

JAN 20 2017

A BILL FOR AN ACT

RELATING TO STATEWIDE INTEROPERABLE PUBLIC SAFETY
COMMUNICATIONS.

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

1 SECTION 1. The Oklahoma City bombing, the attacks of
2 September 11, 2001, Hurricane Katrina in 2005, and other
3 subsequent terrorist and natural disasters have repeatedly
4 exposed the communications challenges faced by first responders
5 in communicating with each other. These challenges to robust
6 and sustainable interoperable public safety communications
7 include a lack of essential public safety communications staff,
8 existing staff are in disparate organizations or entities such
9 that a lack of coordination and cooperation among agencies is
10 the result, inadequate coordination in planning, lack of
11 policies and procedures, incompatible communications equipment
12 that may also be reaching the end of its useful life, equipment
13 and resources in multiple and disparate locations with
14 inconsistent or non-existent intra-agency or intra-entity
15 coordination, and limitations on funding. To deal with
16 interoperable communications issues, Congress passed Title XVIII



1 of the Homeland Security Act of 2002, as amended, which requires
2 the United States Department of Homeland Security, Office of
3 Emergency Communications, to develop and update a national
4 emergency communications plan to ensure that emergency
5 responders at all levels of government and disciplines have
6 interoperable communications by identifying capabilities and
7 initiatives and setting strategic goals and national objectives.
8 To help states improve state and local interoperability
9 communications, homeland security grants for communication
10 interoperability initiatives require each state to establish a
11 statewide communication interoperability plan that includes
12 annual updates.

13 The legislature finds that as a matter of policy, all
14 efforts should be made to ensure that all county and state
15 public safety agencies have interoperable communications and
16 engage in coordinated planning, equipment purchases, and
17 infrastructure development. To achieve statewide
18 interoperability, all stakeholders must be involved in the
19 collaboration and development of shared objectives and
20 strategies.



1 The purpose of this Act is to establish a statewide
2 governance system that includes an interoperability executive
3 board to set the overarching policy, guidance, and direction for
4 statewide interoperable public safety communications. It is the
5 intent of the legislature to create a statewide governance board
6 with this Act and that the statewide governance board shall make
7 recommendations to the legislature for improvements and local
8 governance structures that will coordinate with the statewide
9 governance board.

10 The legislature further finds that the greatest obstacle to
11 interoperability is the absence of human resources and funding
12 and that while state and county public safety agencies have
13 received money from various federal grants including state
14 homeland security grants, public safety interoperable
15 communications grants, interoperable emergency communications
16 grants, and interoperable communications technical assistance
17 program, all of which have helped Hawaii public safety agencies,
18 the legislature and county councils struggle with identifying a
19 coordinating mechanism to explore what types of human resources
20 are needed and what are the ongoing funding obligations to
21 maintain or expand communications systems.



- 1 (b) The members of the statewide interoperability
2 executive board shall consist of:
- 3 (1) The adjutant general, or designee, who shall serve as
4 the chair of the board;
- 5 (2) The attorney general, or designee, who shall serve as
6 the co-chair of the board;
- 7 (3) The deputy director of law enforcement of the
8 department of public safety, or designee;
- 9 (4) The director of transportation, or designee;
- 10 (5) The chairperson of the board of land and natural
11 resources, or designee;
- 12 (6) The director of health, or designee;
- 13 (7) The comptroller, or designee;
- 14 (8) The chief information officer of the office of
15 enterprise technology services, or designee; provided
16 that the designee shall be a decision maker and
17 knowledgeable with public safety communications;
- 18 (9) The mayor of each county, or designee; provided that
19 the position of the designee shall be no lower than
20 that of the managing director or the chief of staff;



- 1 (10) The chair of the Hawaii Fire Chiefs Association, or
2 designee;
- 3 (11) One chief of police, or designee, who shall be
4 selected by all chiefs of police in Hawaii;
- 5 (12) The chairperson of the enhanced 9-1-1 board, or
6 designee;
- 7 (13) The chairperson of the 700 MHz Regional Planning
8 Committee, or designee;
- 9 (14) One senator appointed by the president of the senate
10 with an interest in public safety communications; and
- 11 (15) One representative appointed by the speaker of the
12 house of representatives with an interest in public
13 safety communications.

