
A BILL FOR AN ACT

RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM.

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

1 SECTION 1. The legislature finds that there are many areas
2 along state highways that are unsafe and hazardous due to
3 illegally parked vehicles blocking traffic lanes.

4 The legislature further finds that many of the State's
5 popular scenic areas that draw thousands of daily visitors are
6 seeing an increase in illegally parked vehicles along nearby
7 state highways, causing traffic gridlock and drawing community
8 complaints. Some of these popular scenic areas are serviced by
9 a two-lane state highway and are in areas where state highway
10 widening is not possible due to the lack of public right-of-way
11 and topographic, environmental, or cultural resource
12 limitations.

13 The legislature further finds that the department of
14 transportation, highways division, and department of public
15 safety, law enforcement division, do not have sufficient staff
16 to enforce parking violations and patrol remote portions of each
17 island where many of the parking violations occur.



1 The legislature further finds that while county police
2 departments play a vital role in enforcing parking violations on
3 state highways, these departments have limited resources and
4 issuing parking citations on a state highway for violations
5 stemming from visitor attractions on state lands has not been a
6 priority.

7 The purpose of this Act is to establish the state highway
8 enforcement program, which adds a surcharge for illegal parking
9 to existing penalties for violations of the statewide traffic
10 code that involve stopping, standing, or parking on state
11 highways. Fifty per cent of the surcharge shall be deposited
12 into the state highway fund, while the remaining balance shall
13 be distributed to the respective police departments of the
14 county from which the surcharge was collected and shall be used
15 to enforce laws and ordinances pertaining to illegal parking on
16 state highways.

17 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
18 amended by adding a new section to part XI to be appropriately
19 designated and to read as follows:

20 "§291C- State highway enforcement program;
21 establishment; annual reports. (a) There is established the



1 state highway enforcement program within the department of
2 transportation for administrative purposes. The purpose of the
3 state highway enforcement program is to enable the State and
4 counties, in consultation with the director of transportation,
5 to:

6 (1) Enforce violations for illegal parking under section
7 291C-111(c); and

8 (2) Provide for parking management-related improvements.

9 (b) Implementation of the state highway enforcement
10 program shall include partnering with law enforcement, other
11 state departments, other county agencies, and community groups
12 to increase health and safety along state highways.

13 (c) The director of transportation shall submit an annual
14 report to the legislature on the status and progress of the
15 state highway enforcement program, including an update of all
16 moneys deposited into and expended from the state highway fund,
17 on behalf of the state highway enforcement program no later than
18 twenty days prior to the convening of each regular session."

19 SECTION 3. Section 291C-111, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§291C-111 Noncompliance with stopping, standing, or
2 parking requirements. (a) With respect to highways under their
3 respective jurisdictions, the director of transportation is
4 authorized to and the counties by ordinance may prohibit or
5 restrict the stopping, standing, or parking of vehicles where
6 the stopping, standing, or parking is dangerous to those using
7 the highway or where the stopping, standing, or parking of
8 vehicles would interfere unduly with the free movement of
9 traffic; provided that the violation of any law or any
10 ordinance, regardless of whether established under this or any
11 other section, prohibiting or restricting the stopping,
12 standing, or parking of vehicles shall constitute a traffic
13 infraction. The counties shall not provide any other penalty,
14 civil or criminal, or any other charge, in the form of rental or
15 otherwise, in place of or in addition to the fine to be imposed
16 by the district court for any violation of any ordinance
17 prohibiting or restricting the stopping, standing, or parking of
18 vehicles.

19 This section shall not be construed as prohibiting the
20 authority of the director of transportation or the counties to
21 allow the stopping, standing, or parking of motor vehicles at a



1 "T-shaped" intersection on highways under their respective
2 jurisdictions; provided that such stopping, standing, or parking
3 of motor vehicles is not dangerous to those using the highway or
4 where the stopping, standing, or parking of motor vehicles would
5 not unduly interfere with the free movement of traffic.

6 The appropriate police department and county or prosecuting
7 attorney of the various counties shall enforce any law or
8 ordinance prohibiting or restricting the stopping, standing, or
9 parking of vehicles, including but not limited to the issuance
10 of parking tickets. Any person committing a violation of any
11 law or ordinance, regardless of whether established under this
12 or any other section, prohibiting or restricting the stopping,
13 standing, or parking of vehicles shall be subject to a fine to
14 be enforced and collected by the district courts of this State
15 and to be deposited into the state general fund for state use.

16 (b) The director of transportation, the counties, and
17 owners of private highways, with the consent of the county
18 official responsible for traffic control with respect to
19 highways under their respective jurisdictions shall place signs
20 or curb markings [~~which~~] that are clearly visible to an
21 ordinarily observant person prohibiting or restricting the



1 stopping, standing, or parking of vehicles on the highway. Such
2 signs or curb markings shall be official signs and markings and
3 no person shall stop, stand, or park any vehicle in violation of
4 the restrictions stated on such signs or markings.

5 (c) Any person committing a violation of any law
6 prohibiting or restricting the stopping, standing, or parking of
7 vehicles on state highways shall be charged, in addition to any
8 other applicable penalties and fines, a state highway
9 enforcement program surcharge of \$200 to be enforced and
10 collected by the district courts and to be deposited into the
11 state highway fund; provided that fifty per cent of each
12 surcharge collected shall be disbursed to the police department
13 of the county in which the violation occurred."

14 SECTION 4. The department of transportation shall adopt
15 rules pursuant to chapter 91, Hawaii Revised Statutes, to carry
16 out the purposes of this Act.

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



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2019.



Report Title:

State Highway Enforcement Program; Parking Violation Surcharge

Description:

Establishes the State Highway Enforcement Program. Establishes a parking violation surcharge to be imposed by courts in addition to other penalties and fines for parking violations on State highways. (HB333 CD1)

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