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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1           SECTION 1. The legislature finds that on December 24,  
2 2003, the Honolulu city council raised the annual motor vehicle  
3 weight tax by sixty per cent to pay for police raises. Some  
4 have said that it is unfair for vehicle owners to pay for police  
5 raises when the police provide protection and services to all  
6 Oahu residents. The legislature finds that a more logical and  
7 balanced approach to offset the cost of providing law  
8 enforcement would be to distribute the revenues received or the  
9 fine proceeds from unadjudicated traffic infractions to the  
10 police department of the county in which the traffic infraction  
11 occurred. Not only would such a dedicated funding source  
12 provide an equitable basis to fund police pay raises, but it  
13 would assist the county police chiefs in recruiting and  
14 retaining police officers.

15           In recent years, police department recruiters from the  
16 mainland have recruited a number of our finest officers,  
17 convincing them to relocate to the mainland, where cost of  
18 living is cheaper and law enforcement salaries are higher.



1 Mainland police recruiters say that they have been more  
2 successful in recruiting officers in Hawaii than in any other  
3 location, noting that Hawaii officers have proved to be well  
4 trained. As of June 2002, all counties noted a significant  
5 number of vacancies in their respective police departments.

6 In addition, in our post-September 11 society, emphasis on  
7 homeland security has resulted in police departments nationwide  
8 competing not only with each other for the most qualified  
9 candidates, but also with federal agencies like the Federal  
10 Bureau of Investigation and the Transportation Security  
11 Administration. In addition to the loss of police officers to  
12 mainland jobs, some police officers in the State have left their  
13 jobs to become federal air marshals or airport security officers  
14 because of the considerably higher salaries and potentially less  
15 stressful conditions in the federal positions.

16 The chiefs of police in each county must be provided with a  
17 dedicated funding source to ensure the successful recruitment  
18 and retention of quality police officers. Existing vacancies  
19 must be filled, and current and future police officers must  
20 receive just compensation that recognizes the services they  
21 provide to the State, often under dangerous conditions that put  
22 their personal safety in jeopardy. Potential recruits must have



1 an incentive to become a police officer and existing police  
2 officers must receive a salary that recognizes their service to  
3 the community and leaves no room for recruitment by mainland  
4 police departments who offer higher wages.

5 The purpose of this Act is to require the state director of  
6 finance to distribute the revenues from unadjudicated traffic  
7 infractions to the police department of the county in which the  
8 traffic infraction occurred.

9 SECTION 2. Section 286-216, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[~~+~~]**\$286-216**[~~+~~] **Fines, fees, and charges.** All moneys  
12 collected under this part shall be paid into the state highway  
13 fund and shall be expended for the purpose of this part[~~-~~];  
14 provided that any moneys collected for unadjudicated traffic  
15 infractions shall be distributed to the county police department  
16 in accordance with section 291C-171.

17 For the purposes of this section:

18 "Traffic infraction" shall have the same meaning as defined  
19 in section 291D-2.

20 "Unadjudicated traffic infraction" means a traffic  
21 infraction that a person admits to committing pursuant to  
22 section 291D-6(b)(1)."



1 SECTION 3. Section 291-37, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person who omits to perform any of the acts  
4 required by, or who commits any of the acts prohibited by,  
5 sections 291-2 to 291-33, or any rules adopted to enforce those  
6 sections, shall be guilty of a violation and shall be fined not  
7 less than \$25 nor more than \$1,800, except as otherwise  
8 provided.

9 Any person who omits to perform any of the acts required  
10 by, or who commits any of the acts prohibited by, section 291-  
11 34, 291-35, or 291-36 shall be fined in accordance with the  
12 following tables:

13		The fine for a violation shall be:
14	If the excess weight is:	
15	100 to 1,500 pounds	\$250
16	1,501 to 2,000 pounds	260
17	2,001 to 2,500 pounds	280
18	2,501 to 3,000 pounds	320
19	3,001 to 3,500 pounds	360
20	3,501 to 4,000 pounds	400
21	4,001 to 4,500 pounds	450
22	4,501 to 5,000 pounds	500



1	5,001 to 5,500 pounds	550
2	5,501 to 6,000 pounds	600
3	6,001 to 6,500 pounds	660
4	6,501 to 7,000 pounds	720
5	7,001 to 7,500 pounds	780
6	7,501 to 8,000 pounds	840
7	8,001 to 8,500 pounds	910
8	8,501 to 9,000 pounds	980
9	9,001 to 9,500 pounds	1050
10	9,501 to 10,000 pounds	1120
11	10,001 pounds and over	1160

12	If the excess dimension is:	The fine shall be:
13	Up to 5 feet	\$ 50
14	Over 5 feet and up to 10 feet	100
15	Over 10 feet and up to 15 feet	150
16	Over 15 feet	200

17 For the purposes of this section, "person" means the driver  
18 of the vehicle unless the driver is an employee in the scope and  
19 course of employment, in which case "person" means the employer  
20 of the driver. In the case of the transportation of a sealed  
21 container or transportation by flatrack, "person" means:



- 1           (1) The individual or company the cargo is consigned to;
- 2                    or
- 3           (2) The individual or company located in the State
- 4                    shipping the cargo.

