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February 26, 2019
2:05 P.M.
State Capitol, Room 325

H.B. 788, H.D.1
RELATING TO THE STATEWIDE TRAFFIC CODE.

House Committee on Judiciary

The Department of Transportation (DOT) **supports** H.B. 788, H.D.1.

This bill requires police officers to cite persons who operate a motor vehicle without a current, valid registration emblem and current, valid inspection sticker.

DOT believes that passing this bill will contribute to highway safety by helping to ensure that vehicles that are used on the public roads are legal and have met the requirements of the State's safety inspection program.

Thank you for the opportunity to provide testimony.

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February 26, 2019

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 788, H.D. 1, Relating to the Statewide Traffic Code

I am Andre Peters, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 788, H.D. 1, Relating to the Statewide Traffic Code. For years, individuals have purposely not registered their vehicles knowing that if they received a citation, it would be dismissed in court because they are not the registered owner on file. This legislation would close the loophole that only registered owners can be held liable for not updating their vehicles. It clearly defines that anyone who operates a vehicle within the state must have a current tax and safety inspection emblems. Currently, the system is able to print the license plate or vehicle identification number on the tax and safety emblems, which eliminates the excuse that the operator did not know the vehicle that they were operating was not registered. It puts sole responsibility on the operator to ensure that the emblems are current before driving within the state.

The only concern we have with the original bill and this amended version is the language on line 11 where it states that the law enforcement officer "shall" issue a citation to any person that violates this section. The HPD believes that it should read "may" to give officers the discretion whether to cite the person or not.

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and Members
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The HPD urges you to support House Bill No. 788, H.D. 1, Relating to the
Statewide Traffic Code.

Thank you for the opportunity to testify.

Sincerely,



Andre Peters, Acting Captain
Traffic Division

APPROVED:



Susan Ballard
Chief of Police

LATE

HB-788-HD-1

Submitted on: 2/26/2019 11:35:57 AM

Testimony for JUD on 2/26/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Lotsof	Individual	Oppose	Yes

Comments:

H.R.S. §286-25 already provides that the operator of a motor vehicle is prohibited from operating a motor vehicle without the required inspection sticker. This proposal is different only in that it requires a police officer mandatorily to issue a citation every time he or she observes a vehicle without one.

There can be only one reason for this change: To silence any argument that there is bias against the poor and the undocumented. The person writing the citation always can answer such criticism by explaining he or she was deprived of any discretion to overlook a violation, no matter how trivial, like having an inspection that expired one day earlier.

The proposed statute would not restrict a judge from dismissing such a citation, such as where the motorist had borrowed a vehicle for one brief occasion at night, and couldn't be expected to check the inspection sticker.

A measure like this would be expected in a place like Arizona. In Hawaii, it is repulsive that such a measure somehow ever got introduced.