14 For purposes of this subsection, each designee shall have the
15 authority to act on behalf of the member identified for
16 membership.

17 (c) Members of the board shall receive no compensation but
18 shall be reimbursed for travel and other reasonable and
19 necessary expenses incurred in carrying out their duties
20 relating to the board.



1 (d) Persons holding public office or employment in the
2 state government, or any political subdivision thereof, shall be
3 eligible for appointment to the board.

4 **§128A- Duties of the state interoperability executive**
5 **board.** (a) The state interoperability executive board shall

6 have the following duties:

7 (1) Develop, annually update, and monitor implementation
8 of the statewide communication interoperability plan
9 that shall be designed to achieve statewide
10 interoperable public safety communications;

11 (2) Establish, develop, and recommend policies and
12 strategies to improve public safety communications
13 interoperability among state and county public safety
14 agencies and, where possible, federal agencies;

15 (3) Develop standards, plans, and policies to encourage
16 and foster consistent design and development of public
17 safety communications infrastructure and systems;

18 (4) Where appropriate, recommend changes and improvements
19 to existing public safety communications
20 infrastructure and governance as required or



- 1 appropriate for implementation of interoperability
2 plans;
- 3 (5) Develop recommendations for legislation to promote
4 statewide public safety communications
5 interoperability and governance at the state and
6 county levels;
- 7 (6) Develop recommendations for state and county policies
8 to promote statewide public safety communications
9 interoperability;
- 10 (7) Coordinate state and county activities relating to
11 obtaining, implementing, and using federal grants for
12 support and coordination of public safety
13 interoperable communications systems, resources,
14 staffing, infrastructure, equipment, and training;
- 15 (8) Conduct and submit an annual update of the
16 interoperability plan to the United States Department
17 of Homeland Security, Office of Emergency
18 Communications, or its successor, aligning the update
19 with standards established in the national emergency
20 communications plan by the federal office;



1 (9) Coordinate statewide interoperability activities among
2 state and county agencies, and, as appropriate,
3 federal agencies;

4 (10) Advise the governor, the chief information officer,
5 and the legislature on the implementation of the
6 interoperability plan;

7 (11) Submit a report to the legislature no later than
8 twenty days prior to the convening of each regular
9 session on the status of the interoperability plan and
10 the activities of the board; and

11 (12) Adopt rules necessary to carry out the board's duties
12 and powers; provided that chapter 91 shall not apply
13 to rules of the board.

14 **§128A- Statewide interoperability coordinator. (a)**

15 There shall be a statewide interoperability coordinator to serve
16 as the central coordination point for the Hawaii statewide
17 communication interoperability plan and, through coordination
18 and collaboration with agencies and entities in the homeland
19 security and emergency response communities, the implementation
20 of the interoperability plan.



1 (b) The statewide interoperability coordinator shall have
2 the following duties:

3 (1) Assist the state interoperability executive board in
4 coordinating and collaborating with state and county
5 responders and public safety communications providers
6 in conducting and submitting annual updates to the
7 statewide communications interoperability plan and
8 other communications related documents;

9 (2) Ensure that the state and county interoperability
10 plans align with and support local and national
11 communications strategies;

12 (3) Identify funding opportunities for planned
13 interoperability improvements and coordinate efforts
14 to acquire funding;

15 (4) Engage stakeholders in coordinating and developing
16 strategic interoperability plans;

17 (5) Serve as a member of the National Council of Statewide
18 Interoperability Coordinators;

19 (6) Represent the State and the state interoperability
20 executive council in local, regional, and national
21 efforts to plan and implement changes required to



1 ensure communications operability, interoperability,
2 and continuity of communications for emergency
3 responders in Hawaii;

4 (7) Perform an analysis of the current status of
5 communications resources, where they exist, the
6 responsible agency or entity, and policies and
7 procedures currently in place and provide the
8 information to the board for development of a state
9 and county public safety interoperable communications
10 strategy;

11 (8) If the statewide interoperability coordinator is not
12 the first responder network authority state point of
13 contact, the statewide interoperability coordinator
14 shall coordinate with the State's point of contact for
15 all activities related to the nationwide public safety
16 broadband network, also referred to as FirstNet;

17 (9) Review and approve homeland security grant
18 applications, in coordination with the homeland
19 security administrator, wherein public safety
20 communications equipment is requested, pursuant to
21 grant guidance; and



1 (10) Perform other duties as necessary and as required by
2 the adjutant general.

