
A BILL FOR AN ACT

RELATING TO TRAFFIC INFRACTIONS.

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

1 SECTION 1. The legislature finds that current law attaches
2 parking citations to the vehicle rather than the vehicle's
3 owner, which prevents the registration and transfer of ownership
4 to a new owner until the parking fines are paid. The purpose of
5 this Act is to clarify that parking citations attach to the
6 owner of the vehicle and may prevent the owner's re-
7 registration, but not the registration of a new owner.

8 SECTION 2. Section 291D-7, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) Whenever judgment by default in favor of the State is
11 entered, the court shall mail a notice of entry of default
12 judgment to the address provided by the person when the notice
13 of traffic infraction was issued or, in the case of parking
14 infractions, to the address stated in the answer, if any, or the
15 address at which the vehicle is registered. The notice of entry
16 of default judgment shall advise the person that the total
17 amount specified in the default judgment shall be paid within
18 thirty days of entry of default judgment and shall explain the



1 procedure for setting aside a default judgment. The notice of
2 entry of default judgment shall also inform the person that if
3 the total amount is not paid within thirty days, the court shall
4 take action as provided in section 291D-10[-]; provided that
5 payment of the total amount shall be the responsibility of the
6 registered owner of the motor vehicle incurring a parking
7 violation at the time the violation was incurred, except as
8 provided for in section 291D-3.5. Judgment by default for the
9 State entered pursuant to this chapter may be set aside pending
10 final disposition of the traffic infraction upon written
11 application of the person and posting of an appearance bond
12 equal to the amount of the total amount specified in the default
13 judgment and any other assessment imposed pursuant to section
14 291D-9. The application shall show good cause or excusable
15 neglect for the person's failure to take action necessary to
16 prevent entry of judgment by default. Upon receipt of the
17 application and required appearance bond, the court shall take
18 action to remove the restriction placed on the person's driver's
19 license or the person's motor [~~vehiele's~~] vehicle registration
20 and title imposed pursuant to section 291D-10. Thereafter, the
21 court shall determine whether good cause or excusable neglect
22 exists for the person's failure to take action necessary to



1 prevent entry of judgment by default. If so, the application to
2 set aside default judgment shall be granted, the default
3 judgment shall be set aside, and the notice of traffic
4 infraction shall be disposed of pursuant to this chapter. If
5 not, the application to set aside default judgment shall be
6 denied, the appearance bond shall be forfeited and applied to
7 satisfy amounts due under the default judgment, and the notice
8 of traffic infraction shall be finally disposed. In either
9 case, the court shall determine the existence of good cause or
10 excusable neglect and notify the person of its decision on the
11 application in writing."

12 SECTION 3. Section 291D-10, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) In all cases where the registered owner of a motor
15 vehicle to which a notice of traffic infraction has been issued
16 fails to pay the total amount of fines, fees, surcharges, costs,
17 or monetary assessments that have been ordered, the court shall
18 cause an entry to be made in the motor vehicle's record so as to
19 prevent issuance or renewal of the motor vehicle's certificate
20 of registration and transfer of title to the motor vehicle until
21 the outstanding amount is paid or the notice of traffic
22 infraction is otherwise disposed of pursuant to this chapter;



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1 provided that if the traffic infraction involves an unpaid
2 parking violation^[7] under section 291D-7(e), this subsection
3 shall not prevent the issuance or renewal of the motor vehicle's
4 certificate of registration and transfer of title to the motor
5 vehicle to another person, in which case the clerk of the court
6 shall issue a clearance to effectuate the registration and
7 transfer of title; and provided further that in no event shall a
8 clearance:

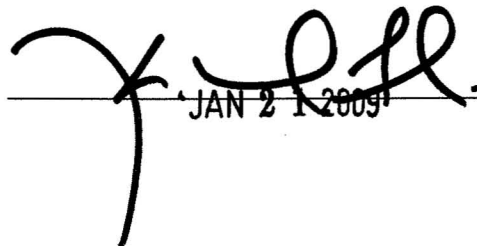
- 9 (1) Absolve the registered owner of the motor vehicle at
10 the time the parking violation was incurred from
11 paying the fine;
- 12 (2) Prevent any subsequent issuance or renewal of the
13 motor vehicle's certificate of registration and
14 transfer of title to the motor vehicle; or
- 15 (3) Otherwise encumber the title of that motor vehicle."

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on January 1, 2010.

19

INTRODUCED BY:


JAN 21 2009



Report Title:

Parking Citations; Motor Vehicle Registration

Description:

Establishes that a motor vehicle owner is responsible for paying outstanding parking citations even after transferring ownership of the vehicle. Establishes that unpaid parking citations shall not prevent the transfer of ownership and re-registration of the vehicle. Provides an exemption for U-drive companies.

