
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.
8

INTRODUCED BY:

Cabrera, J. J.
Myers

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JAN 18 2013



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.



Council Chair
Gladys C. Baisa

Vice-Chair
Robert Carroll

Council Members
Elle Cochran
Donald G. Couch, Jr.
Stacy Crivello
Don S. Guzman
G. Riki Hokama
Michael P. Victorino
Mike White

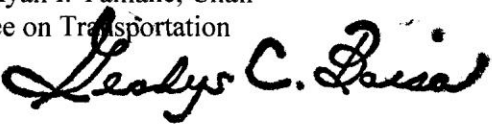


Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

January 28, 2013

TO: The Honorable Ryan I. Yamane, Chair
House Committee on Transportation

FROM: Gladys C. Baisa 
Council Chair

SUBJECT: **HEARING OF JANUARY 30, 2013; TESTIMONY PROVIDING COMMENTS ON
HB 590, RELATING TO MOTOR VEHICLES**

Thank you for the opportunity to provide comments on this important measure. The purpose of this measure is to require the State Director of Finance to transmit to the counties a percentage of fines and forfeitures derived 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 Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

A similar, but broader, measure is included in the Hawaii State Association of Counties' Legislative Package. I strongly request that you first consider HB 214, RELATING TO TRAFFIC INFRACTIONS, as all four counties are in full support of that measure.

The counties are the entities responsible for enforcing both the statewide traffic code and county traffic ordinances. Costs to enforce the laws and prosecute violators are substantial and presently paid primarily from county coffers. At present, none of the revenues derived from fines and forfeitures are transmitted to the counties to offset these costs. Transferring uncontested fines and forfeitures would be equitable and would assist the counties greatly in covering enforcement and administrative costs.

For the foregoing reasons, while I support the intent of this bill, I request that you first consider HB 214, RELATING TO TRAFFIC INFRACTIONS.

Council Chair
Gladys C. Baisa

Vice-Chair
Robert Carroll

Council Members:
Elle Cochran
Donald G. Couch, Jr.
Stacy Crivello
Don S. Guzman, Esq.
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Michael P. Victorino
Mike White



Director of Council Services
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January 28, 2013

TO: The Honorable Ryan I. Yamane, Chair
House Committee on Transportation

FROM: Don Couch
Council Member, South Maui District

DATE: Wednesday, January 30, 2013

SUBJECT: **SUPPORT OF HB 590, RELATING TO MOTOR VEHICLES**

Thank you for the opportunity to testify in support of this measure. I provide this testimony as an individual member of the Maui County Council.

I **support HB 590** for the reasons cited in testimony submitted by the Maui County Council Chair, and urge you to support this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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DEPUTY CHIEFS

OUR REFERENCE KK-LC

January 30, 2013

The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamane and Members:

Subject: House Bill No. 590, Relating to Motor Vehicles

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 590, Relating to Motor Vehicles. Passage of this bill would require that the state director of finance provide the proceeds of uncontested mobile electronic device infractions to the counties in which the citations were issued.

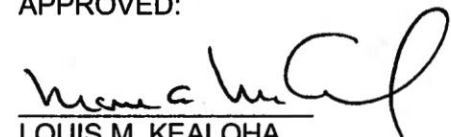
Since the inception of the mobile electronic device ordinance in the City and County of Honolulu, the HPD has issued more than 40,000 citations. All funds and forfeitures from these citations have gone to the State. These revenues should go to the counties to assist with funding for the county police departments.

Thank you for the opportunity to testify.

Sincerely,


KURT KENDRO, Major
Traffic Division

APPROVED:


LOUIS M. KEALOHA
Chief of Police

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 10:10 AM
To: TRNtestimony
Cc: alater@hhsc.org
Subject: *Submitted testimony for HB590 on Jan 30, 2013 10:00AM*

HB590

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Anna Marie Later	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON TRANSPORTATION
ON
HOUSE BILL NOS. 214 AND 590

January 30, 2013

RELATING TO TRAFFIC INFRACTIONS AND RELATING TO MOTOR VEHICLES

House Bill Nos. 214 and 590 both require the Director of Finance to transmit to the counties, 30 days after the end of each fiscal quarter, the proceeds from uncontested traffic infractions, as identified by the Judiciary.

House Bill No. 214 adds a new chapter to the Hawaii Revised Statutes (HRS) titled "Transmittal of Uncontested Traffic Fines and Forfeitures to Counties" and requires the Director of Finance to transmit to each county an unspecified percentage of all the proceeds from uncontested traffic infractions committed in that county that are in excess of the administrative costs of the Traffic Violations Bureau (TVB).

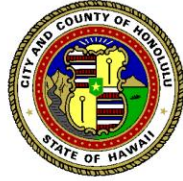
House Bill No. 590 adds a new section to the HRS and limits the proceeds from uncontested traffic infractions to those relating to the use of mobile electronic devices while operating a motor vehicle.

The Department of Budget and Finance opposes both measures because they would reduce general fund revenues. Furthermore, Judiciary, in testimony on House Bill No. 1749 from the 2012 Legislative Session, stated that determining the administrative costs of the TVB would be "extremely complex and the accounting to do this would be expensive and time consuming." While salaries for TVB positions are easily identifiable, traffic violation activities are also performed by District Court

personnel, court administrators and judges who are not solely dedicated to those functions alone. In addition to identifying and allocating those salary and fringe benefit costs, it would be necessary to identify and allocate support costs such as database management and maintenance, non-District Court support staff (information technology and fiscal operations) and other administrative costs.

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

EMBER LEE SHINN
MANAGING DIRECTOR DESIGNATE

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

TESTIMONY OF KIRK CALDWELL, MAYOR
CITY AND COUNTY OF HONOLULU
BEFORE THE HOUSE
COMMITTEE ON TRANSPORTATION
Wednesday, January 30, 2013, 10:00 a.m., Conference Room 309

To: The Honorable Ryan I. Yamane, Chair
Members of the Committee on Transportation

The City & County of Honolulu **supports House Bill 590, “Relating to Motor Vehicles”**.

House Bill 590 proposes that the state director of finance distribute the revenues from cell phone use violations to the police department of the county in which the traffic infraction occurred.

The intent of this bill is to provide equity to the City & County of Honolulu and the Honolulu Police Department (HPD), which expends its own resources through monitoring and enforcement; these activities ultimately produce these revenues. Historically, these revenues are kept by the State of Hawaii. The proposed transmittal of these revenues will help the Honolulu Police Department maintain its service to the public.

Mahalo for this opportunity to testify on bill. Should you have any questions or concerns, please feel free to contact me at 768-4141.