3 **§128A- Statewide interoperable public safety**

4 **communications trust fund.** (a) There is created in the state
5 treasury the statewide interoperable public safety
6 communications trust fund, hereinafter referred to as the "fund"
7 into which shall be deposited all money received through
8 appropriations, grants, fees, charges, and any surcharges as
9 required by law.

10 (b) The fund shall be administered by the department of
11 defense. The department shall maintain accounting records of
12 fund moneys, including subsidiary records of individual deposits
13 and disbursements thereof as may be necessary. Money in the
14 fund may be separated into subsidiary accounts; provided that
15 one subsidiary account shall not be commingled with money from
16 another account.

17 (c) Disbursements from the fund shall be used by the state
18 interoperability executive board for the following purposes:

19 (1) Expenses arising in connection with the state
20 interoperability executive board for meetings;



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1 (2) Travel and other reasonable and necessary expenses
2 incurred by members in carrying out their duties
3 relating to the board; and

4 (3) Payment of supplemental sums to state and county
5 public safety agencies for communications equipment,
6 projects, infrastructure, and training consistent
7 with, in accordance with, and in furtherance of, the
8 goals, objectives, and plans of the board.

9 (d) The department shall submit an annual report to the
10 legislature no later than twenty days prior to the convening of
11 each regular session on the transactions, by subsidiary account,
12 that took place in the fund in the prior fiscal year."

13 SECTION 3. Chapter 103D, Hawaii Revised Statutes is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§103D- Public safety procurements; approval of
17 statewide interoperability coordinator required.

18 Notwithstanding any of the provisions of this chapter, all
19 procurement for construction, goods, services, and professional
20 services relating to the construction, establishment,
21 development, maintenance, use, or support of public safety



1 communications infrastructure, equipment, and systems shall
2 require the approval of the statewide interoperability
3 coordinator in accordance with, and in furtherance of, the
4 goals, objectives, and plans of the state interoperability
5 executive board."

6 SECTION 4. Section 291-2, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§291-2 Reckless driving of vehicle or riding of animals;**
9 **penalty.** Whoever operates any vehicle or rides any animal
10 recklessly in disregard of the safety of persons or property is
11 guilty of reckless driving of vehicle or reckless riding of an
12 animal, as appropriate, and shall be fined not more than \$1,000
13 or imprisoned not more than thirty days, or both~~[-]~~, and shall
14 be subject to a surcharge of \$500; provided that the surcharge
15 shall be deposited into the statewide interoperable public
16 safety communications trust fund."

17 SECTION 5. Section 291-3.1, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) Any person violating this section shall be fined not
20 more than \$2,000 or imprisoned not more than thirty days, or
21 both~~[-]~~, and shall be subject to a surcharge of \$1,000; provided



1 that the surcharge shall be deposited into the statewide
2 interoperable public safety communications trust fund."

3 SECTION 6. Section 291-3.2, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) Any person violating this section shall be guilty of
6 a petty misdemeanor~~[-]~~ and shall be subject to a surcharge of
7 \$250; provided that the surcharge shall be deposited into the
8 statewide interoperable public safety communications trust
9 fund."

10 SECTION 7. Section 291-3.3, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) Any person violating this section shall be guilty of
13 a violation~~[-]~~ and shall be subject to a surcharge of \$100;
14 provided that the surcharge shall be deposited into the
15 statewide interoperable public safety communications trust
16 fund."

17 SECTION 8. Section 291-4.6, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) Any person convicted of violating this section shall
20 be sentenced as follows:



1 (1) For a first offense, or any offense not preceded
2 within a five-year period by a conviction under this
3 section:

4 (A) A term of imprisonment at least three consecutive
5 days but not more than thirty days;

6 (B) A fine not less than \$250 but not more than
7 \$1,000; [~~and~~]

8 (C) A surcharge of \$250 which shall be deposited into
9 the statewide interoperable public safety
10 communications trust fund; and

11 [~~(C)~~] (D) License suspension or denial shall continue until
12 written authorization of compliance is issued by
13 the child support enforcement agency, the office
14 of child support hearings, or the family court;
15 and

16 (2) For an offense which occurs within five years of a
17 prior conviction under this section:

18 (A) Thirty days' imprisonment;

19 (B) A fine of \$1,000; [~~and~~]



1 (C) A surcharge of \$1,000 which shall be deposited
2 into the statewide interoperable public safety
3 communications trust fund; and

4 [~~C~~] (D) License suspension or denial shall continue until
5 written authorization of compliance pursuant to
6 section 576D-13 [~~+~~]is[~~+~~] issued by the child
7 support enforcement agency, the office of child
8 support hearings, or the family court."

