorization from
20 the public utilities commission.

21 [~~2~~] ~~Not more than thirty days imprisonment for each~~
22 ~~offense; or~~



1 ~~(3) Revocation or suspension by court order of any~~
 2 ~~contractor's license or any applicable certificate of~~
 3 ~~authorization from the public utilities commission.]~~

4 Each day of violation shall constitute a separate offense."

5 SECTION 4. There is appropriated out of the general
 6 revenues of the State of Hawaii the sum of \$ or so much
 7 thereof as may be necessary for fiscal year 2006-2007 for the
 8 department of health to carry out its duties under the illegal
 9 dumping awareness program.

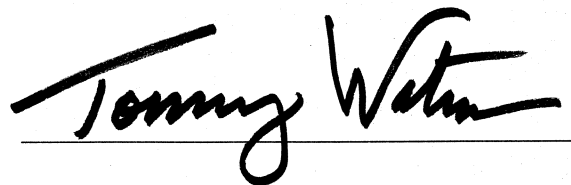
10 The sum appropriated shall be expended by the department of
 11 health for the purposes of this Act.

12 SECTION 5. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2006;
 15 provided that sections 2 and 3 shall take effect on January 1,
 16 2007.

17

INTRODUCED BY:



JAN 25 2006



H.B. NO. 3148

Report Title:

Solid Waste Control; Increased Penalties

Description:

Increases criminal penalties for illegal disposal of solid waste. Establishes an illegal dumping awareness program under the Department of Health, to administer classes relating to illegal dumping awareness to offenders of this chapter.

