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TO THE HOUSE COMMITTEE ON TRANSPORTATION

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Wednesday, February 4, 2009
8:30 a.m.

TESTIMONY ON HOUSE BILL NO. 758 – RELATING TO IMPOUNDMENT OF VEHICLES.

TO THE HONORABLE JOSEPH SOUKI, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is J.P. Schmidt, State Insurance Commissioner (“Commissioner”), testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”).

The purpose of this bill is to allow the impoundment of vehicles that fail to comply with: (1) provisions of the Hawaii Highway Safety Act, Hawaii Revised Statutes (“HRS”) chapter 286 (sections 2 to 4 of the bill); and (2) HRS § 431:10C-104 (section 5 of the bill). The Department limits its comments to section 5 of the bill.

The Department supports the intent of this bill, which is to address the problem of uninsured motorists.

Section 5 of the bill allows the County Director of Finance or any police officer to seize and hold an uninsured vehicle for 10 days, based on the failure to display a valid motor vehicle insurance identification card. During the 10-day period, the owner may redeem the vehicle by paying the costs of storage and other charges and by proving that a valid motor vehicle insurance policy has been obtained. After the 10-day period

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has expired, the vehicle may be sold by the Director of Finance at public auction, where public notice is provided and is posted in at least three public places.

There are various means to address the uninsured motorists problem that are worthy of further discussion, including software solutions that help identify uninsured motorists.

We thank this Committee for the opportunity to present testimony on this matter.

From: Michael Freitas [mikefaloha@yahoo.com]
Sent: Tuesday, February 03, 2009 10:59 AM
To: TRNtestimony
Subject: HB758

Michael Freitas
To: House Transportation Committee
For: February 4, 2008 0830
HB758

Good morning. My name is Michael Freitas and I am testifying in favor of HB758

For far to long we have allowed people to break the law without serious consequences. The passage of HB758 will enable our police department to enforce a law that makes sense. Where is the logic of ticketing someone for not having proof of insurance on their vehicle and then letting them drive away?

The State is dealing with Hi-ways that are congested with vehicles. Before spending millions of dollars to add lanes to our roads or to build toll roads, shouldn't we be looking at simpler solution to relieve traffic congestion? I believe that by passing and enforcing this law we could remove fifteen to twenty percent of the vehicle presently on the roads.

The police could enforce this law the same way they remove cars from the roads now. Different towing companies have tow zones that they are responsible for.

I would also recommend that this bill be amended to remove the three strikes rule. The vehicle should be impounded upon the first recorded violation. I do not believe the police officers at the scene have the required resources to determine prior violations.

Many states have already passed this type of legislation. It's time we did.

Remember "driving is not a right, it's a privilege"

Michael Freitas

From: Dennis Freitas [HawnHog@hawaii.rr.com]
Sent: Monday, February 02, 2009 7:54 PM
To: TRNtestimony
Subject: Testimony in FAVOR of HB758

From: Dennis Freitas; Concerned Citizen; 45-656 Ha'amaile Street, Kaneohe, Hawaii 96744; 808 - 754-1954

Re: In favor of HB758, RELATING TO MOTORVEHICLE; IMPOUND; SEIZURE; INSURANCE; SAFETY CHECK; LICENSE, being heard on 2-04-09 at 8:30 am in conference room 309.

Testimony: My name is Dennis Freitas. I represent myself and the concerned citizens of Hawaii. We fully support this bill which will make Hawaii's roads safer for all vehicle operators.

HB758 will remove vehicles that are deemed to be illegal and/or unsafe to be operated on the roadways of Hawaii. However, as written the law must be violated **three** (3) times or **more** (?) before a vehicle is impounded. The Bill is too generous. It is our opinion that "three strikes" is too lenient and only allows greater risk than is necessary to the general public.

We ask that the following amendment is made to HB758: **When a vehicle is stopped for whatever reason and a current drivers license, proof of registration, proof of insurance or a valid safety sticker is not present the vehicle shall be impounded immediately.**

We ask for your full support to make the streets of Hawaii safer from scofflaws.

On behalf of myself and all road users, I ask the Committee to vote in favor of SB1048 with the amendment as specified above.