9 SECTION 9. Section 291-10, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§291-10 Penalty.** Any person violating any of the
12 provisions of sections 291-8 and 291-9 shall be fined not less
13 than \$5 nor more than \$150[~~-~~] and shall be subject to a
14 surcharge of \$100; provided that the surcharge shall be
15 deposited into the statewide interoperable public safety
16 communications trust fund."

17 SECTION 10. Section 291-11, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) A motorcycle or motor scooter driver who violates
20 this section shall be fined not more than \$200[~~-~~] and shall be
21 subject to a surcharge of \$100; provided that the surcharge



1 shall be deposited into the statewide interoperable public
2 safety communications trust fund."

3 SECTION 11. Section 291-11.5, Hawaii Revised Statutes, is
4 amended by amending subsection (e) to read as follows:

5 "(e) Violation of this section shall be considered an
6 offense as defined under section 701-107(5) and shall subject
7 the violator to the following penalties:

8 (1) For a first conviction, the person shall:

9 (A) Be fined not more than \$100;

10 (B) Be required by the court to attend a child
11 passenger restraint system safety class conducted
12 by the division of driver education; provided
13 that:

14 (i) The class may include video conferences as
15 determined by the administrator of the
16 division of driver education as an
17 alternative method of education; and

18 (ii) The class shall not exceed four hours;

19 (C) Pay a \$50 driver education assessment as provided
20 in section 286G-3;



- 1 (D) Pay a \$10 surcharge to be deposited into the
2 neurotrauma special fund; [~~and~~]
- 3 (E) Pay up to a \$10 surcharge to be deposited into
4 the trauma system special fund if the court so
5 orders; and
- 6 (F) Pay a surcharge of \$50 to be deposited into the
7 statewide interoperable public safety
8 communications trust fund;
- 9 (2) For a conviction of a second offense committed within
10 three years of any other conviction under this
11 section, the person shall:
- 12 (A) Be fined not less than \$100 but not more than
13 \$200;
- 14 (B) Be required by the court to attend a child
15 passenger restraint system safety class not to
16 exceed four hours in length conducted by the
17 division of driver education if the person has
18 not previously attended such a class;
- 19 (C) Pay a \$50 driver education assessment as provided
20 in section 286G-3 if the person has not
21 previously attended a child passenger restraint



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1 system safety class conducted by the division of
2 driver education;

3 (D) Pay a \$10 surcharge to be deposited into the
4 neurotrauma special fund; ~~and~~

5 (E) Pay up to a \$10 surcharge to be deposited into
6 the trauma system special fund if the court so
7 orders; and

8 (F) Pay a surcharge of \$100 to be deposited into the
9 statewide interoperable public safety
10 communications trust fund;

11 (3) For a conviction of a third or subsequent offense
12 committed within three years of any other conviction
13 under this section, the person shall:

14 (A) Be fined not less than \$200 but not more than
15 \$500;

16 (B) Be required by the court to attend a child
17 passenger restraint system safety class not to
18 exceed four hours in length conducted by the
19 division of driver education if the person has
20 not previously attended such a class;



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1 (C) Pay a \$50 driver education assessment as provided
2 in section 286G-3 if the person has not
3 previously attended a child passenger restraint
4 system safety class conducted by the division of
5 driver education;

6 (D) Pay a \$10 surcharge to be deposited into the
7 neurotrauma special fund; [~~and~~]

8 (E) Pay up to a \$10 surcharge to be deposited into
9 the trauma system special fund if the court so
10 orders[~~-~~]; and

11 (F) Pay a surcharge of \$200 to be deposited into the
12 statewide interoperable public safety
13 communications trust fund."

