
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, fees, 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 competent jurisdiction. The proceeds of the judgment shall be
6 allocated as provided in section 291C-111. The county shall
7 apply its allocation of proceeds received under this section in
8 the following order of priority:

9 (1) To vehicle boot program costs;

10 (2) To court costs;

11 (3) To attorney's fees;

12 (4) To penalties; and

13 (5) To other costs.

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



1 recovered by the attorney general shall be allocated as provided
2 in section 291C-111."

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
21 fine, fee, or cost assessed pursuant to a vehicle boot program
22 established 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 fifty per cent of the fines, fees, or
20 costs collected pursuant to a vehicle boot program established
21 pursuant to part of chapter 46 shall be paid to the
22 respective county general fund and the remaining fifty per cent



1 of the fines, fees, or costs collected pursuant to a vehicle
2 boot program established pursuant to part of chapter 46 shall
3 be paid to the state general fund."

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

6 "(a) This chapter shall not be deemed to prevent counties
7 with respect to streets and highways under their jurisdiction
8 from:

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



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



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

19 SECTION 4. Section 291C-171, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§291C-171 Disposition of fines and forfeitures.** (a) All
22 fines and forfeitures collected upon conviction or upon the



1 forfeiture of bail of any person charged with a violation of any
2 section or provision of the state traffic laws and all
3 assessments collected relating to the commission of traffic
4 infractions shall be paid to the director of finance of the
5 State[-]; provided that fifty per cent of the fines, fees, or
6 costs collected pursuant to a vehicle boot program established
7 pursuant to part of chapter 46 shall be paid to the general
8 fund of the county that assessed the fines, fees, or costs and
9 the remaining fifty per cent of the fines, fees, or costs
10 collected pursuant to a vehicle boot program established
11 pursuant to part of chapter 46 shall be paid to the state
12 general fund.

13 (b) In addition to any monetary assessment imposed for a
14 traffic infraction, the court may impose penalties on all
15 outstanding traffic citations and judgments. The penalties
16 shall be established pursuant to rules approved by the supreme
17 court; provided that the amounts of the penalties shall be based
18 upon a graduated scale that increases in proportion to the
19 length of the delinquency. Any interest penalty imposed as
20 provided in this section may be waived by the court for good
21 cause. All penalties collected for such outstanding citations
22 and judgments shall be paid to the director of finance of the



1 State[-]; provided that fifty per cent of the penalties
2 collected pursuant to a vehicle boot program established
3 pursuant to part of chapter 46 shall be paid to the general
4 fund of the county that issued the traffic citation at issue and
5 fifty per cent of the penalties collected pursuant to a vehicle
6 boot program established pursuant to part of chapter 46
7 shall be paid to the state general fund."

8 SECTION 5. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 6. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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



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. Provides for fifty per cent of the fines, fees, and costs collected via the vehicle boot program to be paid into the state general fund and fifty per cent into the respective county general fund. (HB2649 HD1)

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

