

State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813
Phone: (808) 587-2150

TRANSMITTAL OF TESTIMONY

COMMITTEE: JUDICIARY

HEARING DATE: Thursday, February 11, 2010

HEARING TIME: 2:00 p.m.

BILL NO.: HB 2020 HD 1, Relating to Counties

TESTIFYING: Brennon T. Morioka, Ph.D, P.E.
Director of Transportation
or Designee

COPIES REQUIRED: 1



Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 11, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2020 HD 1

COMMITTEE ON JUDICIARY

We support House Bill 2020 HD 1, because it will provide enforcement on private roadways, which will make them safer for the people who use them.

HB 2020 HD 1 expands the county enforcement of various motor vehicle and traffic laws on private streets and roads to include laws relating to county vehicular taxes, motor vehicle safety responsibility, traffic violations, use of intoxicants while operating a vehicle, odometers, and motor vehicle insurance.

Traffic crashes and fatalities occur upon private roadways which vehicles travel or those private roadways that are open for public use. The enforcement of traffic laws should apply to private roadways that are opened to the public to ensure everyone's safety.

William P. Kenoi
Mayor



William T. Takaba
Managing Director

Walter K.M. Lau
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5722 Hanama Place, Suite 102 • Kailua-Kona, Hawai'i 96740
(808) 327-3602 • Fax (808) 326-5663

Honorable Jon Riki Karamatsu, Chair
House Committee on Judiciary
415 South Beretania Street
Honolulu, Hawai'i 96813

TESTIMONY ON

H.B. 2020 RELATING TO COUNTIES

February 11, 2010

House Committee on Judiciary
Hawai'i State Capitol, Room 325, 2:00 p.m.

Aloha, Chair Souki and Members of the Committee:

Thank you for this opportunity to strongly support H.B. 2020, H.D. 1, which expands the ability of the counties to enforce various motor vehicle and traffic laws on private streets and roads.

Currently the counties are only authorized to enforce on private streets and roads:

- Chapter 286, HRS, relating to highway safety (laws relating to safety inspection, vehicle registration driver licensing); and
- Chapter 291C, HRS, the Statewide Traffic Code (laws relating to accidents, traffic signs and signals, driving on roadways and highways, rights-of-way, pedestrians, stops, vehicle speed, unattended vehicles, etc.)

An officer that discovers violations of other laws, such as laws relating to reckless driving, driving without a license, and motor vehicle insurance, for example, is not authorized under the current law to enforce those laws on private streets and roads.

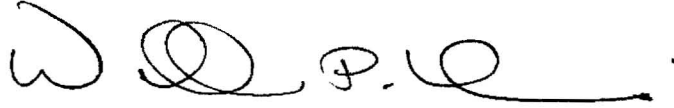
H.B. 2020, H.D. 1 authorizes the counties to enforce laws relating to:

- County vehicular tax (Chapter 249)
- Motor Vehicle Safety Responsibility Act (Chapter 287), requiring proof of satisfactory security in lieu of evidence of insurance;
- Traffic violations (Chapter 291), laws relating to reckless driving, consumption of liquor/open container, child car seats, driving without license, equipment violations;
- Use of intoxicants while operating a vehicle (Chapter 291E)
- Odometers (Chapter 486, Part III)

- Motor vehicle insurance (Chapter 431, Article 10C).
- Motorcycle and motor scooter insurance (Chapter 431, Article 10G).

Mahalo for your consideration.

Aloha,

A handwritten signature in black ink, appearing to read 'W. P. Kenoi'. The signature is fluid and cursive, with a long horizontal stroke at the end.

William P. Kenoi
MAYOR

JAY T. KIMURA
PROSECUTING ATTORNEY

CHARLENE Y. IBOSHI
FIRST DEPUTY
PROSECUTING ATTORNEY



OFFICE OF THE PROSECUTING ATTORNEY

855 KILAUEA AVENUE
HILO, HAWAII 98720
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WEST HAWAII UNIT
81-880 HALEKII ST., SUITE 150
KEALAKEKUA, HAWAII 96760
PH: (808) 322-2852
FAX: (808) 322-8684

FAX TRANSMITTAL

TO: House Sergeant-At-Arms
1-800-586-6659

FR: Jay T. Kimura
Prosecuting Attorney

RE: HB2020, HD1 Relating to Counties

We would appreciate you distributing copies for the following hearing:

House Judiciary Committee

**February 11, 2010
2:00 p.m.
Conference Room 325**

Mahalo!



