



THE JUDICIARY, STATE OF HAWAII

Testimony to the Twenty-Fifth Legislature, Regular Session of 2009

House Committee on Transportation

The Honorable Joseph M. Souki, Chair

The Honorable Karen Leilani Awana, Vice Chair

Wednesday, February 11, 2009, 8:30 a.m.

State Capitol, Conference Room 309

by

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District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 57, Relating to Traffic Infractions

Purpose: Requires district court to delete from a driver's traffic abstract any violation which the driver is found not to have committed.

Judiciary's Position:

The Judiciary does not support House Bill No. 57. This bill proposes to amend HRS 286-137 to the extent that it would contradict HRS 604-17, which states:

§604-17 Courts of record; testimony and proceedings. The district courts shall be courts of record. The district courts shall in all cases preserve in writing, on tape, or such other mechanical device as may be appropriate, the minutes, proceedings, and testimony of their trials, transactions, and judgments, and the facts upon which their decisions rest. [L 1892, c 57, §13; RL 1925, §2285; am L 1927, c 71, §1; RL 1935, §3774; RL 1945, §9684; RL 1955, §216-15; HRS §604-17; am L 1970, c 188, §22; am L 1971, c 144, §6E]

If the intent of this bill relates to traffic abstracts, the appropriate section to amend is HRS 287-3. We note that if the legislature amends HRS 287-3 to fulfill the intent of this measure, the following clarifying revision should also be considered:



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§ 287-3. Furnishing of operating records

(a) The traffic violations bureaus of the district courts, upon request, shall furnish any person a certified abstract of the bureaus' record, if any, of any person relating to ~~[all-alleged]~~ convictions or civil judgments for moving violations ~~[and any convictions resulting therefrom]~~, arising from the operation of a motor vehicle and any administrative license revocation pursuant to chapter 291E, part III and chapter 286, part XIV, as it was in effect on or before December 31, 2001. The traffic violations bureaus may collect a fee, not to exceed \$7, of which \$5 shall be deposited into the general fund and \$2 shall be deposited into the judiciary computer system special fund.

(b) Notwithstanding any provision to the contrary, all alleged moving violations as well as any convictions resulting therefrom or any administrative license suspension pursuant to chapter 291A shall not be included in a certified abstract of the bureaus' record.

Further, we recommend the purpose section in this measure be amended to substitute "court record" for "traffic abstract."

Thank you for the opportunity to provide comments on this measure.