

JAN 22 2016

A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATION RECORDS.

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

1 SECTION 1. The legislature finds that moving violations
2 resulting in a dismissal with prejudice or a not guilty judgment
3 which occurred more than ten years prior to the date of a
4 request for a certified traffic abstract, should not be included
5 in the traffic abstract, except for commercial driver licensing
6 traffic records. The legislature further finds that the lapsing
7 of a record after a period of ten years for cases in which the
8 accused driver has been exonerated by dismissal with prejudice
9 or a not guilty judgment is reasonable.

10 The purpose of this Act is to exclude from a certified
11 abstract traffic violations record certain alleged violations
12 that have not resulted in a conviction.

13 SECTION 2. Section 287-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§287-3 Furnishing of operating records[-]; access;
16 confidentiality; penalty. (a) The traffic violations bureaus
17 of the district courts, upon request, shall furnish any person a



1 certified abstract of the bureaus' record, if any, of any person
2 relating to all alleged moving violations and any convictions
3 resulting therefrom, arising from the operation of a motor
4 vehicle and any administrative license revocation pursuant to
5 chapter 291E, part III and chapter 286, part XIV, as it was in
6 effect on or before December 31, 2001. The traffic violations
7 bureaus may collect a fee, not to exceed \$20, of which \$18 shall
8 be deposited into the general fund and \$2 shall be deposited
9 into the judiciary computer system special fund.

10 (b) Notwithstanding any provision to the contrary, all
11 alleged moving violations as well as any convictions resulting
12 therefrom or any administrative license suspension pursuant to
13 chapter 291A shall not be included in a certified abstract of
14 the bureaus' record.

15 (c) Notwithstanding any provision to the contrary,
16 beginning on December 1, 2016, all alleged moving violations for
17 which the disposition of the violation was "dismissed with
18 prejudice" or "not guilty" which occurred more than ten years
19 prior to the date of the request for the abstract, shall not be
20 included in a certified abstract of the bureaus' record;
21 provided that this subsection shall not apply to a certified



1 abstract of a commercial driver licensed pursuant to part XIII,
2 chapter 286.

3 (d) Information relating to all alleged moving violations
4 for which the disposition of the violation was "dismissed with
5 prejudice" or "not guilty" which occurred more than ten years
6 prior to the date of the request for the abstract, shall be
7 confidential; provided that information relating to all alleged
8 moving violations of a commercial driver licensed pursuant to
9 part XIII, chapter 286, shall not be confidential.

10 (e) The traffic violations bureaus of the district courts
11 shall not grant any person access to the traffic violation
12 record of any person, in any form, including an electronic
13 traffic violation record available through a website approved by
14 the State of Hawaii, unless the person requesting the
15 information provides a government issued identification of the
16 person for whom the traffic violation record is sought.

17 As used in this subsection, "government issued
18 identification" means:

19 (1) A passport issued by the United States of America;



1 (2) An identification card or driver's license issued by
2 any state or local government or the Bureau of Indian
3 Affairs; or

4 (3) An identification card issued by any branch of the
5 Armed Forces of the United States of America."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 2578

Report Title:

Traffic Violations; Traffic Abstracts; Confidentiality; District Courts

Description:

Beginning on December 1, 2016, requires the removal of certain certified traffic abstracts records of all alleged moving violations for which the disposition of the case was "dismissed with prejudice" or "not guilty" that occurred more than ten years prior to the date of the request for the abstract, with exceptions.

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