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## A BILL FOR AN ACT

RELATING TO TRAFFIC FINES AND FEES.

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

1           SECTION 1. Section 291C-103, Hawaii Revised Statutes, is  
2 amended by amending subsections (e) and (f) to read as follows:

3           "(e) Any person who violates this section, except  
4 subsection (d), shall be fined not more than [~~\$500~~] \$1,000 or  
5 imprisoned not more than six months, or both. Any person who  
6 violates subsection (d) shall be fined not more than [~~\$500~~]  
7 \$1,000 or be sentenced to perform community service, or both.

8           (f) Any person who violates this section while operating a  
9 vehicle at a speed exceeding the posted speed limit by thirty  
10 miles per hour or more shall be subject to a fine of not more  
11 than [~~\$2,000~~] \$4,000, a term of imprisonment of not more than  
12 one year, or both; provided that the following additional  
13 penalties shall also apply:

14           (1) For an offense that occurs within five years of a  
15 prior conviction, a one-year license suspension;

16           (2) For an offense that occurs within five years of two  
17 prior convictions:

18           (A) A three-year license suspension; and



1           (B) A vehicle owned by the defendant and used in the  
2           commission of the offense which has been used in  
3           at least two prior offenses that resulted in  
4           convictions may be ordered by the court to be  
5           subject to forfeiture under chapter 712A;

6           (3) For all offenses under this section, a surcharge of up  
7           to \$100 may be deposited in the trauma system special  
8           fund if the court so orders."

9           SECTION 2. Section 291C-104, Hawaii Revised Statutes, is  
10          amended by amending subsection (c) to read as follows:

11          "(c) Any person who violates this section shall be fined  
12          [~~\$250~~] \$500 and may be charged with a surcharge of up to \$100 to  
13          be deposited into the trauma system special fund."

14          SECTION 3. Section 291C-105, Hawaii Revised Statutes, is  
15          amended by amending subsection (c) to read as follows:

16          "(c) Any person who violates this section shall be guilty  
17          of a petty misdemeanor and shall be sentenced as follows without  
18          the possibility of probation or suspension of sentence:

19          (1) For a first offense not preceded by a prior conviction  
20          for an offense under this section in the preceding  
21          five years:



- 1 (A) A fine of not less than [~~\$500~~] \$1,000 and not  
2 more than [~~\$1,000;~~] \$2,000;
- 3 (B) Thirty-day prompt suspension of license and  
4 privilege to operate a vehicle during the  
5 suspension period, or the court may impose, in  
6 lieu of the thirty-day prompt suspension of  
7 license, a minimum fifteen-day prompt suspension  
8 of license with absolute prohibition from  
9 operating a vehicle and, for the remainder of the  
10 thirty-day period, a restriction on the license  
11 that allows the person to drive for limited work-  
12 related purposes;
- 13 (C) Attendance in a course of instruction in driver  
14 retraining;
- 15 (D) A surcharge of \$25 to be deposited into the  
16 neurotrauma special fund;
- 17 (E) May be charged a surcharge of up to \$100 to be  
18 deposited into the trauma system special fund if  
19 the court so orders;
- 20 (F) An assessment for driver education pursuant to  
21 section 286G-3; and
- 22 (G) Either one of the following:



- 1                   (i) Thirty-six hours of community service work;
- 2                                   or
- 3                   (ii) Not less than forty-eight hours and not more
- 4                                   than five days of imprisonment;
- 5       (2) For an offense that occurs within five years of a
- 6                   prior conviction for an offense under this section,
- 7                   by:
- 8                   (A) A fine of not less than [~~\$750~~] \$1,500 and not
- 9                                   more than [~~\$1,000~~] \$2,000;
- 10                   (B) Prompt suspension of license and privilege to
- 11                                   operate a vehicle for a period of thirty days
- 12                                   with an absolute prohibition from operating a
- 13                                   vehicle during the suspension period;
- 14                   (C) Attendance in a course of instruction in driver
- 15                                   retraining;
- 16                   (D) A surcharge of \$25 to be deposited into the
- 17                                   neurotrauma special fund;
- 18                   (E) May be charged a surcharge of up to \$100 to be
- 19                                   deposited into the trauma system special fund if
- 20                                   the court so orders;
- 21                   (F) An assessment for driver education pursuant to
- 22                                   section 286G-3; and



- 1 (G) Either one of the following:
  - 2 (i) Not less than one hundred twenty hours of
  - 3 community service work; or
  - 4 (ii) Not less than five days but not more than
  - 5 fourteen days of imprisonment of which at
  - 6 least forty-eight hours shall be served
  - 7 consecutively; and
- 8 (3) For an offense that occurs within five years of two
- 9 prior convictions for offenses under this section, by:
  - 10 (A) A fine of [~~\$1,000;~~] \$2,000;
  - 11 (B) Revocation of license and privilege to operate a
  - 12 vehicle for a period of not less than ninety days
  - 13 but not more than one year;
  - 14 (C) Attendance in a course of instruction in driver
  - 15 retraining;
  - 16 (D) No fewer than ten days but no more than thirty
  - 17 days of imprisonment of which at least forty-
  - 18 eight hours shall be served consecutively;
  - 19 (E) A surcharge of \$25 to be deposited into the
  - 20 neurotrauma special fund;



1 (F) May be charged a surcharge of up to \$100 to be  
2 deposited into the trauma system special fund if  
3 the court so orders; and

4 (G) An assessment for driver education pursuant to  
5 section 286G-3."

