
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION.

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 monetary assessment shall be paid
17 within thirty days and shall explain the procedure for setting
18 aside a default judgment. The notice shall also warn the person



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



1 the court shall, within thirty days, determine the existence of
2 good cause or excusable neglect and notify the person of its
3 decision in writing."

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

6 "(b) In all cases where the registered owner of a motor
7 vehicle to which a notice of traffic infraction has been issued
8 fails to pay any monetary assessments that have been ordered,
9 the court shall cause an entry to be made in the motor vehicle's
10 record so as to prevent issuance or renewal of the motor
11 vehicle's certificate of registration and transfer of title to
12 the motor vehicle until the outstanding assessment is paid or
13 the notice of traffic infraction is otherwise disposed of
14 pursuant to this chapter[-]; provided that if the traffic
15 infraction involves an unpaid parking violation under section
16 291D-7(e), this subsection shall not prevent the issuance or
17 renewal of the motor vehicle's certificate of registration and
18 transfer of title to the motor vehicle to another person, in
19 which case the clerk of the court shall issue a clearance to
20 effectuate the registration and transfer of title; and provided
21 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, upon its approval, shall take effect
11 retroactive to , 2005.

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SB2065

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.

