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# A BILL FOR AN ACT

RELATING TO THE STATEWIDE TRAFFIC CODE.

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

1           SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4                       **"PART . COUNTY VEHICLE BOOT PROGRAMS**

5           **§ -1 Definitions.** As used in this part:

6           "Motor vehicle" means every vehicle which is self-propelled  
7 and every vehicle which is propelled by electric power but not  
8 operated upon rails.

9           "Owner" means a person, other than a lien holder, having  
10 the property in or title to a vehicle. The term includes a  
11 person entitled to the use and possession of a vehicle subject  
12 to a security interest in another person, but excludes a lessee  
13 under a lease not intended as security.

14           "Vehicle" means every device in, upon, or by which any  
15 person or property is or may be transported or drawn upon a  
16 roadway or highway, excluding mopeds, bicycles, devices other  
17 than bicycles moved by human power, and devices used exclusively  
18 upon stationary rails or tracks.



1 "Vehicle boot" means a device that is clamped onto both the  
2 inside and outside of a wheel rim of a motor vehicle to prevent  
3 the operation of the vehicle.

4 **§ -2 Vehicle boot program; counties; establishment.** Any  
5 county may establish a vehicle boot program that identifies  
6 motor vehicle owners with outstanding motor vehicle violations  
7 and authorizes the use of vehicle boots to immobilize the motor  
8 vehicle owner's motor vehicle until the violations are resolved.

9 **§ -3 Vehicle boot program; costs.** (a) Notwithstanding  
10 section 46-1.5(24)(A), a county that has established a vehicle  
11 boot program pursuant to this part may assess fees to offset  
12 costs, including the cost of affixing or disengaging a vehicle  
13 boot, on a motor vehicle owner who is subject to the county's  
14 motor vehicle boot program.

15 (b) Vehicle boot program costs shall be in addition to any  
16 fines, forfeitures, and penalties paid to or imposed by the  
17 district court for traffic infractions.

18 (c) All funds collected under this part shall be paid to  
19 the general fund of the county that assessed the fines, costs,  
20 or fees collected under a vehicle boot program.

21 **§ -4 Collection of fines, costs, and vehicle boot**  
22 **program costs.** (a) Notwithstanding section 46-1.5(24)(A), a



1 county may institute proceedings on behalf of the State and the  
2 county against an owner in violation of that county's vehicle  
3 boot program to collect fines, costs, and fees, including  
4 interest and attorney's fees, as a civil judgment in a court of  
5 appropriate jurisdiction. The proceeds of the judgment shall be  
6 paid to the applicable county. The county shall apply proceeds  
7 received under this section in the following order of priority:

- 8 (1) To vehicle boot program costs;
- 9 (2) To court costs;
- 10 (3) To attorney's fees;
- 11 (4) To penalties; and
- 12 (5) To other costs.

13 (b) If a county has not used its vehicle boot program to  
14 enforce a violation, or if, notwithstanding its use of the  
15 program, the county has not instituted proceedings under  
16 subsection (a) within ninety days of the date on which the boot  
17 was affixed to the vehicle, the state attorney general may  
18 institute proceedings to collect any fines, costs, and fees,  
19 including interest and attorney's fees, and other fees or costs  
20 pertaining to the violation as a civil judgment in the court of  
21 appropriate jurisdiction. Any vehicle boot program costs



1 recovered by the attorney general shall be deposited to the  
2 applicable county's general fund."

3 SECTION 2. Section 291C-111, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) With respect to highways under their respective  
6 jurisdictions, the director of transportation is authorized to  
7 and the counties by ordinance may prohibit or restrict the  
8 stopping, standing, or parking of vehicles where the stopping,  
9 standing, or parking is dangerous to those using the highway or  
10 where the stopping, standing, or parking of vehicles would  
11 interfere unduly with the free movement of traffic; provided  
12 that the violation of any law or any ordinance, regardless of  
13 whether established under this or any other section, prohibiting  
14 or restricting the stopping, standing, or parking of vehicles  
15 shall constitute a traffic infraction. The counties shall not  
16 provide any other penalty, civil or criminal, or any other  
17 charge, in the form of rental or otherwise, in place of or in  
18 addition to the fine to be imposed by the district court for any  
19 violation of any ordinance prohibiting or restricting the  
20 stopping, standing, or parking of vehicles[-], other than a fine  
21 or fee assessed pursuant to a vehicle boot program established  
22 under part of chapter 46.



1           This section shall not be construed as prohibiting the  
2 authority of the director of transportation or the counties to  
3 allow the stopping, standing, or parking of motor vehicles at a  
4 "T-shaped" intersection on highways under their respective  
5 jurisdictions; provided that such stopping, standing, or parking  
6 of motor vehicles is not dangerous to those using the highway or  
7 where the stopping, standing, or parking of motor vehicles would  
8 not unduly interfere with the free movement of traffic.

