



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 12, 2012

**S.B. 2876, S.D. 2**  
**RELATING TO THE COMMERCIAL HARBORS**

**HOUSE COMMITTEE ON TRANSPORTATION**

The Department of Transportation (DOT) supports this administration bill to amend Chapter 266 to clarify that persons cited for non-criminal violations may appeal the citation and penalties pursuant to administrative procedures and not directly to District Court. Current procedures to enforce and collect penalties for traffic violations or criminal matters remain unchanged and appearances to answer these violations remain at the District Court.

In developing the administrative rules to implement Act 16, 2009 SLH, for the Director to regulate "safety and security requirements" and "other related activities", the DOT believes that §266-24.1, HRS should be amended to clarify that a purported violator may contest a safety and security violation at an administrative hearing and not answer the charge before the District Court.

In simplifying the DOT proposed amendments in establishing a civil process through an administrative procedure, the Attorney General requested the DOT to adopt provisions similar to the Department of Land and Natural Resources provisions as provided in Chapter 199D, Civil Natural Resource Violations Act. The DOT reviewed Chapter 199D and agrees with the Attorney General that the provisions of the DLNR chapter would simplify its proposed amendments to Chapter 266. The Attorney General has prepared amendments to the bill utilizing Chapter 199D and discussing other amendments to Chapter 266 with the DOT as there may other amendments that may be necessary for consistency.

Due to the Attorney General's current involvement in assisting the DOT with preparing documents relating to the declaration of an emergency due to the heavy rains, the DOT hopes to present an amendment shortly.

The proposal remains the same which is to de-criminalize certain violations, and for the reasons stated above, the DOT requests your committee to support the passage of SB2876, SD2.

Thank you for the opportunity to provide testimony.

