

JAN 24 2019

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 state department of
14 transportation, highways division, and the 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, respectively.



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 an illegal parking surcharge to
9 existing penalties for violations of the statewide traffic code
10 that involve stopping, standing, or parking on state highways.
11 The surcharge shall be deposited into the state highway
12 enforcement program fund. A percentage of the surcharge shall
13 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 illegal parking laws and ordinances.

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



1 "§291C-A State highway enforcement program; establishment;
2 annual reports. (a) There is established the state highway
3 enforcement program within the department of transportation for
4 administrative purposes. The purpose of the state highway
5 enforcement program is to enable the State and counties, in
6 consultation with the director of transportation, to:

7 (1) Enforce illegal parking violations under section 291C-
8 111(c); and

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

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

14 (c) The director of transportation shall submit an annual
15 report to the legislature on the status and progress of the
16 state highway enforcement program, including an update of all
17 moneys deposited into and expended from the state highway
18 enforcement program fund, no later than twenty days prior to the
19 convening of each regular session. The report shall also
20 include county expenditures pursuant to section 291C-B.



1 §291C-B State highway enforcement program fund;
2 establishment. (a) There is established in the state treasury
3 the state highway enforcement program fund, into which shall be
4 deposited the state highway enforcement program surcharges
5 collected in accordance with section 291C-111(c).
6 (b) The state highway enforcement program fund moneys
7 shall be allocated as follows:
8 (1) Twenty per cent to the department of transportation
9 for:
10 (A) Administrative costs of the program; and
11 (B) Parking management-related improvements in
12 consultation with the director of transportation;
13 and
14 (2) Eighty per cent to the counties to enable the
15 counties, in consultation with the director of
16 transportation, to enforce illegal parking violations
17 under section 291C-111(c).
18 (c) Funds allocated to the counties pursuant to subsection
19 (b) (2) shall be deposited into special accounts dedicated to
20 each county and shall be distributed to each county based on the
21 amounts collected by each county."



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

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



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

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

19 (b) The director of transportation, the counties, and
20 owners of private highways, with the consent of the county
21 official responsible for traffic control with respect to



1 highways under their respective jurisdictions shall place signs
 2 or curb markings which are clearly visible to an ordinarily
 3 observant person prohibiting or restricting the stopping,
 4 standing, or parking of vehicles on the highway. Such signs or
 5 curb markings shall be official signs and markings and no person
 6 shall stop, stand, or park any vehicle in violation of the
 7 restrictions stated on such signs or markings.

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

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

19 SECTION 5. In codifying the new sections added by section
 20 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 6. 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 7. New statutory material is underscored.

7 SECTION 8. This Act shall take effect on July 1, 2019.

8

INTRODUCED BY: *M. D. W.*

By Request



S.B. NO. 1076

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.

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

