

STAND. COM. REP. NO.

2722

Honolulu, Hawaii

MAR 15 2010

RE: H.B. No. 2020  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Transportation, International and Intergovernmental Affairs, to which was referred H.B. No. 2020, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COUNTIES,"

begs leave to report as follows:

The purpose of this measure is to ensure the safety of the public by expanding county enforcement of traffic regulations on public streets, roads, and highways whose ownership is in dispute between the State and the county, and on certain private streets, highways, and thoroughfares, to include laws relating to county vehicular taxes, motor vehicle safety responsibility, traffic violations, use of intoxicants while operating a vehicle, motor vehicle insurance, motorcycle and motor scooter insurance, and odometers.

Your Committee received testimony in support of this measure from the Department of Transportation, Mayor of Hawaii County, Hawaii Police Department, Hawaii Prosecuting Attorney, and one individual. Written testimony presented to the Committee may be reviewed on the Legislature's website.

The intent of this measure is to enhance county enforcement of state traffic laws in the interests of promoting safe driving and protecting public safety, particularly with regard to private streets. Your Committee understands that traffic crashes and fatalities occur upon private roadways that are open to the public

2010-1514 SSCR SMA-1.doc



for public use. Police need the authority to enforce all traffic-related laws on those private roadways. The problem is particularly acute in new subdivisions in which private roadways are open to the public. Your Committee was informed in testimony that the issue has arisen of the legality of officers enforcing traffic laws on those private streets.

Your Committee is concerned that this measure might be interpreted to mean that law enforcement officers now have the ability to enter upon private property, without permission of the owner, for the purpose of enforcing traffic laws on private roadways affronting the private property. The constitutional right to privacy of the property owner may, accordingly, be affected. As consideration of this issue is more appropriately within the subject matter jurisdiction of the Committee on Judiciary and Government Operations, your Committee defers to the Committee on Judiciary and Government Operations in this regard.

Your Committee has amended this measure by making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Transportation, International and Intergovernmental Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2020, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2020, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

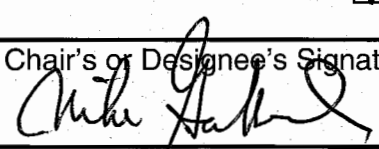
Respectfully submitted on  
behalf of the members of the  
Committee on Transportation,  
International and  
Intergovernmental Affairs,

  
J. KALANI ENGLISH, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Transportation, International and Intergovernmental Affairs**  
**TIA**

|  |                     |          |     |         |
|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:*  | Committee Referral: | Date:    |     |         |
| HB 2020, HD2   | TIA, JGO            | 3-8-10   |     |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____                                      |                     |          |     |         |
| The Recommendation is:   |                     |          |     |         |
| <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                     |          |     |         |
| Members  | Aye                 | Aye (WR) | Nay | Excused |
| ENGLISH, J. Kalani (C)   | ✓                   |          |     |         |
| GABBARD, Mike (VC)   | ✓                   |          |     |         |
| ESPERO, Will   | ✓                   |          |     |         |
| NISHIHARA, Clarence K.   |                     |          | ✓   |         |
| SLOM, Sam  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
| <b>TOTAL</b>   | 4                   | 1        | —   | —       |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                     |          |     |         |
| Chair's or Designee's Signature:<br>  |                     |          |     |         |
| <b>Distribution:</b> Original     Yellow     Pink     Goldenrod<br>File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy                           |                     |          |     |         |

\*Only one measure per Record of Votes