

JAN 26 2009

S.B. NO. 1009

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# A BILL FOR AN ACT

RELATING TO UNADJUDICATED TRAFFIC FINES.

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

1           SECTION 1. Chapter 291C, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4                       "PART       . TRANSMITTAL OF TRAFFIC FINES  
5                                       AND FORFEITURES TO COUNTIES

6           §291C-A Definitions. As used in this part, unless the  
7 context clearly requires otherwise:

8           "Traffic infraction" means the same as defined under  
9 section 291D-2.

10           "Uncontested traffic infraction" means a traffic infraction  
11 for which the person notified in section 291D-5 does not contest  
12 the infraction. A person does not contest the infraction if, in  
13 accordance with section 291D-6(b)(1), the person admits the  
14 commission of the infraction without requesting a hearing to  
15 explain mitigating circumstances and pays or remits bail  
16 forfeiture by mail, via the Internet, or by telephone within  
17 thirty days.



1 §291C-B Transmittal of fines: from July 1, 2009. (a)

2 The state director of finance shall transmit to the Honolulu  
3 police department, not more than thirty days after the end of  
4 each fiscal quarter, the following fines and forfeitures  
5 collected for uncontested traffic infractions committed in the  
6 city and county of Honolulu that are in excess of the amounts  
7 required by the State to pay the administrative costs of the  
8 traffic violations bureau:

9 (1) Beginning July 1, 2009: one hundred per cent;

10 (2) This section shall apply to uncontested traffic  
11 infractions under:

- 12 249-2 Imposition of tax;
- 13 286-25 Operation of a vehicle without a  
14 certificate of inspection;
- 15 286-47 Certificate of registration;  
16 certificate of ownership;
- 17 containers;
- 18 286-85 Reconstructed vehicles, approval  
19 required;
- 20 286-102 Licensing;
- 21 286-110(d) Instructional permits (no licensed  
22 driver present);



- 1                     286-116           License, insurance identification
- 2                                     card, possession, exhibition;
- 3                     291-11.6          Mandatory use of seatbelts;
- 4                     291-21.5          Regulation of motor vehicles sun
- 5                                     screening devices;
- 6                     291C-33           Pedestrian-control signals;
- 7                     291C-73          Crossing at other than crosswalks;
- 8                                     and
- 9                     431:10C-104       Conditions of operation and
- 10                                    registration of motor vehicles.

11         (b) This section shall not apply to:

12         (1) Fines and forfeitures for violations that occur on  
13                 off-street parking facilities, parks, airports, and  
14                 harbors that are enforced by the State; or

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

17         No county shall be entitled to any portion of the fines and  
18         forfeitures described in this subsection."

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

21         "(b) In addition to any monetary assessment imposed for a  
22         traffic infraction, the court may impose penalties on all



1 outstanding traffic citations and judgments. The penalties  
 2 shall be established pursuant to rules approved by the supreme  
 3 court; provided that the amounts of the penalties shall be based  
 4 upon a graduated scale that increases in proportion to the  
 5 length of the delinquency. Any interest penalty imposed as  
 6 provided in this section may be waived by the court for good  
 7 cause. All penalties collected for such outstanding citations  
 8 and judgments shall be paid to the director of finance of the  
 9 State. The judiciary shall identify those fines paid for  
 10 uncontested traffic infractions as defined in section 291C-A."

11 SECTION 3. In codifying the new sections added by section  
 12 1 of this Act, the revisor of statutes shall substitute  
 13 appropriate section numbers for the letters used in designating  
 14 the new sections in this Act.

15 SECTION 4. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored. SECTION  
 17 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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By Request



**Report Title:**

Unadjudicated Traffic Fines

**Description:**

Transfers all fines and forfeitures collected for uncontested traffic infractions to the counties starting from 7/1/09.

