

JAN 25 2006

A BILL FOR AN ACT

RELATING TO TRAFFIC RECORDS AND ABSTRACTS.

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

1 SECTION 1. Section 286-137, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§286-137 District courts to keep records.** (a) The
4 district court of each circuit, subject to section 602-5.5,
5 shall keep, maintain, ~~and~~ control, or ~~shall~~ otherwise
6 provide for the keeping, maintaining, and controlling of ~~proper~~
7 ~~and accurate~~ the records of each [conviction or bail forfeiture
8 ~~or any other disposition of each violation of]~~ traffic case
9 involving a licensee [coming within] subject to this part.

10 (b) The district court of each circuit, subject to section
11 602-5.5, shall ~~also~~ establish procedures for the accounting,
12 control, and disposition of each traffic citation, notice~~, or~~
13 of traffic infraction, complaint and summons, or other traffic
14 offense charging form used or issued, whether the use or
15 issuance of the same is authorized by the court or by any other
16 governmental agency under applicable laws or ordinances~~, which~~
17 ~~may include the keeping of an accurate citation, notice, or~~
18 ~~summons control ledger or form in a numerical, chronological, or~~



1 ~~other accountable manner.]~~, and filed with the court. The
2 accounting, control, and disposition may be in any manner
3 approved by the administrative director, including, but not
4 limited to, electronic reports from data in computerized case
5 management systems.

6 (c) The district court of each circuit, subject to section
7 602-5.5, shall keep a record of each official action for each
8 filed traffic citation, notice of traffic infraction, complaint
9 and summons, or other traffic offense charging form. The record
10 shall include, but not be limited to:

11 (1) The traffic citation, notice of traffic infraction,
12 complaint and summons, or other traffic offense
13 charging form;

14 (2) Information concerning a licensee's failure to appear
15 for a scheduled court hearing, including a licensee's
16 forfeiture of deposit or bail;

17 (3) The judgment or order of dismissal entered upon each
18 traffic citation, notice of infraction, complaint and
19 summons, or other traffic offense charging form; and

20 (4) Information concerning the status of a licensee's
21 compliance with all terms and conditions of the
22 judgment."



1 SECTION 2. Section 287-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§287-3 Furnishing ~~[of operating]~~ abstracts of court**
4 **records[-] of traffic cases.** (a) The traffic violations
5 bureaus of the district courts, upon request~~[7]~~ and payment of
6 the required fee and subject to section 602-5.5, shall furnish
7 to any person a certified abstract of the bureaus' complete
8 record, if any, of [any] that person relating to all [alleged
9 moving violations and any convictions resulting therefrom,]
10 cases arising from the operation of a motor vehicle in which the
11 person was charged with a violation of a statute, ordinance, or
12 rule relating to traffic movement and control. The abstract
13 subject to section 602-5.5, shall include information from court
14 records maintained for that person pursuant to section 286-137
15 and all dispositions of any administrative driver's license
16 revocation proceeding brought against the person pursuant to
17 chapter 291E, part III, and chapter 286, part XIV, as [it was]
18 the laws were in effect on or before December 31, 2001.

19 (b) The traffic violations bureaus of the district courts,
20 upon request and payment of the required fee and subject to the
21 restrictions set forth in this subsection and section 602-5.5,
22 shall furnish to any person a certified abstract of the bureau's



1 record, if any, of any named person, listing all cases arising
2 from the operation of a motor vehicle in which the named person
3 was charged with violating any statute, ordinance, or rule
4 regulating the operation of a motor vehicle, or in which an
5 administrative driver's license revocation proceeding was
6 initiated against the named person pursuant to chapter 291E,
7 part III, or chapter 286, part XIV, as the law was in effect on
8 or before December 31, 2001. The abstract shall report:

9 (1) Each judgment convicting the named person of a
10 criminal traffic offense relating to the operation of
11 a motor vehicle that was entered during the current
12 calendar year and the three preceding calendar years,
13 except that convictions for drug- or alcohol-related
14 criminal traffic offenses shall be reported for the
15 current calendar year and the ten preceding calendar
16 years and judgments permanently revoking a driver's
17 license shall be reported without regard to date of
18 entry;

19 (2) Each judgment determining that the named person
20 committed a civil traffic infraction relating to the
21 operation of a motor vehicle that was entered during



- 1 the current calendar year and the three preceding
2 calendar years;
- 3 (3) Each decision by the administrative director or the
4 administrative director's designee to suspend or
5 revoke the named person's driver's license that was
6 entered during the current calendar year and the ten
7 preceding calendar years;
- 8 (4) Each alleged violation of a civil or criminal offense
9 related to the operation of a motor vehicle that has
10 not been resolved, including alleged violations that
11 have not been resolved because the named person failed
12 to appear in court;
- 13 (5) Each civil and criminal judgment entered in a traffic
14 case that the named person has failed to fully
15 satisfy; and
- 16 (6) Each order forfeiting bail posted in a criminal case
17 that was entered during the current calendar year and
18 the three preceding calendar years.
- 19 (c) The traffic violations bureaus may collect a fee[7]
20 for any abstract requested, not to exceed \$7, of which \$5 shall
21 be deposited into the general fund and \$2 shall be deposited
22 into the judiciary computer system special fund.



1 [~~(b)~~] (d) Notwithstanding any provision to the contrary,
2 [~~all alleged moving violations as well as any convictions~~
3 ~~resulting therefrom or any administrative license suspension]~~
4 records of traffic cases and administrative driver's license
5 proceedings initiated pursuant to chapter 291A shall not be
6 included in a certified abstract of [~~the~~] a bureau's record."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY:

By Request



SB. NO. 2592

Report Title:

District Court Record keeping; Traffic Abstracts

Description:

Clarifies the district court's record keeping and abstract-furnishing responsibilities for traffic cases.

