

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO COUNTY HIGHWAY PATROLS.

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

1           SECTION 1. The legislature finds that county highway  
2 patrols would aid in reducing the loss of life and the  
3 occurrence of personal injuries on highways in the State. In  
4 addition, highway patrols would free up existing traffic  
5 division officers to concentrate on other traffic control  
6 matters.

7           According to the National Highway Traffic Safety  
8 Administration:

9           (1) Hawaii was tied for second place in the nation with  
10 Wyoming for the highest percentage increase in the  
11 number of fatalities from motor vehicle crashes,  
12 increasing from fifteen per cent from one hundred  
13 forty fatalities in 2005 to one hundred sixty-one  
14 fatalities in 2006;

15           (2) Speeding in Hawaii was a contributing factor in 2005  
16 in sixty-nine of the one hundred forty traffic  
17 fatalities, or forty-nine per cent;



- 1 (3) Police issued nine hundred forty-four citations  
2 statewide in 2005 for racing on highways; and  
3 (4) Hawaii had the highest percentage of traffic deaths in  
4 2006 involving alcohol in the nation or fifty-two per  
5 cent of all one hundred sixty-one traffic fatalities.

6 The legislature finds that allowing counties to establish  
7 separate highway patrol divisions within their respective police  
8 departments is feasible, prudent, and necessary.

9 The purpose of this Act is to:

- 10 (1) Allow each county to establish a highway patrol  
11 division within their respective police departments;  
12 and  
13 (2) Require that uncontested traffic fines be transmitted  
14 to the counties for highway patrols.

15 SECTION 2. Chapter 291D, Hawaii Revised Statutes, is  
16 amended by adding a new part to be appropriately designated and  
17 to read as follows:

18 **"PART . UNCONTESTED TRAFFIC FINES**

19 **§291D-A Definitions.** For the purposes of this part,  
20 unless the context clearly requires otherwise:

21 "Qualifying county" means a county that has established a  
22 county highway patrol under section 52D-3.



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

3 "Uncontested traffic infraction" means a traffic infraction  
4 for which the person receiving notice under section 291D-5 does  
5 not contest the infraction. A person does not contest an  
6 infraction if, in accordance with section 291D-6(b)(1), the  
7 person admits to the commission of the infraction without  
8 requesting a hearing to explain any mitigating circumstances and  
9 pays or remits bail forfeiture by mail within thirty days.

10 **§291D-B Transmittal of fines and forfeitures from July 1,**  
11 **2009, to June 30, 2010.** (a) From July 1, 2009, to June 30,  
12 2010, the state director of finance shall transmit to each  
13 qualifying county, not more than thirty days after the end of  
14 each fiscal quarter, fifty per cent of all fines and forfeitures  
15 collected for uncontested traffic infractions committed in that  
16 qualifying county that are in excess of amounts that are  
17 required by the State to pay the administrative costs of the  
18 traffic violations bureau. The qualifying county shall expend  
19 moneys so collected to defray costs of a county highway patrol.

20 (b) Subsection (a) shall not apply to:

21 (1) Fines and forfeitures for violations that occur on  
22 state off-street parking facilities, parks, airports,



1 and harbors that are subject to enforcement by the  
2 State; or

3 (2) Fines and forfeitures that are required by law to be  
4 paid into a special, revolving, or trust fund.

5 No qualifying county shall be entitled to any portion of the  
6 fines and forfeitures described under this subsection.

7 (c) At the end of each fiscal year, any unexpended and  
8 unencumbered moneys transmitted to any qualifying county shall  
9 be transmitted by the county to the state director of finance  
10 for deposit into the state general fund.

11 **§291D-C Transmittal of fines and forfeitures from July 1,**

12 2010. (a) From July 1, 2010, the state director of finance  
13 shall transmit to each qualifying county, not more than thirty  
14 days after the end of each fiscal quarter, all fines and  
15 forfeitures collected for uncontested traffic infractions  
16 committed in that qualifying county that are in excess of  
17 amounts that are required by the State to pay the administrative  
18 costs of the traffic violations bureau. The qualifying county  
19 shall expend moneys so collected to defray costs of a county  
20 highway patrol.

21 (b) Subsection (a) shall not apply to:



1 (1) Fines and forfeitures for violations that occur on  
2 state off-street parking facilities, parks, airports,  
3 and harbors that are subject to enforcement by the  
4 State; or

5 (2) Fines and forfeitures that are required by law to be  
6 paid into a special, revolving, or trust fund.

7 No qualifying county shall be entitled to any portion of the  
8 fines and forfeitures described under this subsection.

9 (c) At the end of each fiscal year, any unexpended and  
10 unencumbered moneys transmitted to any qualifying county shall  
11 be transmitted by the county to the state director of finance  
12 for deposit into the state general fund."

13 SECTION 3. Section 52D-3, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[+]§52D-3[+] Powers and duties of chief of police[+];  
16 highway patrol. The chief of police shall have the powers and  
17 duties as prescribed by law, the respective county charter, and  
18 as provided by this chapter. The chief of police may establish  
19 a county highway patrol that shall be dedicated exclusively to  
20 enforcement of state and county traffic laws relating to  
21 highways, as defined in section 291C-1, including but not  
22 limited to, enforcement of chapters 291D and 291E."



1 SECTION 4. Section 291C-171, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) All fines and forfeitures collected upon conviction  
4 or upon the forfeiture of bail of any person charged with a  
5 violation of any section or provision of the state traffic laws  
6 and all assessments collected relating to the commission of  
7 traffic infractions shall be paid to the director of finance of  
8 the State.

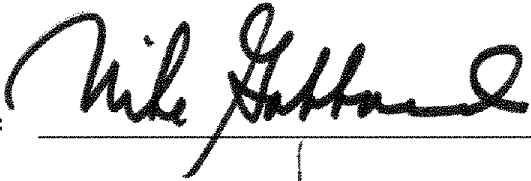
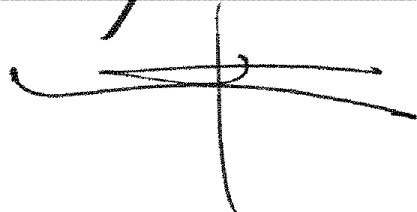
9 The judiciary shall identify those uncontested traffic  
10 infractions as defined in section 291D-A. The disposition of  
11 fines and forfeitures paid to the state director of finance  
12 shall be subject to sections 291D-B and 291D-C."

13 SECTION 5. In codifying the new sections added by section  
14 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letter used in designating  
16 the new sections of this Act.

17 SECTION 6. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect upon its approval.

20

INTRODUCED BY:   




**Report Title:**

County Highway Patrols

**Description:**

Allows counties to establish highway patrols as part of police departments; requires uncontested traffic fines and forfeitures to be transmitted to the counties for highway patrols.

