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## A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1           SECTION 1. The legislature finds that fines for cell phone  
2 use violations while operating a motor vehicle vary by county.  
3 The legislature further finds that a more logical and balanced  
4 approach to offset the cost of providing law enforcement would  
5 be to distribute the revenues or the fine proceeds from cell  
6 phone use violations while operating a motor vehicle to the  
7 police department of the county in which the cell phone  
8 violation occurred. Such a dedicated funding source would  
9 provide an equitable basis to assist the county police chiefs in  
10 recruiting and retaining police officers.

11           In recent years, police department recruiters have  
12 convinced a number of our finest officers to relocate to the  
13 mainland, where cost of living is cheaper and law enforcement  
14 salaries are higher. Mainland police recruiters say they have  
15 been more successful in recruiting officers in Hawaii than in  
16 any other location, noting that Hawaii officers are well  
17 trained.



1           The chief of police in each county must be provided with a  
2 dedicated funding source to ensure the successful recruitment  
3 and retention of quality police officers. Existing vacancies  
4 must be filled and current and future police officers must  
5 receive just compensation that recognizes the services they  
6 provide to the State, often under dangerous conditions that put  
7 their personal safety in jeopardy. Potential recruits must have  
8 an incentive to become a police officer and existing police  
9 officers must receive a salary that recognizes their service to  
10 the community and leaves no room for recruitment by mainland  
11 police departments that offer higher wages.

12           The purpose of this Act is to require the state director of  
13 finance to distribute the revenues from cell phone use  
14 violations to the police department of the county in which the  
15 traffic infraction occurred.

16           SECTION 2. The Hawaii Revised Statutes is amended by  
17 adding a new section to be appropriately designated and to read  
18 as follows:

19           "§ - Transmittal of fines and forfeitures for use of  
20 mobile electronic devices while operating a motor vehicle. (a)  
21 Not more than thirty days after the end of each fiscal quarter,  
22 the state director of finance shall transmit to each respective



1 county that prohibits use of a mobile electronic device while  
2 operating a motor vehicle all of the fines and forfeitures  
3 collected for uncontested traffic infractions arising from  
4 violation of the prohibition in that county.

5 (b) Subsection (a) shall not apply to:

6 (1) Fines and forfeitures for violations that occur on  
7 state off-street parking facilities, parks, airports,  
8 and harbors that are subject to enforcement by the  
9 State; and

10 (2) Fines and forfeitures that are required by law to be  
11 paid into a special, revolving, or trust fund.

12 No county shall be entitled to any portion of the fines and  
13 forfeitures described in this subsection.

14 (c) For the purposes of this section:

15 "Mobile electronic device" means any handheld or other  
16 portable electronic equipment capable of providing wireless or  
17 data communication between two or more persons or of providing  
18 amusement, including to a cellular phone, text messaging device,  
19 paging device, personal digital assistant, laptop computer,  
20 video game, or digital photographic device. "Mobile electronic  
21 device" does not include any audio equipment or any equipment  
22 installed in a motor vehicle for the purpose of providing



1 navigation, emergency assistance to the operator of the motor  
2 vehicle, or video entertainment to the passengers in the rear  
3 seats of the motor vehicle.

4 "Operate" has the same meaning as defined in section 291E-  
5 1.

6 "Traffic infraction" has the same meaning as defined in  
7 section 291D-2.

8 "Use" means holding an electronic mobile device while  
9 operating a motor vehicle."

10 SECTION 3. Section 291C-171, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) All fines and forfeitures collected upon conviction  
13 or upon the forfeiture of bail of any person charged with a  
14 violation of any section or provision of the state traffic laws  
15 and all assessments collected relating to the commission of  
16 traffic infractions shall be paid to the director of finance of  
17 the State. The judiciary shall identify those uncontested  
18 traffic infractions related to a respective county's ordinance  
19 that prohibits the use of mobile electronic devices while  
20 operating a motor vehicle. The disposition of fines and  
21 forfeitures paid to the state director of finance for violation  
22 of a county's prohibition of using an electronic mobile device



1 while operating a motor vehicle, as identified by the judiciary,  
2 shall be subject to section \_\_\_\_\_."

3 SECTION 4. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

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JAN 18 2013

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**Report Title:**

Traffic Infractions; Counties; Electronic Devices While Driving

**Description:**

Requires the State to forward the proceeds from uncontested traffic infractions relating to the use of mobile electronic devices while operating a vehicle to the county in which the infraction was committed.

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