14 SECTION 12. Section 291-11.6, Hawaii Revised Statutes, is
15 amended by amending subsection (e) to read as follows:

16 "(e) A person who fails to comply with the requirements of
17 this section [~~shall~~]:

18 (1) Shall be subject to a fine of \$45 for each
19 violation[~~-~~];



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1 (2) Shall be subject to a surcharge of \$10 which shall be
2 deposited into the statewide interoperable public
3 safety communications trust fund;

4 (3) Shall be subject to a surcharge of \$10 which shall be
5 deposited into the neurotrauma special fund[~~and~~
6 may]; and

7 (4) May be subject to a surcharge of up to \$10 which shall
8 be deposited into the trauma system special fund."

9 SECTION 13. Section 291-12, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§291-12 Inattention to driving.** Whoever operates any
12 vehicle negligently as to cause a collision with, or injury or
13 damage to, as the case may be, any person, vehicle or other
14 property shall be fined not more than \$500 or imprisoned not
15 more than thirty days, or both, and may be subject to a
16 surcharge of up to \$100, which shall be deposited into the
17 trauma system special fund[~~and shall be subject to a~~
18 surcharge of \$100 which shall be deposited into the statewide
19 interoperable public safety communications trust fund."

20 SECTION 14. Section 291-14, Hawaii Revised Statutes, is
21 amended by amending subsection (d) to read as follows:



1 "(d) Any person who violates this section shall be subject
2 to a fine of \$25 for each violation[+] and a surcharge of \$25
3 shall be imposed, in addition to other penalties, which shall be
4 deposited into the statewide interoperable public safety
5 communications trust fund; provided that any person who violates
6 subsection (c) shall be subject to a fine of \$50 for each
7 separate violation[-] and a surcharge of \$50 shall be imposed,
8 in addition to other penalties, which shall be deposited into
9 the statewide interoperable public safety communications trust
10 fund."

11 SECTION 15. Section 291-17, Hawaii Revised Statutes, is
12 amended by amending subsection (d) to read as follows:

13 "(d) Any person who is convicted of violating subsection
14 (a) shall be fined not more than \$2,750 in addition to the
15 driving disqualification of section 286-240(e) [-] and a
16 surcharge of \$1,000 shall be imposed, in addition to other
17 penalties, which shall be deposited into the statewide
18 interoperable public safety communications trust fund."

19 SECTION 16. Section 291C-12, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§291C-12 Accidents involving death or serious bodily**
2 **injury.** (a) The driver of any vehicle involved in an accident
3 resulting in serious bodily injury to or death of any person
4 shall immediately stop the vehicle at the scene of the accident
5 or as close thereto as possible but shall then forthwith return
6 to and in every event shall remain at the scene of the accident
7 until the driver has fulfilled the requirements of section 291C-
8 14. Every such stop shall be made without obstructing traffic
9 more than is necessary.

10 (b) Any person who violates subsection (a) shall be guilty
11 of a class B felony.

12 (c) The license or permit to drive and any nonresident
13 operating privilege of the person so convicted shall be revoked.

14 (d) For any violation under this section, a surcharge of
15 \$500 shall be imposed, in addition to any other penalties, and
16 shall be deposited into the neurotrauma special fund.

17 (e) For any violation under this section, a surcharge of
18 up to \$500 may be imposed, in addition to other penalties, which
19 shall be deposited into the trauma system special fund.

20 (f) For any violation under this section, a surcharge of
21 \$500 shall be imposed, in addition to other penalties, which



1 shall be deposited into the statewide interoperable public
2 safety communications trust fund."

3 SECTION 17. Section 291C-12.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§291C-12.5 Accidents involving substantial bodily injury.**

6 (a) The driver of any vehicle involved in an accident resulting
7 in substantial bodily injury to any person shall immediately
8 stop the vehicle at the scene of the accident or as close
9 thereto as possible but shall then forthwith return to and in
10 every event shall remain at the scene of the accident until the
11 driver has fulfilled the requirements of section 291C-14. Every
12 such stop shall be made without obstructing traffic more than is
13 necessary.

14 (b) Any person who violates subsection (a) shall be guilty
15 of a class C felony.

16 (c) For any violation under this section, a surcharge of
17 \$250 shall be imposed, in addition to any other penalties, and
18 shall be deposited into the neurotrauma special fund.

19 (d) For any violation under this section, a surcharge of
20 up to \$250 may be imposed, in addition to other penalties, which
21 shall be deposited into the trauma system special fund.