5 The consignee or the shipper shall not be cited if the power  
6 units' drive axle group is overweight, and the weight is not  
7 more than that allowed for a tandem axle with any applicable  
8 tolerances.

9           ~~[All penalties]~~ Fines imposed and revenues collected for  
10 violations of sections 291-33 to 291-36 shall be paid into the  
11 state highway fund~~[-]~~; provided that any revenues collected for  
12 unadjudicated traffic infractions shall be distributed to the  
13 county police departments in accordance with section 291C-171.

14           For the purposes of this section:

15           "Traffic infraction" shall have the same meaning as defined  
16 in section 291D-2.

17           "Unadjudicated traffic infraction" means a traffic  
18 infraction that a person admits to committing pursuant to  
19 section 291D-6(b)(1).

20           The department of transportation shall institute a system  
21 where the fine, based on the tables in this subsection, may be  
22 mailed in when the citation or penalty is not to be contested.



1 This system shall include an ability for the owner of the  
2 vehicle or combination of vehicles to request the operator be  
3 held harmless and the citation be transferred to that owner of  
4 the vehicle or combination of vehicles."

5 SECTION 4. Section 291C-111, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) With respect to highways under their respective  
8 jurisdictions, the director of transportation is authorized to  
9 and the counties by ordinance may prohibit or restrict the  
10 stopping, standing, or parking of vehicles where the stopping,  
11 standing, or parking is dangerous to those using the highway or  
12 where the stopping, standing, or parking of vehicles would  
13 interfere unduly with the free movement of traffic; provided  
14 that the violation of any law or any ordinance, regardless of  
15 whether established under this or any other section, prohibiting  
16 or restricting the stopping, standing, or parking of vehicles  
17 shall constitute a traffic infraction. The counties shall not  
18 provide any other penalty, civil or criminal, or any other  
19 charge, in the form of rental or otherwise, in place of or in  
20 addition to the fine to be imposed by the district court for any  
21 violation of any ordinance prohibiting or restricting the  
22 stopping, standing, or parking of vehicles.



1           This section shall not be construed as prohibiting the  
2 authority of the director of transportation or the counties to  
3 allow the stopping, standing, or parking of motor vehicles at a  
4 "T-shaped" intersection on highways under their respective  
5 jurisdictions; provided that such stopping, standing, or parking  
6 of motor vehicles is not dangerous to those using the highway or  
7 where the stopping, standing, or parking of motor vehicles would  
8 not unduly interfere with the free movement of traffic.

9           The appropriate police department and county or prosecuting  
10 attorney of the various counties shall enforce any law or  
11 ordinance prohibiting or restricting the stopping, standing, or  
12 parking of vehicles, including but not limited to the issuance  
13 of parking tickets. Any person committing a violation of any  
14 law or ordinance, regardless of whether established under this  
15 or any other section, prohibiting or restricting the stopping,  
16 standing, or parking of vehicles shall be subject to a fine to  
17 be enforced and collected by the district courts of this State  
18 and to be deposited into the state general fund for state  
19 use[-]; provided that any revenues collected for unadjudicated  
20 traffic infractions shall be distributed to the county police  
21 departments in accordance with section 291C-171.

22           For the purposes of this section:





1       "Traffic infraction" shall have the same meaning as defined  
2 in section 291D-2.

3       "Unadjudicated traffic infraction" means a traffic  
4 infraction that a person admits to committing pursuant to  
5 section 291D-6(b)(1)."

6       SECTION 5. Section 291C-171, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "**§291C-171 Disposition of fines and forfeitures.** (a) All  
9 fines and forfeitures collected upon conviction or upon the  
10 forfeiture of bail of any person charged with a violation of any  
11 section or provision of the state traffic laws or county traffic  
12 ordinances and all assessments collected relating to the  
13 commission of traffic infractions shall be paid to the director  
14 of finance of the State[-]; provided that any revenues collected  
15 for unadjudicated traffic infractions shall be distributed to  
16 the county police department in which the traffic infraction or  
17 violation occurred and shall be used to fund the salaries of the  
18 police department personnel in each county.

19       (b) In addition to any monetary assessment imposed for a  
20 traffic infraction, the court may impose penalties on all  
21 outstanding traffic citations and judgments. The penalties  
22 shall be established pursuant to rules approved by the supreme



1 court; provided that the amounts of the penalties shall be based  
2 upon a graduated scale that increases in proportion to the  
3 length of the delinquency. Any interest penalty imposed as  
4 provided in this section may be waived by the court for good  
5 cause. All penalties collected for such outstanding citations  
6 and judgments shall be paid to the director of finance of the  
7 State.