William P. Kenoi
Mayor

William T. Takaha
Managing Director

Walter K.M. Lau
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5722 Hanama Place, Suite 102 • Kailua-Kona, Hawai'i 96740
(808) 327-3602 • Fax (808) 326-5663

Testimony In Support of HB 2020 Relating to Counties

Hearing before House Committee on Transportation
February 11, 2010
2:00 p.m.
House Conference Room 325

Submitted by Jay T. Kimura, Prosecuting Attorney

TO: Chair Riki Karamatsu and Committee Members:

We support House Bill 2020.

The Office of the Prosecuting Attorney fully endorses the proposed amendment to the Hawai'i Revised Statutes. Over the years, the traffic laws have been placed in different chapters and subsections, or numbered differently. The amendment clarifies any existing statutory ambiguity regarding the authority of police officers to enforce traffic laws on roads in private subdivisions that are open to the public. The Office of the Prosecuting Attorney recommends that Chapter 431, Insurance Code, be referenced as a chapter and delete the specific reference to Article 10C within Chapter 431. By specifically referencing the particular Article, motorcycles would be excluded. Alternatively, referencing the additional motorcycle section, Article 10G would cover motorcycles.

District Court judges have inconsistently ruled on the enforcement of traffic regulations on roadways in private subdivisions open to the public. The amendments would insure community safety and financial responsibility through traffic regulatory enforcement. The proposed amendment would make it clear the applicability of traffic regulatory enforcement on roads in subdivisions open to the public.

Given the volume of roadways in private subdivisions open to the public on the Island of Hawaii, public safety requires traffic enforcement on these roads. We, too, agree with Mayor Billy Kenoi's testimony that the "inability of law enforcement to enforce traffic laws on private roadways" open to the public increases the danger to the general public who use these roads on a daily basis.

Thank you for your consideration of recommendation to adopt this bill.

TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT

HOUSE BILL 2020, HD1

RELATING TO COUNTIES

BEFORE THE COMMITTEE ON JUDICIARY

DATE : Thursday, February 11, 2010

TIME : 2:00 P.M.

PLACE: Conference Room 325
State Capitol

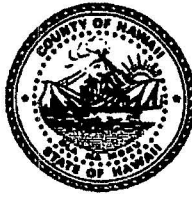
COPIES REQUESTED: 5

PERSON TESTIFYING:

Police Chief Harry S. Kubojiri
Hawai`i Police Department
County of Hawai`i

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-2389

February 10, 2010

The Honorable Jon Riki Karamatsu
Chair and Members
Committee on Judiciary
State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Re: House Bill 2020, HD1, Relating to Counties

Dear Representative Karamatsu and Members:

The Hawai'i Police Department supports the amendments proposed to Sections 46-15.9 and 46-16 of the Hawai'i Revised Statutes. These amendments are intended to provide clarity in regards to enforceable traffic laws on private roadways which are open to the public and to extend certain traffic code provisions to these roads, thereby ensuring continued public safety on these roadways.

The Big Island of Hawai'i has hundreds of miles of private roadways which are open to the public. Numerous private subdivisions including, but not limited to, Hawaiian Paradise Park, Orchidland Estates, Hawaiian Acres, and Hawaiian Ocean View Estates are all subdivisions with privately maintained roadways which are open to the public. The main roads run for several miles, from the publicly maintained highway to the end of the subdivision.

Recently, questions have been raised as to the legality of officers enforcing traffic laws on the roadways within these vast subdivisions, thus creating confusion for community members, subdivisions' land holders, and law enforcement.

