

JAN 25 2006

S.B. NO. 2472

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# A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

1           SECTION 1. Chapter 286, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§286- State traffic school. (a) The state highway  
5 safety council shall establish the state traffic school for  
6 traffic offenders. The school shall be composed of uniform  
7 education and training elements designed to create a correcting  
8 and lasting effect on traffic offenders. The courts, in lieu of  
9 assessing penalties for traffic offenses, pursuant to section  
10 291C- , may allow offenders to attend state traffic school.  
11           (b) The state highway safety council shall supervise,  
12 operate, and administer the state traffic school and shall adopt  
13 rules pursuant to chapter 91 governing facilities, equipment,  
14 courses of instruction, instructors, and records of the program.  
15           (c) A person who attends the state traffic school as  
16 provided in this section shall be subject to a fee to be  
17 established by the state highway safety council to defray the  
18 cost of operating the school."



1 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§291C- Diversion program. (a) A district court shall  
5 allow the continuance of a proceeding against any person who  
6 receives a summons or citation for a moving violation pursuant  
7 to this chapter, in consideration for attendance at the state  
8 traffic school for traffic violators, provided under section  
9 286- , within the time prescribed by the court; provided that:

10 (1) The offense is not alleged to have been committed  
11 within twenty-four months of another offense that was  
12 dismissed under this section;

13 (2) The offense did not result in death or serious  
14 physical injury;

15 (3) At the time of the offense, the person was not driving  
16 while under the influence of an intoxicant liquor; and

17 (4) At the time of the offense, the person possessed a  
18 valid driver's license that had not been suspended or  
19 revoked.

20 (b) Upon certification of completion of the state traffic  
21 school course for traffic offenders, the court shall dismiss the  
22 complaint and order that the department of transportation shall



1 not include any record of the moving violation on the person's  
2 driving record.

3 (c) A person under this section shall be assessed a  
4 diversion fee in an amount that shall be determined by the  
5 supreme court. Payment of the diversion fee shall be accepted  
6 in lieu of payment of a civil penalty or criminal fine that is  
7 imposed for a traffic violation."

8 SECTION 3. Section 286-5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§286-5 State highway safety council.** There is  
11 established the Hawaii highway safety council. The director of  
12 transportation shall serve as its chairperson. The following or  
13 their designated representatives shall be members of the  
14 council: the chief justice, the attorney general, the director  
15 of health, the superintendent of education, the president of  
16 the University of Hawaii, the chairperson of each of the county  
17 highway safety councils established under section 286-6, and not  
18 more than twenty other persons who shall be appointed by the  
19 governor on the basis of their interest in highway safety.

20 The state highway safety council shall [advise]:



1        (1) Advise the governor on matters relating to the  
2                    programs and activities of the State in the field of  
3                    highway safety[-]; and

4        (2) Establish and administer a state traffic school  
5                    pursuant to section 286- .

6            The members of the council shall serve without pay but  
7 shall be entitled to reimbursement for necessary expenses while  
8 attending meetings and while in discharge of their duties."

9            SECTION 4. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$                    , or so  
11 much thereof as may be necessary for fiscal year 2006-2007, for  
12 the state highway safety council for the establishment,  
13 operation, and administration of the state traffic school.

14            The sum appropriated shall be expended by the department of  
15 transportation for the purposes of this Act.

16            SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18            SECTION 6. This Act shall take effect upon its approval;  
19 provided that section 4 shall take effect on July 1, 2006.

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INTRODUCED BY:

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S.B. NO. 2472

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**Report Title:**

Traffic Code; Diversion Program; State Traffic School

**Description:**

Establishes a traffic school under the state highway safety council. Allows any person who receives a citation for a moving violation, instead of a fine, to attend state traffic school and have any record of the moving violation excluded from the person's driving record; provided that the violation did not involve DUI or death or serious bodily injury or occur within 24 months of a prior violation dismissed under this section.