1 (e) For any violation under this section, a surcharge of
2 \$250 shall be imposed, in addition to other penalties, which
3 shall be deposited into the statewide interoperable public
4 safety communications trust fund."

5 SECTION 18. Section 291C-12.6, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§291C-12.6 Accidents involving bodily injury.** (a) The
8 driver of any vehicle involved in an accident resulting in
9 bodily injury to any person shall immediately stop the vehicle
10 at the scene of the accident or as close thereto as possible but
11 shall then forthwith return to and in every event shall remain
12 at the scene of the accident until the driver has fulfilled the
13 requirements of section 291C-14. Every such stop shall be made
14 without obstructing traffic more than is necessary.

15 (b) Any person who violates subsection (a) shall be guilty
16 of a misdemeanor.

17 (c) For any violation under this section, a surcharge of
18 \$100 shall be imposed, in addition to any other penalties, and
19 shall be deposited into the neurotrauma special fund.



1 (d) For any violation under this section, a surcharge of
2 up to \$100 may be imposed, in addition to other penalties, which
3 shall be deposited into the trauma system special fund.

4 (e) For any violation under this section, a surcharge of
5 \$100 shall be imposed, in addition to other penalties, which
6 shall be deposited into the statewide interoperable public
7 safety communications trust fund."

8 SECTION 19. Section 291C-13, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§291C-13 Accidents involving damage to vehicle or**
11 **property.** The driver of any vehicle involved in an accident
12 resulting only in damage to a vehicle or other property that is
13 driven or attended by any person shall immediately stop such
14 vehicle at the scene of the accident or as close thereto as
15 possible, but shall forthwith return to, and in every event
16 shall remain at, the scene of the accident until the driver has
17 fulfilled the requirements of section 291C-14. Every such stop
18 shall be made without obstructing traffic more than is
19 necessary. For any violation under this section, a surcharge of
20 up to \$100 may be imposed, in addition to other penalties, which
21 shall be deposited into the trauma system special fund. For any



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1 violation under this section, a surcharge of \$100 shall be
2 imposed, in addition to other penalties, which shall be
3 deposited into the statewide interoperable public safety
4 communications trust fund."

5 SECTION 20. Section 291C-14, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§291C-14 Duty to give information and render aid. (a)**

8 The driver of any vehicle involved in an accident resulting in
9 injury to or death of any person or damage to any vehicle or
10 other property which is driven or attended by any person shall
11 give the driver's name, address, and the registration number of
12 the vehicle the driver is driving, and shall upon request and if
13 available exhibit the driver's license or permit to drive to any
14 person injured in the accident or to the driver or occupant of
15 or person attending any vehicle or other property damaged in the
16 accident and shall give such information and upon request
17 exhibit such license or permit to any police officer at the
18 scene of the accident or who is investigating the accident and
19 shall render to any person injured in the accident reasonable
20 assistance, including the carrying, or the making of
21 arrangements for the carrying, of the person to a physician,



1 surgeon, or hospital for medical or surgical treatment if it is
2 apparent that such treatment is necessary, or if such carrying
3 is requested by the injured person; provided that if the vehicle
4 involved in the accident is a bicycle, the driver of the bicycle
5 need not exhibit a license or permit to drive.

6 (b) In the event that none of the persons specified is in
7 condition to receive the information to which they otherwise
8 would be entitled under subsection (a), and no police officer is
9 present, the driver of any vehicle involved in the accident
10 after fulfilling all other requirements of section 291C-12,
11 291C-12.5, or 291C-12.6, and subsection (a) of this section,
12 insofar as possible on the driver's part to be performed, shall
13 forthwith report the accident to the nearest police officer and
14 submit thereto the information specified in subsection (a).

15 (c) For any violation under this section, a surcharge of
16 up to \$100 may be imposed, in addition to other penalties, which
17 shall be deposited into the trauma system special fund.

18 (d) For any violation under this section, a surcharge of
19 \$100 shall be imposed, in addition to other penalties, which
20 shall be deposited into the statewide interoperable public
21 safety communications trust fund."