6 SECTION 4. Section 291C-161, Hawaii Revised Statutes, is  
7 amended as follows:

8 1. By amending subsection (b) to read:

9 "(b) Except as provided in subsections (c) and (d), every  
10 person who is determined to have violated any provision of this  
11 chapter for which another penalty is not provided shall be  
12 fined:

13 (1) Not more than [~~\$200~~] \$500 for a first violation  
14 thereof;

15 (2) Not more than [~~\$300~~] \$700 for a second violation  
16 committed within one year after the date of the first  
17 violation; and

18 (3) Not more than [~~\$500~~] \$1,000 for a third or subsequent  
19 violation committed within one year after the date of  
20 the first violation."

21 2. By amending subsection (d) to read:



1           "(d) Every person who violates section 291C-13 or 291C-18  
2 shall:

3           (1) Be fined not more than [~~\$200~~] \$500 or imprisoned not  
4 more than ten days for a first conviction thereof;

5           (2) Be fined not more than [~~\$300~~] \$700 or imprisoned not  
6 more than twenty days or both for conviction of a  
7 second offense committed within one year after the  
8 date of the first offense; and

9           (3) Be fined not more than [~~\$500~~] \$1,000 or imprisoned not  
10 more than six months or both for conviction of a third  
11 or subsequent offense committed within one year after  
12 the date of the first offense."

13           SECTION 5. Section 601-3.7, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15           "(a) There is established in the state treasury a special  
16 fund to be known as the judiciary computer system special fund.  
17 Moneys collected from administrative fees pursuant to section  
18 287-3(a) and fees pursuant to sections 607-4(b)(10) and 607-  
19 5(c)(32) shall be deposited into the fund. Fifty per cent of  
20 the fees collected pursuant to section 607-4(b)(7), (8), and (9)  
21 shall also be deposited into the fund."



1 SECTION 6. Section 607-4, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:  
3 "(a) The fees prescribed by subsection (b) shall be paid  
4 to the clerk of the district court as costs of court by the  
5 person instituting the action or proceeding, or offering the  
6 paper for filing, or causing the document to be issued or the  
7 services to be performed in the district court; provided that  
8 nothing in subsection (b) shall apply to cases of adults charged  
9 with commission of a crime, or minors referred to the district  
10 court by the family court; provided further that for the  
11 purposes of subsection (b), "judgment" includes an order from  
12 which an appeal lies; and provided further that the fees  
13 prescribed by subsection (b)(10) shall be deposited by the clerk  
14 of the district court into the judiciary computer system special  
15 fund pursuant to section 601-3.7. [~~One-half of the~~] The fees  
16 collected pursuant to paragraphs (7), (8), and (9) of subsection  
17 (b) [also] shall be deposited [into the fund.] as follows:  
18 (1) Fifty per cent into the judiciary computer system  
19 special fund pursuant to section 601-3.7;  
20 (2) Twenty-five per cent into the judiciary facilities  
21 repair and maintenance special fund established under  
22 Act \_\_\_\_\_, Session Laws of Hawaii 2011; and







1 processing of traffic citations that involve  
 2 stopping (when prohibited), standing,  
 3 or parking ..... [~~\$10~~] \$20 for each violation in  
 4 addition to any fine imposed by  
 5 the court, and whether or  
 6 not such fine is suspended

7 (8) Administrative costs associated with the processing of  
 8 traffic citations which do not involve stopping,  
 9 standing, or parking ... [~~\$40~~] \$80 for each violation in  
 10 addition to any fine imposed  
 11 by the court, and whether or  
 12 not such fine is suspended

13 (9) Administrative costs associated with the processing of  
 14 traffic citations issued for violations of a statute  
 15 or ordinance relating to vehicles or their drivers, or  
 16 owners, except those as provided by paragraphs (7) and  
 17 (8) ..... [~~\$30~~] \$60 for each violation in  
 18 addition to any fine imposed  
 19 by the court, and whether or  
 20 not such fine is suspended

21 (10) Administrative costs associated with the processing of  
 22 all civil filings except those brought by the State or



1           any of the various counties and political subdivisions  
 2           of the State, those commenced by a petition for  
 3           temporary restraining order under section 604-10.5,  
 4           and those commenced and conducted in the small claims  
 5           division of the district court ..... \$20."

6           SECTION 7. This Act does not affect rights and duties that  
 7           matured, penalties that were incurred, and proceedings that were  
 8           begun before its effective date.

9           SECTION 8. Statutory material to be repealed is bracketed  
 10          and stricken. New statutory material is underscored.

11          SECTION 9. This Act shall take effect on January 1, 2012.

12

INTRODUCED BY: Calvin K. Boy

JAN 24 2011



**Report Title:**

Traffic Offenses; Fines and Fees

**Description:**

Raises certain fines and fine ceilings for traffic offenses. Increases administrative fees for certain traffic offenses and allocates a portion of those moneys to the judiciary computer system special fund, judiciary facilities repair and maintenance special fund, and the general fund.

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

