

A BILL FOR AN ACT

RELATING TO TRAFFIC INFRACTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 TRANSMITTAL OF UNCONTESTED TRAFFIC FINES

6 AND FORFEITURES TO COUNTIES

7 § -1 Definitions. For purposes of this chapter, unless
8 the context clearly requires otherwise:

9 "Traffic infraction" means the same as defined under
10 section 291D-2.

11 "Uncontested traffic infraction" means a traffic infraction
12 for which the person noticed under section 291D-5 does not
13 contest the infraction. A person "does not contest" an
14 infraction if, in accordance with section 291D-6(b)(1), the
15 person admits the commission of the infraction without
16 requesting a hearing to explain mitigating circumstances and
17 pays or remits bail forfeiture by mail within thirty days.



1 § -2 Transmittal of fines and forfeitures. (a) The
2 state director of finance shall transmit to each county not more
3 than thirty days after the end of each fiscal quarter per
4 cent of all the fines and forfeitures collected for uncontested
5 traffic infractions committed in that county that are in excess
6 of amounts required by the State to pay the administrative costs
7 of the traffic violations bureau.

8 (b) Subsection (a) shall not apply to fines and
9 forfeitures:

- 10 (1) For violations that occur on state off-street parking
11 facilities, parks, airports, and harbors that are
12 subject to enforcement by the State; or
13 (2) That are required by law to be paid into a special,
14 revolving, or trust fund.

15 No county shall be entitled to any portion of the fines and
16 forfeitures described in this subsection."

17 SECTION 2. Section 291C-171, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) All fines and forfeitures collected upon conviction
20 or upon the forfeiture of bail of any person charged with a
21 violation of any section or provision of the state traffic laws
22 and all assessments collected relating to the commission of



1 traffic infractions shall be paid to the state director of
2 finance [~~of the State~~].

3 The judiciary shall identify those uncontested traffic
4 infractions as defined in section -1. The disposition of
5 finest and forfeitures paid to the state director of finance
6 shall be subject to section -2."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2013.

INTRODUCED BY:

JAN 17 2013

By Request



H.B. NO. 214

Report Title:

Hawaii State Association of Counties Package; Uncontested Traffic Infractions; Transmittal of Fines and Forfeitures to Counties

Description:

Requires the state director of finance to transmit to the counties a percentage of fines and forfeitures collected for uncontested traffic infractions that are in excess of amounts required by the State for administrative costs of the traffic violations bureau.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON TRANSPORTATION
ON
HOUSE BILL NOS. 214 AND 590

January 30, 2013

RELATING TO TRAFFIC INFRACTIONS AND RELATING TO MOTOR VEHICLES

House Bill Nos. 214 and 590 both require the Director of Finance to transmit to the counties, 30 days after the end of each fiscal quarter, the proceeds from uncontested traffic infractions, as identified by the Judiciary.

House Bill No. 214 adds a new chapter to the Hawaii Revised Statutes (HRS) titled "Transmittal of Uncontested Traffic Fines and Forfeitures to Counties" and requires the Director of Finance to transmit to each county an unspecified percentage of all the proceeds from uncontested traffic infractions committed in that county that are in excess of the administrative costs of the Traffic Violations Bureau (TVB).

House Bill No. 590 adds a new section to the HRS and limits the proceeds from uncontested traffic infractions to those relating to the use of mobile electronic devices while operating a motor vehicle.

The Department of Budget and Finance opposes both measures because they would reduce general fund revenues. Furthermore, Judiciary, in testimony on House Bill No. 1749 from the 2012 Legislative Session, stated that determining the administrative costs of the TVB would be "extremely complex and the accounting to do this would be expensive and time consuming." While salaries for TVB positions are easily identifiable, traffic violation activities are also performed by District Court

personnel, court administrators and judges who are not solely dedicated to those functions alone. In addition to identifying and allocating those salary and fringe benefit costs, it would be necessary to identify and allocate support costs such as database management and maintenance, non-District Court support staff (information technology and fiscal operations) and other administrative costs.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE RYAN I. YAMANE, CHAIR
HOUSE TRANSPORTATION COMMITTEE
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

January 30, 2013

RE: H.B. 214; RELATING TO TRAFFIC INFRACTIONS.

