



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 1, 2022
3:00 P.M.
State Capitol, Teleconference

S.B. 377
RELATING TO TRAFFIC VIOLATIONS

Senate Committee on Transportation

The Department of Transportation (DOT) **supports** S.B. 377, which increases all fines for traffic violations relating to the operation or ownership of a vehicle by twenty percent.

The DOT supports efforts to reduce motor vehicle fatalities and serious injuries on Hawaii's roadways. We also support Hawaii's Vision Zero Policy which establishes a goal of zero traffic fatalities or serious injuries.

From 2017 through 2021, there were 511 motor vehicle fatalities in Hawaii. The breakdown by year are as follows: 2017 (107 fatalities), 2018 (117 fatalities), 2019 (108 fatalities), 2020 (85 fatalities) and 2021 (94 fatalities).

The vast majority of these senseless deaths could have been prevented if all drivers obeyed traffic laws.

Thank you for the opportunity to provide testimony.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Transportation**

February 1, 2022

S.B. No. 377: RELATING TO TRAFFIC VIOLATIONS

Chair Lee, Vice Chair Inouye, and Members of the Committee:

The Office of the Public Defender strongly opposes the changes proposed by S.B. 377.

Our office has seen firsthand how traffic fines can disrupt the lives of otherwise law-abiding residents. When money is tight, a resident may have to choose between paying the rent or paying several hundred dollars to register their vehicle. With a lapsed registration, the resident is also unable to update their safety check, even if their car is in perfectly working order. This resident still needs to be able to get to work, often to more than one job, and take their children to school while they save up the money to pay for the registration, the safety check, and the late fees that will attach. While driving to work one day, the resident is pulled over due to their expired stickers, and suddenly they find themselves with a citation for another couple hundred of dollars, which they are also unable to pay. Thirty days later, the fine is sent to a collection agency on the mainland, and a stopper is placed on to the resident’s license. As long as the stopper is in place, the resident will be unable to legally register their car to themselves. In practical terms, this often means that the resident will continue to pick up similar citations while they are saving up to pay the first citation. This resident could save up money for months to pay off their delinquent registration, safety check, and court fines, only to discover that they do not have the money to cover the interest charged by the collection agency. Finally, the resident’s driver’s license expires, and the next time that they are pulled over for expired stickers, they receive a citation for the criminal (not civil) offense of Driving Without a Valid License (“DWOL”).

This is the story that our District Court attorneys hear time and time again during intake interviews with our clients. By the time clients reach us, it is too late for us to give them the advice that might have helped them avoid falling into this situation. A first-time offense for DWOL offense will cost \$137, including fines and fees, and

a second offense costs \$337. It is common practice in District Court to allow unrepresented individuals to plead guilty to these charges at the initial court appearance. It is not until their third offense, when the severity of the charge is upgraded to a misdemeanor, that these individuals are referred to our office for representation. Under this bill, they would now face increased mandatory minimum fines without ever receiving legal advice at a prior setting

The vast majority of our DWOL clients have no other non-traffic charges. If it were not for their financial difficulties, these clients would never have to risk having a damaging criminal conviction on their records. With each additional DWOL charge, the fines grow higher, and the chances of those clients being able to claw their way back into the black grow dimmer. A third offense will now cost \$562 with court fees, and judges have no discretion to lower that amount based on an individual's financial circumstances. Even a straight conversion to community service work is not practicable for our clients who work one or more jobs. Community service worksites are limited in many areas, and they have been in even shorter supply due to health and safety precautions during the COVID-19 pandemic.

The timing of this bill is particularly cruel given the ongoing challenges our poorest residents face in the coming years. We live in the State with the lowest minimum wage when adjusted for our high cost of living. Prices in stores are getting higher, property rents are astronomical, and federal economic support is ending despite the ongoing pandemic-related disruptions to our daily lives. Now is certainly not the time to enact legislation that will impose an even greater financial burden on those who can least afford it.

Thank you for the opportunity to comment on S.B. 377.

SB-377

Submitted on: 1/31/2022 1:42:29 PM

Testimony for TRS on 2/1/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
JC Sterbentz	Individual	Support	No

Comments:

Traffic violations lead to many harms to our communities. I support increasing the fines.