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## A BILL FOR AN ACT

RELATING TO TRAFFIC INFRACTIONS.

**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 to 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 default  
12 judgment to the address provided by the person when the notice  
13 of traffic infraction was issued or, in the case of parking  
14 infractions, to the address stated in the answer, if any, or the  
15 address at which the vehicle is registered. The notice of entry  
16 of default judgment shall advise the person that the total  
17 amount specified in the default judgment shall be paid within  
18 thirty days of entry of default judgment and shall explain the



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



1 If so, the application to set aside default judgment shall be  
2 granted, the default judgment shall be set aside, and the notice  
3 of traffic infraction shall be disposed of pursuant to this  
4 chapter. If not, the application to set aside default judgment  
5 shall be denied, the appearance bond shall be forfeited and  
6 applied to satisfy amounts due under the default judgment, and  
7 the notice of traffic infraction shall be finally disposed. In  
8 either case, the court shall determine the existence of good  
9 cause or excusable neglect and notify the person of its decision  
10 on the application in writing."

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

13 "(b) In all cases where the registered owner of a motor  
14 vehicle to which a notice of traffic infraction has been issued  
15 fails to pay the total amount of fines, fees, surcharges, costs,  
16 or monetary assessments that have been ordered, the court shall  
17 cause an entry to be made in the motor vehicle's record so as to  
18 prevent issuance or renewal of the motor vehicle's certificate  
19 of registration and transfer of title to the motor vehicle until  
20 the outstanding amount is paid or the notice of traffic  
21 infraction is otherwise disposed of pursuant to this chapter;  
22 provided that if the traffic infraction involves an unpaid



1 parking violation[7] under section 291D-7(e), this subsection  
 2 shall not prevent the issuance or renewal of the motor vehicle's  
 3 certificate of registration and transfer of title to the motor  
 4 vehicle to another person, in which case the clerk of the court  
 5 shall issue a clearance to effectuate the registration and  
 6 transfer of title; and provided further that in no event shall a  
 7 clearance:

8 (1) Absolve the registered owner of the motor vehicle at  
 9 the time the parking violation was incurred from  
 10 paying the fine;

11 (2) Prevent any subsequent issuance or renewal of the  
 12 motor vehicle's certificate of registration and  
 13 transfer of title to the motor vehicle; or



14 (3) Otherwise encumber the title of that motor vehicle."

15 SECTION 4. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on January 1, 2009.

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INTRODUCED BY:

JAN 18 2008



**Report Title:**

Parking Citations; Motor Vehicle Registration

**Description:**

Establishes that the motor vehicle owner is responsible for paying outstanding parking citations even after transferring ownership of the vehicle. Establishes that unpaid parking citations shall not prevent the transfer of ownership and re-registration of the vehicle.

