

JAN 23 2009

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 statewide. 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 by fifteen per cent from one hundred forty
13 fatalities in 2005 to one hundred sixty-one fatalities
14 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) The police issued nine hundred forty-four citations
2 statewide in 2005 for racing on highways; and

3 (4) In 2006, Hawaii had the highest percentage of traffic
4 deaths involving alcohol in the nation, consisting of
5 fifty-two per cent of the one hundred sixty-one
6 traffic fatalities.

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

10 The purpose of this Act is to:

11 (1) Allow each county to establish a highway patrol
12 division within their respective police departments;
13 and

14 (2) Require that uncontested traffic fines be transmitted
15 to the counties for highway patrols.

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

19 **"PART . UNCONTESTED TRAFFIC FINES**

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



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

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

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

12 **§291D-B Transmittal of fines and forfeitures from July 1,**
13 **2010, to June 30, 2011.** (a) From July 1, 2010, to June 30,
14 2011, the state director of finance shall transmit to each
15 qualifying county, not more than thirty days after the end of
16 each fiscal quarter, fifty per cent of all fines and forfeitures
17 collected for uncontested traffic infractions committed in that
18 qualifying county that are in excess of amounts that are
19 required by the State to pay the administrative costs of the
20 traffic violations bureau. The qualifying county shall expend
21 moneys so collected to defray costs of a county highway patrol.

22 (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 **§291D-C Transmittal of fines and forfeitures from July 1,**
14 **2011.** (a) From July 1, 2011, the state director of finance
15 shall transmit to each qualifying county, not more than thirty
16 days after the end of each fiscal quarter, all fines and
17 forfeitures collected for uncontested traffic infractions
18 committed in that qualifying county that are in excess of
19 amounts that are required by the State to pay the administrative
20 costs of the traffic violations bureau. The qualifying county
21 shall expend moneys so collected to defray costs of a county
22 highway patrol.



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

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

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

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

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

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

16 "[~~§~~52D-3~~§~~] **Powers and duties of chief of police~~;~~i**
17 **highway patrol.** The chief of police shall have the powers and
18 duties as prescribed by law, the respective county charter, and
19 as provided by this chapter. The chief of police may establish
20 a county highway patrol that shall be dedicated exclusively to
21 enforcement of state and county traffic laws relating to



1 highways, as defined in section 291C-1, including but not
2 limited to, enforcement of chapters 291D and 291E."

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

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

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

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

19 SECTION 6. Statutory material to be repealed is bracketed



1 and stricken. New statutory material is underscored.

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

3

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.

