

JAN 22 2008

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 "~~S286-~~ Traffic schools; certification. (a) The
5 director shall adopt rules pursuant to chapter 91 for the
6 certification of traffic schools for traffic offenders that
7 address facilities, equipment, courses of instruction,
8 instructors, fees, and records of the program. Schools
9 certified by the director pursuant to this section and the rules
10 adopted under it shall be composed of uniform education and
11 training elements designed to create a correcting and lasting
12 effect on traffic offenders. In lieu of assessing penalties for
13 traffic offenses, the court may allow offenders to attend
14 traffic school, pursuant to section 291C- .

15 (b) A person who attends the state traffic school as
16 provided in this section shall pay a fee, to be established by



1 the director pursuant to subsection (a), to defray the cost of
2 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 of attendance at a traffic
10 school for traffic violators certified pursuant to section 286-
11 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; 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.



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1 (b) Upon certification of completion of the traffic school
2 course for a traffic offender, the court shall dismiss the
3 complaint and order that the record of the moving violation be
4 deleted from the person's driving record kept pursuant to
5 section 286-137.

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

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY: *Chenab Malikhan*
Guy L. Hoar



Report Title:

Traffic Code; Traffic School Diversion Program

Description:

Requires the director of transportation to certify traffic schools for traffic offenders. Allows certain violators who receive a citation for a moving violation to attend a traffic school, have the case dismissed, and have the record of the moving violation deleted from the person's driving record.

