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## A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. The legislature finds that the towing of cars,  
2 especially at night, represents an important safety issue. The  
3 first knowledge that any driver receives about having a vehicle  
4 towed is when they return to where they parked their vehicle,  
5 only to find it missing. When this situation happens at night,  
6 there is little recourse for a driver but to call for a ride  
7 that may take some time to arrive, leaving the driver vulnerable  
8 to any number of situations, including assault, robbery,  
9 kidnapping, rape, or murder.

10           The legislature also finds that the purpose of towing  
11 parked vehicles is twofold: the enforcement of parking laws and  
12 opening up parking stalls for use. A system that accomplishes  
13 both of these purposes in a timely manner would be a worthwhile  
14 improvement over the current system of citation and towing call.

15           The purpose of this Act is to provide for a pilot program  
16 to allow counties of a population of greater than 500,000 to use  
17 electronic ticketing for parking violations, and to allow rental  
18 car or U-drive companies to charge a lessee the amount of a fine



1 if the rental car or U-drive company knows the existence of, and  
2 amount of, the fine.

3 SECTION 2. Counties with a population greater than 500,000  
4 people shall be allowed to establish a pilot program to issue  
5 parking violations electronically, and may contract for the  
6 purchase of service to effectuate the purposes of this Act by  
7 adoption of a county ordinance. Revenue generated through the  
8 pilot program authorized by this Act shall be used to compensate  
9 a county for the costs of the pilot program, and the excess, if  
10 any, shall be remitted to the state general fund on a quarterly  
11 basis.

12 SECTION 3. Section 291D-3.5, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[§291D-3.5] **U-drive vehicles; traffic infractions.** (a)

15 Notwithstanding any other law to the contrary, except those  
16 pertaining to the care and maintenance of the vehicle, if the  
17 registered owner of record is the lessor of a rental or U-drive  
18 motor vehicle, as defined in section 286-2, pursuant to a  
19 written lease agreement, the lessee at the time of the issuance  
20 of the traffic infraction shall be responsible for such summons  
21 or citation; provided that the lessor shall be responsible for  
22 such summons or citation if the lessor does not provide the



1 court having jurisdiction over the summons or citation the name  
2 and address of the lessee within forty-five days after a notice  
3 containing the date, time, and location of the violation and the  
4 license number of the vehicle; provided further that if  
5 requested by the lessor in writing within forty-five days of  
6 such notice of violation other than for parking citations, the  
7 administrative judge of the court having jurisdiction over the  
8 citation or summons shall waive the requirement of providing the  
9 name and address of the lessee by the lessor and impose an  
10 administrative fee of \$5 per citation on the lessor, plus costs  
11 and fees not to exceed \$10 in total per violation,  
12 notwithstanding section 607-4 or other sections of the law,  
13 county ordinance, or any rule to the contrary. In the  
14 alternative, if the existence and amount of the fine for any  
15 traffic infraction is known to the lessor at the time the lessee  
16 returns the rental or U-drive vehicle to the lessor, the lessor  
17 may impose the amount of the fine as an additional fee to the  
18 written lease agreement and provide the court having  
19 jurisdiction over the summons or citation the name and address  
20 of the lessee and the amount of the fine, provided that notice  
21 of this authority is stated on the written lease agreement at a  
22 minimum, in plain language and in at least ten-point bold



1 typeface print. The provision of the name and address of the  
2 lessee and the amount of the fine to the court having  
3 jurisdiction over the summons or citation shall relieve the  
4 lessor of any responsibility for the summons or citation and the  
5 court shall be prohibited from imposing any administrative fee  
6 authorized under this chapter.

