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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 chief 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; 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 guilty of omitting any of the required  
4 acts, or committing any of the prohibited acts of sections 291-2  
5 to 291-33, or the rules adopted shall be guilty of a violation  
6 of this chapter and shall be fined not less than \$25 nor more  
7 than \$1,800.

8 Any person guilty of omitting any of the required acts, or  
9 committing any of the prohibited acts of section 291-34, 291-35,  
10 or 291-36 shall be fined in accordance with the following  
11 tables:

12	The fine for a	
13	If the excess weight is:	first violation shall be:
14	100 to 1,500 pounds	\$125
15	1,501 to 2,000 pounds	130
16	2,001 to 2,500 pounds	140
17	2,501 to 3,000 pounds	160
18	3,001 to 3,500 pounds	180
19	3,501 to 4,000 pounds	200
20	4,001 to 4,500 pounds	225
21	4,501 to 5,000 pounds	250
22	5,001 to 5,500 pounds	275



1	5,501 to 6,000 pounds	300
2	6,001 to 6,500 pounds	330
3	6,501 to 7,000 pounds	360
4	7,001 to 7,500 pounds	390
5	7,501 to 8,000 pounds	420
6	8,001 to 8,500 pounds	455
7	8,501 to 9,000 pounds	490
8	9,001 to 9,500 pounds	525
9	9,501 to 10,000 pounds	560
10	10,001 pounds and over	580

11	If the excess dimension is:	The fine shall be:
12	Up to 5 feet	\$ 25
13	Over 5 feet and up to 10 feet	50
14	Over 10 feet and up to 15 feet	75
15	Over 15 feet	100

16 For the purpose of the imposition of a fine or penalty herein,  
 17 evidence of prior offenses shall be admissible.

18 For a second violation within one year of the first, the  
 19 fine for excess weight shall be not less than twice the fine  
 20 listed in the excess weight table above and not more than  
 21 \$1,200. For a third or subsequent violation for excess weight  
 22 previously cited under this section within one year, the fine



1 shall not be less than triple the fine listed in the excess  
2 weight table above and not more than \$1,800.

3 For the purposes of this section, "person" means the driver  
4 of the vehicle unless the driver is an employee in the scope and  
5 course of employment, in which case "person" means the employer  
6 of the driver. In the case of the transportation of a sealed  
7 container or transportation by flatrack, "person" means:

8 (1) The individual or company the cargo is consigned to;

9 or

10 (2) The individual or company located in the State  
11 shipping the cargo.

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

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

21 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       The department of transportation is authorized to institute  
7 a system where the fine, based on the tables in this subsection,  
8 may be mailed in when the citation or penalty is not to be  
9 contested. This system shall include an ability for the owner  
10 of the vehicle or combination of vehicles to request the  
11 operator be held harmless and the citation be transferred to  
12 that owner of the vehicle or combination of vehicles."

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

15       "(a) With respect to highways under their respective  
16 jurisdictions, the director of transportation is authorized to  
17 and the counties by ordinance may prohibit or restrict the  
18 stopping, standing, or parking of vehicles where the stopping,  
19 standing, or parking is dangerous to those using the highway or  
20 where the stopping, standing, or parking of vehicles would  
21 interfere unduly with the free movement of traffic; provided  
22 that the violation of any law or any ordinance, regardless of



1 whether established under this or any other section, prohibiting  
2 or restricting the stopping, standing, or parking of vehicles  
3 shall constitute a traffic infraction. The counties shall not  
4 provide any other penalty, civil or criminal, or any other  
5 charge, in the form of rental or otherwise, in place of or in  
6 addition to the fine to be imposed by the district court for any  
7 violation of any ordinance prohibiting or restricting the  
8 stopping, standing, or parking of vehicles.

9 This section shall not be construed as prohibiting the  
10 authority of the director of transportation or the counties to  
11 allow the stopping, standing, or parking of motor vehicles at a  
12 "T-shaped" intersection on highways under their respective  
13 jurisdictions; provided that such stopping, standing, or parking  
14 of motor vehicles is not dangerous to those using the highway or  
15 where the stopping, standing, or parking of motor vehicles would  
16 not unduly interfere with the free movement of traffic.

