

Honolulu, Hawaii

FEB 18 , 2022

RE: H.B. No. 1448
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1448 entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC FINES,"

begs leave to report as follows:

The purpose of this measure is to enable the counties to impose and collect fines for violations of the state traffic laws, in addition to the fines imposed by the State.

Your Committee received testimony in support of this measure from one member of the Kaua'i County Council, one member of the Hawai'i County Council, and Hawai'i State Association of Counties. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Hawaii Transportation Association, and Honolulu County Republican Party. Your Committee received comments on this measure from the Judiciary and Tax Foundation of Hawaii.

Your Committee finds that although the counties and county police enforce traffic violations, the fines collected are deposited into the state general fund for state use. This fine structure does not allow the counties to recoup the costs incurred for enforcing traffic laws, including costs related to detecting violations, issuing citations, and making arrests as well as equipment, personnel, and administrative costs. The purpose of



this measure is to better support the county police departments in enforcing traffic laws.

Your Committee has amended this measure by deleting language that authorized the counties to impose, by ordinance, additional fines for violations of the state traffic laws, in addition to the fines imposed by the State, and instead imposing a County Highway Enforcement Surcharge, in addition to other penalties and fines, for violations of laws prohibiting or restricting the stopping, standing, or parking of vehicles on county highways to be distributed to the police department of the county in which the violation occurred. Your Committee has further amended this measure by:

- (1) Authorizing each county to:
 - (A) Establish a County Highway Enforcement Program within each county police department to enforce laws prohibiting or restricting the stopping, standing, or parking of vehicles on county highways and provide for parking management-related improvements;
 - (B) Designate, by ordinance, specific sections of county highways subject to the County Highway Enforcement Surcharge and require the counties to transmit a copy of the ordinance to the Judiciary each year; and
 - (C) Establish a County Highway Enforcement Program Fund within the County Highway Enforcement Program for the deposit of the County Highway Enforcement Surcharge and related penalties;
- (2) Requiring each county director of finance to submit an annual report to the Legislature and respective county council or city council on the status and progress of the County Highway Enforcement Program, including an update of all monies deposited into and expended from the County Highway Enforcement Program Fund;
- (3) Requiring the Director of Finance to annually remit the counties' share, if any, of penalties collected for outstanding citations and judgments arising out of



violations of laws prohibiting or restricting the stopping, standing, or parking of vehicles on county highways; and

- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1448, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1448, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