Chair Yamane, Vice Chair Ichiyama, and members of the House Committee on Transportation, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of H.B. 214 that requires the State Director of Finance to transmit to the counties a percentage of fines and forfeitures collected for uncontested traffic infractions that are in excess of amounts required by the State for administrative costs of the traffic violations bureau.

The county police departments enforce the brunt of the State's traffic infractions and the county prosecuting attorney departments litigate these issues in court, thus, it would be fitting to have a percentage of fines and forfeitures collected for uncontested traffic infractions that are in excess of amounts required by the State for administrative costs of the traffic violations bureau to be allocated to the counties, which in turn can be appropriated to the law enforcement departments to strengthen essential services in public safety. For the following reasons, we support H.B. 214. Thank you for this opportunity to testify.

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i & City & County of Honolulu

January 28, 2013

TESTIMONY OF MEL RAPOZO
PRESIDENT, HAWAII STATE ASSOCIATION OF COUNTIES
ON

H.B. NO. 214, RELATING TO TRAFFIC INFRACTIONS

Committee on Transportation

Wednesday, January 30, 2013

10:00 A.M.

Conference Room 309

Dear Chair Yamane and Committee Members:

Thank you for this opportunity to submit testimony in strong support of H.B. No. 214, Relating to Traffic Infractions. My testimony is submitted in my capacity as President of the Hawai'i State Association of Counties (HSAC).

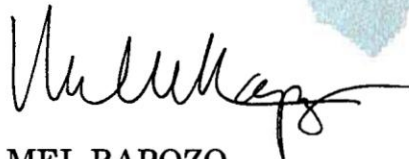
HSAC is in full support of H.B. No. 214, which transmits to each County, a portion of the fines and forfeitures collected for uncontested traffic infractions committed in that County.

Currently, the Counties are responsible for the enforcement of both the Statewide Traffic Code and County Traffic Ordinances; yet the fines and forfeitures accruing from violations are paid solely to the State. Uncontested traffic violations do not need to be handled by the State Courts; therefore, the burden on State-funded personnel and resources is minimized. Enactment of this bill would assist the Counties in offsetting the operational costs, involved with prosecuting violators and enforcing State and County traffic laws.

For the reason stated above, HSAC is in strong support of H.B. No. 214 and asks for your favorable support.

Again, thank you for this opportunity to submit testimony.

Sincerely,



MEL RAPOZO
President, HSAC

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i & City & County of
Honolulu

January 28, 2013
TESTIMONY OF STANLEY CHANG
SECRETARY, HAWAII STATE ASSOCIATION OF COUNTIES
On
H.B. No. 214, RELATING TRAFFIC INFRACTIONS
Committee on Transportation
Wednesday, January 30, 2013
10:00 a.m.
Conference Room 309

Dear Chair Yamane and Committee Members:

Thank you for allowing me the opportunity to submit testimony in support of H.B. 214 Relating to Traffic Infractions, which would transmit a portion of fines and forfeitures collected for uncontested traffic infractions to the County that they were committed in. I am submitting this testimony in my capacity as Secretary of the Hawaii State Association of Counties (HSAC) Executive Committee.

The Counties are responsible for the enforcement of both the State Traffic Code and their own County Traffic Ordinances, however, fines and forfeitures accruing from violations are paid solely to the State. Enactment of this bill would offset the Counties' operational costs resulting from enforcement of State and County traffic laws and prosecution of violators. Uncontested traffic violations do not go to State Courts, thus minimizing the burden on State personnel and resources.

For these reasons, we respectfully ask for your favorable passage of H.B. 214 Relating to Traffic Infractions and thank the Committee for allowing me to provide testimony.

