

Honolulu, Hawaii
Jan 31 , 2012

RE: H.B. No. 1749
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1749 entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS,"

begs leave to report as follows:

The purpose of this measure is to transmit to each county a percentage of all fines and forfeitures collected for uncontested traffic infractions committed in that county which are in excess of amounts required by the State to pay the administrative cost of the Traffic Violations Bureau, with certain exceptions.

The Hawaii State Association of Counties and Treasurer of the Hawaii State Association of Counties testified in support of this measure. The Department of Budget and Finance testified in opposition to this measure. The Mayor of the City and County of Honolulu and the Judiciary provided comments.

Currently, the counties bear most of the responsibility for enforcing the Statewide Traffic Code. However, a majority of the fines and forfeitures collected for violations of the Statewide Traffic Code are paid into the general fund of the State, in part to assist the State with administrative costs for the Traffic Violations Bureau. As uncontested traffic violations do not need to resort to the State courts, administrative costs for these violations appear to be minimal. Inasmuch as the counties provide police protection and traffic enforcement, allowing the counties



to maintain a percentage of uncontested traffic fines and forfeitures seems reasonable.

While your Committee recognizes the concerns raised by the Department of Budget and Finance that transferring some of these funds may have an impact on funding the administrative costs of the Traffic Violations Bureau, your Committee notes that the percentage of funds transferred in this measure is based on fines and forfeitures collected that are in excess of the funds necessary for the administrative costs of the Traffic Violations Bureau.

Your Committee has amended this measure by:

- (1) Changing its effective date to January 1, 2013, to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1749, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1749, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



State of Hawaii
 House of Representatives
 The Twenty-sixth Legislature

HSCR 17-12

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 1749	Committee Referral: TRN, JUD, FIN	Date: 1/25/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. OKAMURA, Tom	/			
8. SAIKI, Scott K.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	12			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; margin-left: 100px;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u>				
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