8 (c) The director of finance shall distribute the revenues  
9 from unadjudicated traffic infractions to the county police  
10 department in which the traffic infraction occurred and the  
11 revenues shall be used to fund the salaries of police department  
12 personnel in each county.

13 (d) For purposes of this section:

14 "County highway" means a highway or street, including the  
15 sidewalk portion, that is owned or controlled by a county.

16 "County traffic ordinance" means an ordinance regulating:

17 (1) The operation, stopping, standing, or parking of a  
18 vehicle on a county highway or other county property;

19 (2) The equipment, weight, or size of a vehicle operating  
20 on a county highway;

21 (3) The travel of a pedestrian, skater, skateboarder, or  
22 bicyclist on a county highway; or



1       (4) The conduct of a person in a county off-street parking  
2           lot.

3       "State traffic law" means any provision under this chapter,  
4 chapter 286, or chapter 291.

5       "Traffic infraction" shall have the same meaning as defined  
6 in section 291D-2.

7       "Unadjudicated traffic infraction" means a traffic  
8 infraction that a person admits to committing pursuant to  
9 section 291D-6(b)(1)."

10       SECTION 6. Section 291D-9, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "~~+~~§291D-9~~+~~ **Monetary assessments.** (a) A person found  
13 to have committed a traffic infraction shall be assessed a  
14 monetary assessment not to exceed the maximum fine specified in  
15 the statute defining the traffic infraction.

16       (b) Notwithstanding section 291C-161 or any other law to  
17 the contrary, the district court of each circuit shall prescribe  
18 a schedule of monetary assessments for all traffic  
19 infractions~~[-]~~ and any additional assessments to be imposed  
20 pursuant to subsection (c). The particular assessment to be  
21 entered on the notice of traffic infraction pursuant to section  
22 291D-5 shall correspond to the schedule prescribed by the



1 district court. Except after proceedings conducted pursuant to  
2 section 291D-8 or a trial conducted pursuant to section 291D-13,  
3 monetary assessments assessed pursuant to this chapter shall not  
4 vary from the schedule prescribed by the district court having  
5 jurisdiction over the traffic infraction.

6 (c) In addition to any monetary assessment imposed for a  
7 traffic infraction, the court may impose additional assessments  
8 for:

9 (1) Failure to pay a monetary assessment by the scheduled  
10 date of payment; or

11 (2) The cost of service of a penal summons issued pursuant  
12 to this chapter.

13 (d) The court may grant to a person claiming inability to  
14 pay, an extension of the period in which the monetary assessment  
15 shall be paid or may impose community service in lieu thereof.

16 If the assessment is not paid or the community service is not  
17 performed on or before the date established and the court has  
18 not extended the time, the court shall take action as provided  
19 in section 291D-10.

20 (e) Monetary assessments received from unadjudicated  
21 traffic infractions shall be distributed to the county police  
22 departments in accordance with section 291C-171.



1 For the purposes of this section:

2 "Traffic infraction" shall have the same meaning as defined  
3 in section 291D-2.

4 "Unadjudicated traffic infraction" means a traffic  
5 infraction that a person admits to committing pursuant to  
6 section 291D-6(b)(1)."

7 SECTION 7. Section 706-643, Hawaii Revised Statutes, is  
8 amended by amending subsection (2) to read as follows:

9 "(2) All fines and other final payments received by a  
10 clerk or other officer of a court shall be accounted for, with  
11 the names of persons making payment, and the amount and date  
12 thereof, being recorded. All such funds shall be deposited with  
13 the director of finance to the credit of the general fund of the  
14 State~~[.];~~ provided that funds received from unadjudicated  
15 traffic infractions shall be distributed to the county police  
16 departments in accordance with section 291C-171. With respect  
17 to fines and bail forfeitures [~~which~~] that are proceeds of the  
18 wildlife revolving fund under section 183D-10.5, the director of  
19 finance shall transmit the fines and forfeitures to that fund.

20 For the purposes of this section:

21 "Traffic infraction" shall have the same meaning as defined  
22 in section 291D-2.



1        "Unadjudicated traffic infraction" means a traffic  
 2 infraction that a person admits to committing pursuant to  
 3 section 291D-6(b)(1)."

4        SECTION 8. This Act does not affect rights and duties that  
 5 matured, penalties that were incurred, and proceedings that were  
 6 begun, before its effective date.

7        SECTION 9. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

9        SECTION 10. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

*Tony Watts*  
~~*[Signature]*~~  
*Wenman D. [Signature]*  
*[Signature]*  
*Calvin H. Day*

JAN 15 2008



**Report Title:**

Unadjudicated Traffic Violations; Counties

**Description:**

Requires the state director of finance to transmit revenues received from all unadjudicated traffic violations or infractions to the police department of the county in which the traffic infraction occurred to enable each chief of police to recruit and retain qualified police officers.