17 The appropriate police department and county or prosecuting  
18 attorney of the various counties shall enforce any law or  
19 ordinance prohibiting or restricting the stopping, standing, or  
20 parking of vehicles, including but not limited to the issuance  
21 of parking tickets. Any person committing a violation of any  
22 law or ordinance, regardless of whether established under this





1 or any other section, prohibiting or restricting the stopping,  
 2 standing, or parking of vehicles shall be subject to a fine to  
 3 be enforced and collected by the district courts of this State  
 4 and to be deposited into the state general fund for state  
 5 use[-]; provided that any revenues collected for unadjudicated  
 6 traffic infractions shall be distributed to the county police  
 7 departments in accordance with section 291C-171.

8 For the purposes of this section:

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

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

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

16 **"§291C-171 Disposition of fines and forfeitures.** (a) All  
 17 fines and forfeitures collected upon conviction or upon the  
 18 forfeiture of bail of any person charged with a violation of any  
 19 section or provision of the state traffic laws or county traffic  
 20 ordinances and all assessments collected relating to the  
 21 commission of traffic infractions shall be paid to the director  
 22 of finance of the State[-]; provided that any revenues collected



1 for unadjudicated traffic infractions shall be distributed to  
2 the county police department in which the traffic infraction or  
3 violation occurred and shall be used to fund the salaries of the  
4 police department personnel in each county.

5 (b) In addition to any monetary assessment imposed for a  
6 traffic infraction, the court may impose penalties on all  
7 outstanding traffic citations and judgments. The penalties  
8 shall be established pursuant to rules approved by the supreme  
9 court; provided that the amounts of the penalties shall be based  
10 upon a graduated scale that increases in proportion to the  
11 length of the delinquency. Any interest penalty imposed as  
12 provided in this section may be waived by the court for good  
13 cause. All penalties collected for such outstanding citations  
14 and judgments shall be paid to the director of finance of the  
15 State.

16 (c) The director of finance shall distribute the revenues  
17 from unadjudicated traffic infractions to the county police  
18 department in which the traffic infraction occurred and the  
19 revenues shall be used to fund the salaries of police department  
20 personnel in each county.

21 (d) For purposes of this section:



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

3 "County traffic ordinance" means an ordinance regulating:

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

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

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

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

12 "State traffic law" means any provision under this chapter,  
13 chapter 286, or chapter 291.

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

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

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

21 "[+]§291D-9[+] **Monetary assessments.** (a) A person found  
22 to have committed a traffic infraction shall be assessed a



1 monetary assessment not to exceed the maximum fine specified in  
2 the statute defining the traffic infraction.

3 (b) Notwithstanding section 291C-161 or any other law to  
4 the contrary, the district court of each circuit shall prescribe  
5 a schedule of monetary assessments for all traffic  
6 infractions[7] and any additional assessments to be imposed  
7 pursuant to subsection (c). The particular assessment to be  
8 entered on the notice of traffic infraction pursuant to section  
9 291D-5 shall correspond to the schedule prescribed by the  
10 district court. Except after proceedings conducted pursuant to  
11 section 291D-8 or a trial conducted pursuant to section 291D-13,  
12 monetary assessments assessed pursuant to this chapter shall not  
13 vary from the schedule prescribed by the district court having  
14 jurisdiction over the traffic infraction.

15 (c) In addition to any monetary assessment imposed for a  
16 traffic infraction, the court may impose additional assessments  
17 for:

- 18 (1) Failure to pay a monetary assessment by the scheduled  
19 date of payment; or
- 20 (2) The cost of service of a penal summons issued pursuant  
21 to this chapter.



1 (d) The court may grant to a person claiming inability to  
2 pay, an extension of the period in which the monetary assessment  
3 shall be paid or may impose community service in lieu thereof.  
4 If the assessment is not paid or the community service is not  
5 performed on or before the date established and the court has  
6 not extended the time, the court shall take action as provided  
7 in section 291D-10.

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

11 For the purposes of this section:

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

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

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

19 "(2) All fines and other final payments received by a  
20 clerk or other officer of a court shall be accounted for, with  
21 the names of persons making payment, and the amount and date  
22 thereof, being recorded. All such funds shall be deposited with



1 the director of finance to the credit of the general fund of the  
 2 State[-]; provided that funds received from unadjudicated  
 3 traffic infractions shall be distributed to the county police  
 4 departments in accordance with section 291C-171. With respect  
 5 to fines and bail forfeitures [~~which~~] that are proceeds of the  
 6 wildlife revolving fund under section 183D-10.5, the director of  
 7 finance shall transmit the fines and forfeitures to that fund.

8 For the purposes of this section:

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

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

14 SECTION 8. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun, before its effective date.

17 SECTION 9. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 10. This Act shall take effect on July 1, 2007.

20 INTRODUCED BY: *Tony Vata*

JAN 19 2007



**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.

