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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1           SECTION 1. The legislature finds that fines for cell phone  
2 use violations while operating a motor vehicle vary by county.  
3 The legislature further finds that a more logical and balanced  
4 approach to offset the cost of providing law enforcement would  
5 be to distribute the revenues or the fine proceeds from cell  
6 phone use violations while operating a motor vehicle to the  
7 police department of the county in which the cell phone  
8 violation occurred. Such a dedicated funding source would  
9 provide an equitable basis to assist the county police chiefs in  
10 recruiting and retaining police officers.

11           In recent years, police department recruiters have  
12 convinced a number of our finest officers to relocate to the  
13 mainland, where cost of living is cheaper and law enforcement  
14 salaries are higher. Mainland police recruiters say they have  
15 been more successful in recruiting officers in Hawaii than in  
16 any other location, noting that Hawaii officers are well  
17 trained. As of June 2002, all counties noted a significant  
18 number of vacancies in their respective police departments.



1           In addition, in our post-September 11 society, emphasis on  
2 homeland security has resulted in police departments nationwide  
3 competing not only with each other for the most qualified  
4 candidates, but also with federal agencies like the Federal  
5 Bureau of Investigation and the Transportation Security  
6 Administration. In addition to the loss of police officers to  
7 mainland jobs, some police officers in the State have left to  
8 become federal air marshals or airport security officers because  
9 of the considerably higher salaries and potentially less  
10 stressful conditions in the federal positions.

11           The chief of police in each county must be provided with a  
12 dedicated funding source to ensure the successful recruitment  
13 and retention of quality police officers. Existing vacancies  
14 must be filled, and current and future police officers must  
15 receive just compensation that recognizes the services they  
16 provide to the State, often under dangerous conditions that put  
17 their personal safety in jeopardy. Potential recruits must have  
18 an incentive to become a police officer; existing police  
19 officers must receive a salary that recognizes their service to  
20 the community and leaves no room for recruitment by mainland  
21 police departments who offer higher wages.



1           The purpose of this Act is to require the state director of  
2 finance to distribute the revenues from cell phone use  
3 violations to the police department of the county in which the  
4 traffic infraction occurred.

5           SECTION 2. The Hawaii Revised Statutes is amended by  
6 adding a new section to be appropriately designated and to read  
7 as follows:

8           "§ - Transmittal of fines and forfeitures for use of  
9 mobile electronic devices while operating a motor vehicle. (a)  
10 The state director of finance shall transmit to each county all  
11 of the fines and forfeitures collected for uncontested traffic  
12 infractions related to the use of mobile electronic devices  
13 while operating a motor vehicle. The fines and forfeitures  
14 shall be transmitted to the county in which the traffic  
15 infraction was committed, not more than thirty days after the  
16 end of each fiscal quarter.

17           (b) Subsection (a) shall not apply to:

18           (1) Fines and forfeitures for violations that occur on  
19           state off-street parking facilities, parks, airports,  
20           and harbors that are subject to enforcement by the  
21           State; and



1       (2) Fines and forfeitures that are required by law to be  
2       paid into a special, revolving, or trust fund.

3       No county shall be entitled to any portion of the fines and  
4       forfeitures described in this subsection.

5       (c) For the purposes of this section:

6       "Mobile electronic device" shall mean any handheld or other  
7       portable electronic equipment capable of providing wireless  
8       and/or data communication between two or more persons or of  
9       providing amusement, including but not limited to a cellular  
10       phone, text messaging device, paging device, personal digital  
11       assistant, laptop computer, video game, or digital photographic  
12       device, but does not include any audio equipment or any  
13       equipment installed in a motor vehicle for the purpose of  
14       providing navigation, emergency assistance to the operator of  
15       the motor vehicle, or video entertainment to the passengers in  
16       the rear seats of the motor vehicle.

17       "Operate" a motor vehicle shall have the same meaning as  
18       defined in section 291E-1.

19       "Traffic infraction" shall have the same meaning as defined  
20       in section 291D-2.

21       "Use" shall mean holding an electronic mobile device while  
22       operating a motor vehicle."



1 SECTION 3. Section 291C-171, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) All fines and forfeitures collected upon conviction  
4 or upon the forfeiture of bail of any person charged with a  
5 violation of any section or provision of the state traffic laws  
6 and all assessments collected relating to the commission of  
7 traffic infractions shall be paid to the director of finance of  
8 the State. The judiciary shall identify those uncontested  
9 traffic infractions related to the use of mobile electronic  
10 devices while operating a vehicle under section . The  
11 disposition of fines and forfeitures paid to the state director  
12 of finance shall be subject to section ."

13 SECTION 4. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2011.

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**Report Title:**

Traffic Infractions; Counties; Electronic Devices While Driving

**Description:**

Requires the State to forward the proceeds from uncontested traffic infractions relating to the use of mobile electronic devices while operating a vehicle to the county in which the infraction was committed.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

