

JAN 24 2007

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



1 established by the state highway safety council to defray the
2 cost of operating the school."

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

6 "§291C- Diversion program. (a) A district court shall
7 allow the continuance of a proceeding against any person who
8 receives a summons or citation for a moving violation pursuant
9 to this chapter, in consideration for attendance at the state
10 traffic school for traffic violators, provided under section
11 286- , within the time prescribed by the court; provided that:

- 12 (1) The offense is not alleged to have been committed
13 within twenty-four months of another offense that was
14 dismissed under this section;
15 (2) The offense did not result in death or serious
16 physical injury;
17 (3) At the time of the offense, the person was not driving
18 while under the influence of an intoxicant liquor; and
19 (4) At the time of the offense, the person possessed a
20 valid driver's license that had not been suspended or
21 revoked.



1 (b) Upon certification of completion of the state traffic
2 school course for traffic offenders, the court shall dismiss the
3 complaint and order that the department of transportation shall
4 not include any record of the moving violation on the person's
5 driving record.

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

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

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



1 The state highway safety council shall [~~advise~~]:

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

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

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

10 SECTION 4. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$, or so
12 much thereof as may be necessary for fiscal year 2007-2008, for
13 the state highway safety council for the establishment,
14 operation, and administration of the state traffic school.

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

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

19 SECTION 6. This Act shall take effect upon its approval;
20 provided that section 4 shall take effect on July 1, 2007.

21

INTRODUCED BY: Ray L. Han

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.

