

ACT 48

H. B. 152.

A Bill for an Act Relating to Highway Safety and Amending Act 214, Session Laws of Hawaii 1967, and Certain Chapters in Revised Laws of Hawaii 1955.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The Highway Safety Act of 1966 was passed by Congress and enacted into law on September 9, 1966. Title I of the Act provided for the establishment of a highway safety program in each state and provided that each program shall be developed in accordance with uniform standards promulgated by the Secretary of Commerce. Title I also provided that no funds appropriated under the Act would be apportioned after December 31, 1968, to any state which is not implementing a highway safety program approved by the Secretary and that any federal-aid highway funds apportioned on or after January 1, 1969, to any state which is not implementing a highway safety program approved by the Secretary by that time shall be reduced by ten per cent.

Although the Hawaii Highway Safety Act forms the foundation for the Hawaii highway safety program, amendment of that Act is urgently required: (1) so that the State's highway safety program will meet the program standards issued by the Secretary of Transportation and the State may, prior to December 31, 1968, actively implement a highway safety program developed

in accordance with the standards; (2) to improve state progress towards the goal of increased highway safety; and (3) to make harmonizing and clarifying amendments to Act 214, Session Laws of Hawaii 1967, and the Revised Laws of Hawaii 1955.

SECTION 2. Section 2 of Act 214, Session Laws of Hawaii 1967, is amended in the following respects:

(a) Section 2 of the new chapter added thereunder is amended by amending the definition of "Chauffeur" to read as follows:

"'Chauffeur' means every person who drives a motor vehicle while in use as a public or common carrier of persons or property."

(b) Section 8 of the new chapter added thereunder is amended by adding at the end a new paragraph to read as follows:

"Any person conducting construction, maintenance, surveying, or other work on or adjacent to any public street or highway or any street where traffic regulations are imposed by state or county authority who violates the rules and regulations governing the use of traffic control devices at such work sites shall, in addition to any other penalty imposed by law, be fined not more than \$1,000 or imprisoned not more than one year, or both."

(c) Sections 26 to 28 of the new chapter added thereunder are amended to read as follows:

Sec. -26. Permits to operate official inspection stations.

(a) Each county, through its legislative body, shall designate a county department, referred to in this section and sections -27 and -28 as 'the department', whose responsibility shall include the issuance of permits for and the furnishing of instructions and all forms to official inspection stations within the respective county. The stations shall operate in the manner directed by the department pursuant to standards established by the state highway safety coordinator.

(b) Application for an official inspection station permit shall be made upon an official form and shall be granted only when the department is satisfied that the station is properly equipped and has competent personnel to make the required inspections. Before issuing a permit, the department shall require the applicant to file a bond in the amount of \$2,000 assuring that he will make compensation for any damage to a vehicle during an inspection due to negligence on his part or that of his employees; provided that the bond need not be filed by an applicant who shall inspect only vehicles owned by the applicant.

(c) A permit for an official station shall not be assigned or transferred or used at any location other than that designated by the department and every said permit shall be posted in a conspicuous place at the location so designated.

Sec. -27. Suspension or revocation of permits. The department shall supervise and cause inspections to be made of official inspection stations and shall suspend or revoke and require the surrender of the permit issued to a station which he finds is not properly conducting inspections. The

department shall maintain and post at its office lists of all stations holding permits and those whose permits have been suspended or revoked.

Sec. -28. Improper representation as official inspection station. Any person who shall in any manner represent that the business operated at any location is an official inspection station without a permit issued by the department under section -26, or any person other than a person operating an inspection station under a permit granted by the department who issues a certificate of inspection shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

(d) Section 96 of the new chapter added thereunder is amended by adding at the end of paragraphs (1) and (2) a sentence to read as follows:

"For the purposes of meeting the requirements of this paragraph, a required device must meet the specifications and requirements established by rules and regulations adopted by the state highway safety coordinator."

(e) Part VIII of the new chapter added thereunder is amended to read as follows:

**"PART VIII.
TRAFFIC RECORDS**

Sec. -180. State-wide traffic records system. (a) There is established a state-wide traffic records system. The state highway safety coordinator shall be responsible for the administration and operation of the system and for this purpose shall adopt necessary rules and regulations pursuant to Chapter 6C.

(b) The state-wide traffic records system shall include all traffic records of the violation bureaus of the district courts, the circuit courts, the police departments, the county treasurers, the department of health and the department of education.

Sec. -181. Furnishing of information. Subject to authorization granted by the chief justice with respect to the traffic records of the violations bureaus of the district courts and of the circuit courts, the state highway safety coordinator shall furnish information contained in the state-wide traffic records system (1) with respect to any individual only in response to a request from a state, a political subdivision of a state or a federal department or agency, or other persons as is provided by rules and regulations adopted by the coordinator pursuant to Chapter 6C or (2) with respect to data and without identification of any individual only for research purposes the coordinator deems to be necessary and advisable."

SECTION 3. Section 137 of the new chapter established by Act 214, Session Laws of Hawaii 1967, and as amended by section 13 therein, is amended in the following respects:

(a) By adding at the end of subsection (a) two items to read as follows:

"(32) Operating a motorcycle or motor scooter while carrying as a passenger or permitting to ride thereon a person under the age of seven years 0 to 2.

(33) Failure to report to the district court for a review of driving record or failure to attend required driver retraining course . . . 0 to 2.”

(b) By adding at the end two subsections to be designated and to read as follows:

“(m) Upon determination and order by a district magistrate that a person has accumulated six points within a twelve-month period, the licensee shall report in person for a review of his driving record with the magistrate as directed by the magistrate if the licensee is present in court. If the licensee is not present in court when the district magistrate makes a determination and order that the licensee has accumulated six points within a twelve-month period and is directed to report in person for a review of his driving record, then the clerk of the district court shall notify the licensee in writing by certified mail, return receipt requested, to addressee only, that the licensee is directed to report in person, within fifteen days after receipt of the notice to report, for a review of his driving record with the magistrate. At the review, the magistrate may order a licensee who has accumulated six points within a twelve-month period to attend a course of instruction in driver retraining by a designated driver instructor or driver training school. Any person who fails to report in person for a review of his driving record with the magistrate as required by this subsection or who fails to attend a course of instruction in driver retraining pursuant to the order of the magistrate as required by this subsection shall be fined not more than \$100 or imprisoned not more than thirty days, or both.

(n) At the end of the period for which a person’s operator’s or chauffeur’s license has been suspended under this part when the person’s license is reinstated, all points assessed against the person, except for six, shall be set aside.”

SECTION 4. Section 20 of Act 214, Session Laws of Hawaii 1967, is amended by amending the new section in chapter 311 to read as follows:

“**Sec. 311. Riders and passengers under seven years of age on motorcycles and motor scooters prohibited; penalty.** It shall be unlawful for any operator of a motorcycle or motor scooter to carry as a passenger or to permit to ride thereon any person under the age of seven years. A motorcycle or motor scooter operator who violates this section shall be fined not more than \$200.”

SECTION 5. Section 120 of the new chapter, established by Act 214, Session Laws of Hawaii 1967, is amended so that the third and fourth sentences read as follows:

“Each application for an instruction permit shall be accompanied by a fee to be determined by the board of supervisors or council of each county and each application for an operator’s or chauffeur’s license shall be accompanied by the fee, unless the applicant has already paid the fee upon application for an instruction permit in the same county, in which event no fee shall be chargeable. An additional fee to be determined by the board of supervi-

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sors or council of each county shall be charged and collected upon the issuance of an operator's or chauffeur's license."

SECTION 6. This Act shall take effect upon its approval.

(Approved May 8, 1968.)