

JAN 26 2011

A BILL FOR AN ACT

RELATING TO TRAFFIC RECORDS.

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

1 SECTION 1. Chapter 291D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291D- Expunging traffic records of victims of identity
5 theft. (a) The court may issue an order expunging a person's
6 traffic records, including a notice of traffic infraction, an
7 arrest record, or other orders issued by the court under this
8 chapter, upon written application by the person or, if the
9 person is a minor, the minor's parent or guardian, provided the
10 traffic record meets the following criteria:

- 11 (1) The record is in the name of the applicant;
12 (2) The record was created through a moving violation
13 committed by someone other than the applicant;
14 (3) The person who committed the moving violation gave a
15 false name or other information to the officer who
16 issued the notice of infraction pursuant to section
17 291D-5, which resulted in the record being created in



1 the applicant's name rather than in the name of the
2 person who committed the moving violation; and

3 (4) The applicant submits evidence indicating that the
4 record was created in the name of the applicant in
5 error.

6 (b) Upon issuance of an expungement order under this
7 section, the court shall:

8 (1) Forward copies of the expungement order to the
9 violations bureaus of the district courts and of the
10 circuit courts, the director of transportation, and
11 the department of the attorney general for expungement
12 of the record from the applicant's driver's license
13 record and motor vehicle's record on the statewide
14 traffic records system established pursuant to section
15 286-171; and

16 (2) Issue to the applicant a certificate stating that an
17 expungement order was issued and that its effect is to
18 annul the record of one or more specific traffic
19 records. The certificate shall:

20 (A) Authorize the applicant to state, in response to
21 any question or inquiry, whether or not under



1 oath, that the applicant has no record regarding
2 the specific traffic records; and

3 (B) State that the applicant shall not be subject to
4 any action for perjury, civil suit, discharge
5 from employment, or any other adverse action for
6 making any statement authorized by the
7 certificate.

8 (c) A person whose traffic record has been expunged under
9 this section shall not be subject to any action for perjury,
10 civil suit, discharge from employment, or any other adverse
11 action for responding to any question or inquiry, whether or not
12 under oath, that the person has no record regarding the specific
13 traffic record expunged.

14 (d) As used in this section:

15 "Applicant" means the person who is applying for the order
16 of expungement, or, if the person is a minor and the application
17 is made by the minor's parent or guardian, then the minor.

18 "Expunge" means a process defined by agency policy in which
19 records are destroyed.

20 "Traffic record" means any record maintained by the
21 violations bureaus of the district courts and of the circuit



S.B. NO.

1 courts or by the director of transportation on the statewide
2 traffic records system established pursuant to section 286-171."

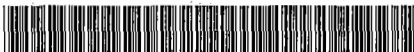
3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect upon its approval.

5

INTRODUCED BY:

D. J. Jil
by request



Report Title:

Traffic Records; Identity Theft; Expungement

Description:

Authorizes the court to expunge traffic records for moving violations that were created under the wrong person's name when the person responsible for the record gave false information to the officer issuing the notice of violation.

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