

A Bill for an Act Relating to the State Highway Enforcement Program.

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

SECTION 1. The legislature finds that there are many areas along state highways that are unsafe and hazardous due to illegally parked vehicles blocking traffic lanes.

The legislature further finds that many of the State's popular scenic areas that draw thousands of daily visitors are seeing an increase in illegally parked vehicles along nearby state highways, causing traffic gridlock and drawing community complaints. Some of these popular scenic areas are serviced by a two-lane state highway and are in areas where state highway widening is not possible due to the lack of public right-of-way and topographic, environmental, or cultural resource limitations.

The legislature further finds that the department of transportation, highways division, and department of public safety, law enforcement division, do not have sufficient staff to enforce parking violations and patrol remote portions of each island where many of the parking violations occur.

The legislature further finds that while county police departments play a vital role in enforcing parking violations on state highways, these departments have limited resources and issuing parking citations on a state highway for violations stemming from visitor attractions on state lands has not been a priority.

The purpose of this Act is to establish the state highway enforcement program, which adds a surcharge for illegal parking to existing penalties for violations of the statewide traffic code that involve stopping, standing, or parking on state highways. Fifty per cent of the surcharge shall be deposited into the state highway fund, while the remaining balance shall be distributed to the respective police departments of the county from which the surcharge was collected and shall be used to enforce laws and ordinances pertaining to illegal parking on state highways.

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to part XI to be appropriately designated and to read as follows:

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

- (1) Enforce violations for illegal parking under section 291C-111(c); and
- (2) Provide for parking management-related improvements.

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

(c) The director of transportation shall submit an annual report to the legislature on the status and progress of the state highway enforcement program, including an update of all moneys deposited into and expended from the state highway fund, on behalf of the state highway enforcement program no later than twenty days prior to the convening of each regular session.”

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

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

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

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

(b) The director of transportation, the counties, and owners of private highways, with the consent of the county official responsible for traffic control with respect to highways under their respective jurisdictions shall place signs or curb markings ~~[which]~~ that are clearly visible to an ordinarily observant person prohibiting or restricting the stopping, standing, or parking of vehicles on the highway. Such signs or curb markings shall be official signs and markings and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs or markings.

(c) Any person committing a violation of any law prohibiting or restricting the stopping, standing, or parking of vehicles on state highways shall be charged, in addition to any other applicable penalties and fines, a state highway enforcement program surcharge of \$200 to be enforced and collected by the district courts and to be deposited into the state highway fund; provided that fifty per cent of each surcharge collected shall be disbursed to the police department of the county in which the violation occurred.”

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

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on July 1, 2019.
(Approved July 5, 2019.)

Note

1. Edited pursuant to HRS §23G-16.5.