7       (b) In the case of parking citations, the administrative  
8 judge of the court having jurisdiction over the citation or  
9 summons may waive the requirement of providing the name and  
10 address of the lessee by the lessor and impose an administrative  
11 fee of \$5 per parking citation on the lessor, plus costs and  
12 fees not to exceed \$10 in total per such violation,  
13 notwithstanding section 607-4 or other sections of the law,  
14 county ordinance, or any rule to the contrary[-], provided that  
15 if the existence and amount of the fine for any parking citation  
16 is known to the lessor at the time the lessee returns the rental  
17 or U-drive vehicle to the lessor, the lessor may impose the  
18 amount of the fine as an additional fee to the written lease  
19 agreement and provide the court having jurisdiction over the  
20 summons or citation the name and address of the lessee and the  
21 amount of the fine, provided that notice of this authority is  
22 stated on the written lease agreement, at a minimum, in plain



1 language and in at least ten-point bold typeface print. The  
2 provision of the name and address of the lessee and the amount  
3 of the fine to the court having jurisdiction over the summons or  
4 citation shall relieve the lessor of any responsibility for the  
5 summons or citation and the court shall be prohibited from  
6 imposing any administrative fee authorized under this chapter. "

7 SECTION 4. Section 437D-17.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§437D-17.5 Rental agreements; unpaid traffic infractions.**

10 (a) Pursuant to section 291D-3.5, or other sections of the law  
11 and except for summons, citations, or violations relating to the  
12 care and maintenance of a rental motor vehicle, the lessor, as  
13 the registered owner of the rental motor vehicle, may be  
14 responsible for fines, costs, penalties, fees, or other charges  
15 related to traffic infractions of a motor vehicle while being  
16 leased or rented to a lessee. The lessor may adopt a policy of  
17 charging the lessee the actual amount paid for the traffic  
18 infractions to the court or other state government agency or  
19 county government plus an administrative fee not to exceed out-  
20 of-pocket expenses documented by receipts plus up to four hours  
21 of work multiplied by Hawaii's prevailing minimum wage relating  
22 to research of files and communications with the court, county



1 government or governmental agencies and lessee; provided that  
2 every rental agreement of a lessor adopting the policy must  
3 disclose, at a minimum, in plain language and in at least ten-  
4 point bold typeface print:

5 (1) The maximum estimated amount of the administrative fee  
6 to be charged; and

7 (2) Language encouraging the lessee to pay directly to the  
8 court, county government or other appropriate  
9 government agency the applicable fines, costs,  
10 monetary assessments, penalties, fees, surcharges, or  
11 other charges.

12 (b) If the existence and amount of the fine for any  
13 traffic infraction is known to the lessor at the time the lessee  
14 returns the rental or U-drive vehicle to the lessor, the lessor  
15 may impose the amount of the fine as an additional fee to the  
16 written lease agreement and provide the court having  
17 jurisdiction over the summons or citation the name and address  
18 of the lessee and the amount of the fine, provided that notice  
19 of this authority is stated on the written lease agreement at a  
20 minimum, in plain language and in at least ten-point bold  
21 typeface print. The provision of the name and address of the  
22 lessee and the amount of the fine to the court having



1 jurisdiction over the summons or citation shall relieve the  
2 lessor of any responsibility for the summons or citation and the  
3 court shall be prohibited from imposing any administrative fee  
4 authorized under this chapter. Additionally, an administrative  
5 fee not to exceed out-of-pocket expenses documented by receipts  
6 plus up to four hours of work multiplied by Hawaii's prevailing  
7 minimum wage relating to research of files and communications  
8 with the court, county government or governmental agencies and  
9 lessee, may be imposed by the lessor pursuant to this  
10 subsection."

11 SECTION 5. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2010, and  
14 shall be repealed on June 30, 2018.

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INTRODUCED BY:

*Cynthia Hironaka*  
*By Request*

JAN 15 2010



**Report Title:**

Transportation

**Description:**

Allows counties with a population greater than 500,000 to establish a pilot project to issue parking citations by electronic means. Allows rental car and U-drive vehicle companies to add traffic violation and parking citation fines to the final settlement of written lease agreements.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