Sincerely,



Stanley Chang
Secretary, HSAC

32



The Judiciary, State of Hawaii

Testimony to the House Committee on Transportation

Representative Ryan I. Yamane, Chair
Representative Linda Ichiyama, Vice Chair

Wednesday, January 30, 2103, 10:00 a.m.
State Capitol, Conference Room 309

by
Calvin Ching
Deputy Chief Court Administrator
District Court of the First Circuit

Bill No. and Title: House Bill No. 214, Relating to Traffic Infractions

Purpose: Requires the state director of finance to transmit to each county a percentage of all fines and forfeitures collected for uncontested traffic infractions committed in that county, with certain exceptions. Effective July 1, 2013.

Judiciary's Position:

The Judiciary takes no position as to the merits of this bill, but wishes to comment on certain operational and technical aspects. The Judiciary respectfully recommends that reference to paying the “administrative costs of the traffic violations bureau” be removed, and, should this bill move forward, a specific percentage to be transferred, as provided for in the bill, be established.

House Bill No. 214 states:

“...the state director of finance shall transmit to each county not more than thirty days after the end of each fiscal quarter _____ percent of all fines and forfeitures collected for uncontested traffic infractions committed in that county which are in excess of amounts required by the State to pay the administrative costs of the traffic violations bureau.” (page 2)



House Bill No.214, Relating to Traffic Infractions
House Committee on Transportation
January 30, 2013
Page 2

Essentially, determining the exact “administrative costs” incurred in operating the TVB in four different circuits would be extremely complex and the accounting to do this would be expensive and time consuming. As noted in the Legislative Reference Bureau’s report, “Stop, Go, Caution: the Feasibility of Transferring the Traffic Violations Bureau to the Counties, Report No. 4, 1996”:

“It is unclear exactly what costs are associated with operating and supporting the TVBs. While the Judiciary was able to supply the Bureau with figures as to the most recent fiscal year’s realizations, it is not set up to pull out all of the costs associated with running the system. It can pull up staff salaries, for example, but not benefits, nor can it isolate all the costs for support services.”

With respect to staff salaries, it is easy to identify the amounts for positions that are identified as dedicated to TVB positions; however, many of the District Court personnel, court administrators, and judges work in traffic violation activities but are not dedicated to those functions alone. With regard to support costs, they would include a large element of the Judiciary Information Management System (JIMS), the primary computer database for handling traffic offenses. In addition, there is the non-District Court “support staff” which plays an important role in TVB functions, such as JIMS staff, Information Technology and Communications Division staff, and fiscal officers.

Therefore, reference to the “administrative costs of the traffic violations bureau” should be removed and discussion limited to establishing a specific percentage to be transferred to the counties.

Thank you for the opportunity to comment on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK W. CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE KK-LC

January 30, 2013

The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamane and Members:

Subject: House Bill No. 214, Relating to Traffic Infractions

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 214, Relating to Traffic Infractions. Passage of this bill would require that the state director of finance provide a percentage of funds from uncontested traffic infractions to the counties that exceed the amounts that the State has to pay for administrative costs to the traffic violations bureau.

The majority of all citations are issued by the county police agencies and all of the fines and forfeitures are kept by the State. Some of these funds should be shared with the counties.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Kendro", is written over the word "Sincerely,".

KURT KENDRO, Major
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealohe", is written over the word "APPROVED:".

LOUIS M. KEALOHA
Chief of Police

DENNIS "FRESH" ONISHI
Council Member
District 3



PHONE: (808) 961-8396
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HAWAI'I COUNTY COUNCIL

25 Aupuni Street, Hilo, Hawai'i 96720

January 30, 2013

The Honorable Ryan I. Yamane, Chair
and Members of the House
Committee on Transportation
415 Beretania St.

Dear Chair Yamane and Committee Members,

In my capacity as vice president of the Hawai'i State Association of Counties I strongly support House Bill 214, Relating to Traffic Infractions, and I ask that your committee approves this bill.

House Bill 214 acknowledges the significant cost burden that the counties incur for enforcing both the Statewide Traffic Code and the County Traffic Ordinances. Under the current inequitable system the fines and forfeitures accruing from violations are paid solely to the State.

House Bill 214 proposes a reasonable solution: For uncontested traffic infractions, this bill transmits to the county in which the offense was committed a certain percentage of the fines and forfeitures in excess of the administrative cost.