The Honorable Jon Riki Karamatsu
Chair and Members
Committee on Judiciary
Re: House Bill 2020, HD1, Relating to Counties
February 10, 2010
Page 2

The inability of law enforcement to enforce traffic laws on these roadways would present a public safety issue. This proposed amendment will be beneficial to the public interest as it clearly defines enforceable traffic code statutes and helps ensure continued public safety on these roadways.

The District Court of the Third Circuit has questioned whether traffic laws such as seatbelt and child restraint violations, DUI, no-fault insurance requirements and other traffic related statutes are enforceable on these roadways. If this amendment is not passed, it may deter enforcement on these roadways, thereby increasing the likelihood of unsafe roadways and becoming a risk to the general motoring public who make use of these roads on a daily basis.

For these reasons, we urge this committee to support this legislation. Thank you for allowing the Hawai'i Police Department to testify on H.B. No. 2020, HD1.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF

TESTIMONY ON HB 2020 HD 1, RELATING TO COUNTIES
BEFORE THE COMMITTEE ON JUDICIARY

DATE: February 11, 2010

TIME: 2:00 P.M.

PLACE: State Capitol, Room 325

Person Testifying (Written Testimony Only):

Beverly Byouk
92-6112 Orchid Circle
PO Box 6249
Ocean View HI 96737
(808)936-7262
bevby@hotmail.com

February 9, 2010

The Honorable Jon Riki Karamatsu
Chair and Members
Committee on Judiciary
State House/State Capitol
415 So. Beretania St., Room 325
Honolulu HI 96813

RE: HB 2020 HD 1, Relating to Counties

Dear Representative Karamatsu and Members,

I write in support of HB 2020 HD 1 and the amendments proposed to Sections 46-15.9 and 46-16 of the Hawaii Revised Statutes.

In September of 1994 I lost a close friend in Hawaiian Ocean View Estates. If this had happened on a state or county road, the other driver would have been convicted of felony vehicular homicide. As it was, because our 156 miles of roads are privately owned and maintained, this driver went scot-free, despite having a revoked driver's license, forged insurance card and stolen safety sticker and was going 65 mph on roads clearly marked 25 mph. In addition, rather than stopping to see if he could render aid to his victim, he ran to a nearby house and, instead of calling for help for the victim, he called a family member to come and lie to the police, saying she witnessed the accident and it was the victim's fault.

Our community is one of the fastest growing areas in the County of Hawai'i, and the traffic is growing exponentially. Many drivers scoff at the law, saying it can't be enforced on private roads. Every day, we see drivers speeding and running stop signs, driving under the influence and without proper registration.

Please help make our community safer by supporting HB 2020 HD1. Support our police officers who are doing their best, only to see their citations thrown out of court.

Thank you very much.

Aloha,

Beverly Byouk

Subject: FW: HB2010, HD 1, Relating to Counties
Attachments: Dadstruck.jpg

From: Jim Shilzony [mailto:isletek@gmail.com]
Sent: Wednesday, February 10, 2010 6:41 PM
To: Rep. Jon Karamatsu
Subject: RE: HB2010, HD 1, Relating to Counties

Rep. Jon Riki Karamatsu,

Please accept the following for testimony
Mahalo, James Shilzony

TESTIMONY ON HB 2020 HD 1, RELATING TO COUNTIES BEFORE THE COMMITTEE ON JUDICIARY

DATE: February 11, 2010
TIME: 2:00 P.M.
PLACE: State Capitol, Room 325
Person Testifying (Written Testimony Only):

RE: HB 2020 HD 1, Relating to Counties

Dear Representative Karamatsu and Members,

In September 1994 my father was killed by a speeding convicted felon who had a revoked drivers license, expired safety sticker, forged insurance papers and was exceeding the posted speed limit by over 100%.

He hit my fathers truck so hard, at over 65 miles an hour, that his truck was pushed through the intersection and crushed against a power pole killing my father instantly.

Every time I see a speeding vehicle here on our roads in Ocean View I am reminded of the loss of my father and what a shame it is that we have to share the road with disrespectful drivers that have no regard for law.

Please take into consideration the enclosed photo of my fathers totaled vehicle that he died in when you vote on this bill.

Thank you, James Shilzony
PO Box 6424
Ocean View HI. 96737
808-939-7470