1 SECTION 21. Section 291C-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291C-15 Duty upon striking unattended vehicle or other**
4 **property.** The driver of any vehicle which collides with or is
5 involved in an accident with any vehicle or other property which
6 is unattended resulting in any damage to the other vehicle or
7 property shall immediately stop and shall then and there either
8 locate and notify the operator or owner of such vehicle or other
9 property of the driver's name, address, and the registration
10 number of the vehicle the driver is driving or shall attach
11 securely in a conspicuous place in or on such vehicle or other
12 property a written notice giving the driver's name, address, and
13 the registration number of the vehicle the driver is driving and
14 shall without unnecessary delay notify the nearest police
15 office. Every such stop shall be made without obstructing
16 traffic more than is necessary. For any violation under this
17 section, a surcharge of up to \$100 may be imposed, in addition
18 to other penalties, which shall be deposited into the trauma
19 system special fund. For any violation under this section, a
20 surcharge of \$100 shall be imposed, in addition to other



1 penalties, which shall be deposited into the statewide
2 interoperable public safety communications trust fund."

3 SECTION 22. Section 291C-16, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§291C-16 Immediate notice of accident.** (a) The driver
6 of a vehicle involved in an accident resulting in injury or
7 death of any person or total damage to all property to an
8 apparent extent of \$3,000 or more shall immediately by the
9 quickest means of communication give notice of the accident to
10 the nearest police office. If sent to the site of the accident,
11 a responding police officer shall file a written report if it
12 appears at the time that the accident has resulted in the injury
13 or death of any person, or total damage to all property to an
14 apparent extent of \$3,000 or more.

15 (b) Whenever the driver of a vehicle is physically
16 incapable of giving an immediate notice of an accident as
17 required in subsection (a) and there was another occupant in the
18 vehicle at the time of the accident capable of doing so, such
19 occupant shall make or cause to be given the notice not given by
20 the driver.



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1 (c) For any violation under this section, a surcharge of
2 up to \$100 may be imposed, in addition to other penalties, which
3 shall be deposited into the trauma system special fund.

4 (d) For any violation under this section, a surcharge of
5 \$100 shall be imposed, in addition to other penalties, which
6 shall be deposited into the statewide interoperable public
7 safety communications trust fund."

8 SECTION 23. Section 291C-72, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) Every person who violates this section shall be
11 subject to the following penalties:

12 (1) For a first infraction, or any infraction not preceded
13 within one year by a prior violation of this section,
14 a fine of \$150[+] and a surcharge of \$150 shall be
15 imposed, in addition to other penalties, which shall
16 be deposited into the statewide interoperable public
17 safety communications trust fund;

18 (2) For an infraction that occurs within one year of a
19 prior violation of this section, a fine of \$300 [~~and~~],
20 revocation of the person's driver's license and
21 privilege to operate a vehicle for a period of ninety



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1 days[~~7~~], and a surcharge of \$300 shall be imposed, in
2 addition to other penalties, which shall be deposited
3 into the statewide interoperable public safety
4 communications trust fund; and

- 5 (3) For an infraction that occurs within two years of two
6 prior violations of this section, and for the fourth
7 and each additional infraction of this section,
8 regardless of when committed, a fine of \$1,000, [~~and~~]
9 revocation of the person's driver's license and
10 privilege to operate a vehicle for a period of one
11 hundred eighty days[~~7~~], and a surcharge of \$1,000
12 shall be imposed, in addition to other penalties,
13 which shall be deposited into the statewide
14 interoperable public safety communications trust
15 fund."

16 SECTION 24. Section 291C-73, Hawaii Revised Statutes, is
17 amended by amending subsection (e) to read as follows:

18 "(e) Every person who violates this section shall be fined
19 \$100[~~7~~] and a surcharge of \$100 shall be imposed, in addition to
20 other penalties, which shall be deposited into the statewide
21 interoperable public safety communications trust fund."



1 SECTION 25. Section 291C-95, Hawaii Revised Statutes, is
2 amended by amending subsection (h) to read as follows:

3 "(h) Any person who violates this section shall be fined
4 not more than \$500 or sentenced to perform community service, or
5 both~~[-]~~ and a surcharge of \$500 shall be imposed, in addition to
6 other penalties, which shall be deposited into the statewide
7 interoperable public safety communications trust fund."

8 SECTION 26. Section 291C-102, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§291C-102 Noncompliance with speed limit prohibited.** (a)

11 A person violates this section if the person drives:

12 (1) A motor vehicle at a speed greater than the maximum
13 speed limit other than provided in section 291C-105;

14 or

15 (2) A motor vehicle at a speed less than the minimum speed
16 limit,

17 where the maximum or minimum speed limit is established by
18 county ordinance or by official signs placed by the director of
19 transportation on highways under the director's jurisdiction.