9           The appropriate police department and county or prosecuting  
10 attorney of the various counties shall enforce any law or  
11 ordinance prohibiting or restricting the stopping, standing, or  
12 parking of vehicles, including but not limited to the issuance  
13 of parking tickets. Any person committing a violation of any  
14 law or ordinance, regardless of whether established under this  
15 or any other section, prohibiting or restricting the stopping,  
16 standing, or parking of vehicles shall be subject to a fine to  
17 be enforced and collected by the district courts of this State  
18 and to be deposited into the state general fund for state  
19 use[-]; provided that fines, fees, or costs associated with a  
20 vehicle boot program established pursuant to part       of chapter  
21 46 shall be paid to the respective county general fund."



1 SECTION 3. Section 291C-163, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) This chapter shall not be deemed to prevent counties  
4 with respect to streets and highways under their jurisdiction  
5 from:

- 6 (1) Regulating or prohibiting stopping, standing, or  
7 parking except as provided in section 291C-111;
- 8 (2) Regulating traffic by means of police officers or  
9 official traffic-control devices;
- 10 (3) Regulating or prohibiting processions or assemblages  
11 on the highways;
- 12 (4) Designating particular highways or roadways for use by  
13 traffic moving in one direction;
- 14 (5) Establishing speed limits for vehicles in public  
15 parks;
- 16 (6) Designating any highway as a through highway or  
17 designating any intersection as a stop or yield  
18 intersection;
- 19 (7) Restricting the use of highways;
- 20 (8) Regulating the operation and equipment of and  
21 requiring the registration and inspection of bicycles,  
22 including the requirement of a registration fee;



- 1 (9) Regulating or prohibiting the turning of vehicles or
- 2 specified types of vehicles;
- 3 (10) Altering or establishing speed limits;
- 4 (11) Requiring written accident reports;
- 5 (12) Designating no-passing zones;
- 6 (13) Prohibiting or regulating the use of controlled-access
- 7 roadways by any class or kind of traffic;
- 8 (14) Prohibiting or regulating the use of heavily traveled
- 9 streets by any class or kind of traffic found to be
- 10 incompatible with the normal and safe movement of
- 11 traffic;
- 12 (15) Establishing minimum speed limits;
- 13 (16) Designating hazardous railroad grade crossing;
- 14 (17) Designating and regulating traffic on play streets;
- 15 (18) Prohibiting pedestrians from crossing a roadway in a
- 16 business district or any designated highway except in
- 17 a crosswalk;
- 18 (19) Restricting pedestrian crossing at unmarked
- 19 crosswalks;
- 20 (20) Regulating persons propelling push carts;
- 21 (21) Regulating persons upon skates, coasters, sleds, and
- 22 other toy vehicles;



- 1           (22) Adopting and enforcing such temporary or experimental
- 2                    regulations as may be necessary to cover emergencies
- 3                    or special conditions;
- 4           (23) Adopting maximum and minimum speed limits on streets
- 5                    and highways within their respective jurisdictions;
- 6           (24) Adopting requirements on stopping, standing, and
- 7                    parking on streets and highways within their
- 8                    respective jurisdictions except as provided in section
- 9                    291C-111;
- 10          (25) Prohibiting or regulating electric personal assistive
- 11                    mobility devices on sidewalks and bicycle paths; [~~and~~]
- 12          (26) Adopting such other traffic regulations as are
- 13                    specifically authorized by this chapter[-]; or
- 14          (27) Establishing a vehicle boot program pursuant to part
- 15                    of chapter 46."

16           SECTION 4. Section 291C-171, Hawaii Revised Statutes, is

17 amended to read as follows:

18           "**§291C-171 Disposition of fines and forfeitures.** (a) All

19 fines and forfeitures collected upon conviction or upon the

20 forfeiture of bail of any person charged with a violation of any

21 section or provision of the state traffic laws and all

22 assessments collected relating to the commission of traffic





1    infractions shall be paid to the director of finance of the  
 2    State[-]; provided that fines, fees, or costs associated with a  
 3    vehicle boot program established pursuant to part        of chapter  
 4    46 shall be paid to the general fund of the county that assessed  
 5    the fines, fees, or costs.

6           (b) In addition to any monetary assessment imposed for a  
 7    traffic infraction, the court may impose penalties on all  
 8    outstanding traffic citations and judgments. The penalties  
 9    shall be established pursuant to rules approved by the supreme  
 10   court; provided that the amounts of the penalties shall be based  
 11   upon a graduated scale that increases in proportion to the  
 12   length of the delinquency. Any interest penalty imposed as  
 13   provided in this section may be waived by the court for good  
 14   cause. All penalties collected for such outstanding citations  
 15   and judgments shall be paid to the director of finance of the  
 16   State[-]; provided that penalties collected under a vehicle boot  
 17   program established pursuant to part        of chapter 46 shall be  
 18   paid to the general fund of the county that issued the traffic  
 19   citation at issue."

20           SECTION 5. This Act does not affect rights and duties that  
 21   matured, penalties that were incurred, and proceedings that were  
 22   begun before its effective date.



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.

4

INTRODUCED BY:

*[Signature]*  
*Lindalchizame*

JAN 24 2012



**Report Title:**

Vehicle Boot Program; Counties

**Description:**

Authorizes the counties to implement a vehicle boot program to place a vehicle boot on vehicles of an owner with outstanding motor vehicle violations until those violations are resolved.

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

