

STAND. COM. REP. NO.

467

Honolulu, Hawaii

Feb 15, 2007

RE: H.B. No. 1215  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1215 entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS,"

begs leave to report as follows:

The purpose of this bill is to clarify and expedite the processing of traffic infractions by:

- (1) Clearly establishing that the District Court may adjudicate civil traffic infractions charged against minors;
- (2) Clarifying that confidentiality protections afforded to minors are inapplicable to civil traffic infraction proceedings;
- (3) Consistently applying the civil standard of proof for civil traffic infraction trials;
- (4) Allowing District Courts discretionary scheduling of concurrent proceedings to address difficulties faced in complying with present concurrent scheduling requirements;
- (5) Clarifying the protections afforded to a defendant against self-incrimination;

HB1215 HD1 HSCR TRN HMS 2007-2132



467

- (6) Promoting consistency in the manner of processing and adjudicating moving and non-moving civil traffic infractions; and
- (7) Permitting the use of electronic citations.

The Judiciary testified in support of this bill. Catrala-Hawaii commented on this measure.

Currently, a vast majority of lesser traffic offenses can be adjudicated without requiring the defendant's appearance in court. However, some methods used in processing traffic infractions remain unclear, ambiguous, and inconsistent. This measure attempts to address these issues.

Your Committee understands the concerns raised by Catrala-Hawaii and the impact these changes may have on U-drive (also known as rental car) companies. Accordingly, your Committee has amended this bill by:

- (1) Requiring that the lessee at the time of the issuance of the traffic infraction shall be responsible for the summons or citation if the registered owner of record is the lessor of a rental or U-drive motor vehicle;
- (2) Making the lessor responsible for a summons or citation if the lessor does not provide the court having jurisdiction over the summons or citation the name and address of the lessee within 45 days after a notice containing the date, time, and location of the violation and the license number of the vehicle;
- (3) Allowing the administrative judge of the court having jurisdiction over the citation or summons to waive the requirement of providing the name and address of the lessee by the lessor and impose an administrative fee of \$5 per citation on the lessor;
- (4) Clarifying that a lessor may be responsible for fines or fees related to traffic infractions, in addition to parking citations;
- (5) Allowing a lessor to charge a lessee an administrative fee not to exceed four hours of work multiplied by Hawaii's prevailing-minimum wage relating to research of



files and communications with the court and lessee rather than a \$20 flat fee;

- (6) Requiring rental agreements to disclose the maximum amount of the administrative fee to be charged and encourage the lessee to pay the parking citation or traffic infraction directly; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1215, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1215, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation,



JOSEPH M. SOUKI, Chair



