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# 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. The surcharge shall be deposited into the state  
12 highway enforcement program fund. A percentage of the surcharge  
13 shall be distributed to the department of transportation for  
14 administrative costs of the program and parking management-  
15 related improvements, while the remaining balance shall be  
16 distributed to the respective police departments of the county  
17 from which the surcharge was collected and shall be used to  
18 enforce laws and ordinances pertaining to illegal parking on  
19 state highways.



1 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
2 amended by adding two new sections to part XI to be  
3 appropriately designated and to read as follows:

4 "§291C-A State highway enforcement program; establishment;  
5 annual reports. (a) There is established the state highway  
6 enforcement program within the department of transportation for  
7 administrative purposes. The purpose of the state highway  
8 enforcement program is to enable the State and counties, in  
9 consultation with the director of transportation, to:

10 (1) Enforce violations for illegal parking under section  
11 291C-111(c); and

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

13 (b) Implementation of the state highway enforcement  
14 program shall include partnering with law enforcement, other  
15 state departments, other county agencies, and community groups  
16 to increase health and safety along state highways.

17 (c) The director of transportation shall submit an annual  
18 report to the legislature on the status and progress of the  
19 state highway enforcement program, including an update of all  
20 moneys deposited into and expended from the state highway  
21 enforcement program fund, no later than twenty days prior to the



1 convening of each regular session. The report shall also  
2 include county expenditures pursuant to section 291C-B.

3 §291C-B State highway enforcement program fund;  
4 establishment. (a) There is established in the state treasury  
5 the state highway enforcement program fund, into which shall be  
6 deposited the state highway enforcement program surcharges  
7 collected in accordance with section 291C-111(c).

8 (b) The state highway enforcement program fund moneys  
9 shall be allocated as follows:

10 (1) Twenty per cent to the department of transportation  
11 for:

12 (A) Administrative costs of the program; and

13 (B) Parking management-related improvements in  
14 consultation with the director of transportation;  
15 and

16 (2) Eighty per cent to the counties to enable the  
17 counties, in consultation with the director of  
18 transportation, to enforce illegal parking violations  
19 under section 291C-111(c).

20 (c) Funds allocated to the counties pursuant to subsection

21 (b) (2) shall be deposited into special accounts dedicated to



1 each county and shall be distributed to each county based on the  
2 amounts collected by each county."

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

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



1 prohibiting or restricting the stopping, standing, or parking of  
2 vehicles.

3 This section shall not be construed as prohibiting the  
4 authority of the director of transportation or the counties to  
5 allow the stopping, standing, or parking of motor vehicles at a  
6 "T-shaped" intersection on highways under their respective  
7 jurisdictions; provided that such stopping, standing, or parking  
8 of motor vehicles is not dangerous to those using the highway or  
9 where the stopping, standing, or parking of motor vehicles would  
10 not unduly interfere with the free movement of traffic.

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



1 (b) The director of transportation, the counties, and  
2 owners of private highways, with the consent of the county  
3 official responsible for traffic control with respect to  
4 highways under their respective jurisdictions shall place signs  
5 or curb markings [~~which~~] that are clearly visible to an  
6 ordinarily observant person prohibiting or restricting the  
7 stopping, standing, or parking of vehicles on the highway. Such  
8 signs or curb markings shall be official signs and markings and  
9 no person shall stop, stand, or park any vehicle in violation of  
10 the restrictions stated on such signs or markings.

11 (c) Any person committing a violation of any law  
12 prohibiting or restricting the stopping, standing, or parking of  
13 vehicles on state highways shall be charged, in addition to any  
14 other applicable penalties and fines, a state highway  
15 enforcement program surcharge of \$150 to be enforced and  
16 collected by the district courts and to be deposited into the  
17 state highway enforcement program fund established under section  
18 291C-B."

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



1 SECTION 5. In codifying the new sections added by section  
2 2 of this Act, the revisor of statutes shall substitute  
3 appropriate section numbers for the letters used in designating  
4 the new sections in this Act.

5 SECTION 6. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 7. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect on July 1, 2051.





**Report Title:**

State Highway Enforcement Program; Parking Violation Surcharge

**Description:**

Establishes the State Highway Enforcement Program and related fund within the Department of Transportation. Establishes a parking violation surcharge to be imposed by courts in addition to other penalties and fines for parking violations on State highways. Effective 7/1/2051. (SD1)

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