The Hawai'i State Association of Counties fully supports House Bill 214. Thank you very much for the opportunity to provide testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Onishi", is written over a horizontal line.

Dennis "Fresh" Onishi
Vice President
Hawai'i State Association of Counties

Council Chair
Gladys C. Baisa

Vice-Chair
Robert Carroll

Council Members
Elle Cochran
Donald G. Couch, Jr.
Stacy Crivello
Don S. Guzman, Esq.
G. Riki Hekama
Michael P. Victorino
Mike White



Director of Council Services
David M. Rantz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

January 28, 2013

TO: The Honorable Ryan I. Yamane, Chair
House Committee on Transportation

FROM: Don Couch
Council Member, South Maui District

DATE: Wednesday, January 30, 2013

SUBJECT: **SUPPORT OF HB 214, RELATING TO TRAFFIC INFRACTIONS**

Thank you for the opportunity to testify in support of this measure. I provide this testimony as an individual member of the Maui County Council.

I support HB 214 for the reasons cited in testimony submitted by the HSAC President, and urge you to support this measure.

Council Chair
Gladys C. Baisa

Vice-Chair
Robert Carroll

Council Members
Elle Cochran
Donald G. Couch, Jr.
Stacy Crivello
Don S. Guzman
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
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www.mauicounty.gov/council

January 28, 2013

TO: The Honorable Ryan I. Yamane, Chair
House Committee on Transportation

FROM: Michael P. Victorino, Treasurer
Hawaii State Association of Counties

SUBJECT: **HEARING OF JANUARY 30, 2013; TESTIMONY IN SUPPORT OF HB 214,
RELATING TO TRAFFIC INFRACTIONS**

A handwritten signature in black ink, appearing to read "Michael P. Victorino", is written over the "FROM:" line of the letterhead.

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to require the State Director of Finance to transmit to the counties a percentage of fines and forfeitures collected for uncontested traffic infractions that are in excess of amounts required by the State for administrative costs of the traffic violations bureau.

I am aware that the President of the Hawaii State Association of Counties ("HSAC") has submitted testimony, on behalf of HSAC, in support of this measure, which is in the HSAC Legislative Package. As the Treasurer of HSAC, I concur with the testimony submitted by the President, and urge you to support this measure.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



COUNTY COUNCIL

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www.mauicounty.gov/council

Director of Council Services
Ken Fukuoka

January 29, 2013

TO: Honorable Ryan I. Yamane, Chair
House Committee on Transportation

FROM: Robert Carroll
Council Member, East Maui

A handwritten signature in black ink that reads "Robert Carroll".

DATE: Hearing date January 30, 2013

SUBJECT: **SUPPORT HB 214, RELATING TO TRAFFIC INFRACTIONS**

I support HB 214 for the reasons cited in testimony submitted by the Hawaii State Association of Counties President, and urge you to support this measure.

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

EMBER LEE SHINN
MANAGING DIRECTOR DESIGNATE

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

TESTIMONY OF KIRK CALDWELL, MAYOR
CITY AND COUNTY OF HONOLULU
BEFORE THE HOUSE
COMMITTEE ON TRANSPORTATION
Wednesday, January 30, 2013, 10:00 a.m., Conference Room 309

To: The Honorable Ryan I. Yamane, Chair
Members of the Committee on Transportation

The City & County of Honolulu **strongly supports of House Bill 214, “Relating to Traffic Infractions”**.

House Bill 214 proposes to require the state director of finance to transmit to the counties a percentage of fines and forfeitures collected for uncontested traffic infractions that are in excess of amounts required by the State for administrative costs of the traffic violations bureau.

The intent of this bill is to provide equity to the City & County of Honolulu, specifically the Honolulu Police Department (HPD), which expends its own resources through monitoring and enforcement; these activities ultimately produce the uncontested fines and forfeitures. Historically, these uncontested fines and forfeitures are kept by the State of Hawaii. The proposed transmittal of a percentage of these fines and forfeitures will help the county and the police department to maintain its service to the public.

Mahalo for this opportunity to testify on bill. Should you have any questions or concerns, please feel free to contact me at 768-4141.