20 (b) If the maximum speed limit is exceeded by more than
21 ten miles per hour, a surcharge of \$10 shall be imposed, in



1 addition to any other penalties, and shall be deposited into the
2 neurotrauma special fund.

3 (c) For any violation under this section, a surcharge of
4 \$10 shall be imposed, in addition to other penalties, which
5 shall be deposited into the statewide interoperable public
6 safety communications trust fund."

7 SECTION 27. Section 291C-103, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§291C-103 Racing on highways.** (a) Except as provided in
10 section 291C-149, no person shall drive any vehicle in any race,
11 speed competition or contest, drag race or acceleration contest,
12 test of physical endurance, exhibition of speed or acceleration,
13 or for the purpose of making a speed record, and no person shall
14 in any manner participate in any race, competition, contest,
15 test, or exhibition prohibited by this section.

16 (b) "Drag race" means the operation of two or more
17 vehicles from a point side by side at accelerating speeds in a
18 competitive attempt to outdistance each other, or the operation
19 of one or more vehicles over a common selected course, from the
20 same point to the same point, for the purpose of comparing the



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1 relative speeds or power of acceleration of the vehicle or
2 vehicles within a certain distance or time limit.

3 (c) "Racing" means the use of one or more vehicles in an
4 attempt to outgain, outdistance, or prevent another vehicle from
5 passing, to arrive at a given destination ahead of another
6 vehicle or vehicles, or to test the physical stamina or
7 endurance of drivers over long distance driving routes.

8 (d) "Exhibition of speed or acceleration" means the sudden
9 acceleration of a vehicle resulting in the screeching of the
10 vehicle's tires which is done to intentionally draw the
11 attention of persons present toward the vehicle.

12 (e) Any person who violates this section, except
13 subsection (d), shall be fined not more than \$500 or imprisoned
14 not more than six months, or both. Any person who violates
15 subsection (d) shall be fined not more than \$500 or be sentenced
16 to perform community service, or both.

17 (f) Any person who violates this section while operating a
18 vehicle at a speed exceeding the posted speed limit by thirty
19 miles per hour or more shall be subject to a fine of not more
20 than \$2,000, a term of imprisonment of not more than one year,



1 or both; provided that the following additional penalties shall
2 also apply:

3 (1) For an offense that occurs within five years of a
4 prior conviction, a one-year license suspension;

5 (2) For an offense that occurs within five years of two
6 prior convictions:

7 (A) A three-year license suspension; and

8 (B) A vehicle owned by the defendant and used in the
9 commission of the offense which has been used in
10 at least two prior offenses that resulted in
11 convictions may be ordered by the court to be
12 subject to forfeiture under chapter 712A;

13 (3) For all offenses under this section, a surcharge of up
14 to \$100 may be deposited in the trauma system special
15 fund if the court so orders.

16 (g) For any violation under this section, a surcharge of
17 \$100 shall be imposed, in addition to other penalties, which
18 shall be deposited into the statewide interoperable public
19 safety communications trust fund."

20 SECTION 28. Section 291C-104, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



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1 "(c) Any person who violates this section [~~shall~~]:
2 (1) Shall be fined \$250[~~, may~~];
3 (2) Shall be subject to a surcharge of \$100, in addition
4 to other penalties, to be deposited into the statewide
5 interoperable public safety communications trust fund;
6 (3) May be [~~charged with~~] subject to a surcharge of up to
7 \$100 to be deposited into the trauma system special
8 fund[~~, and, where~~]; and
9 (4) Where the violation involves speeding in a school
10 zone, shall be [~~charged with~~] subject to a surcharge
11 of \$25 to be deposited into the safe routes to school
12 program special fund."

13 SECTION 29. Section 291C-115, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) Any person, entity, or police department violating
16 this section shall be fined \$100 for each application of a wheel
17 boot[~~-~~] and shall be subject to a surcharge of \$100, in addition
18 to other penalties, which shall be deposited into the statewide
19 interoperable public safety communications trust fund."

20 SECTION 30. Section 291C-161, Hawaii Revised Statutes, is
21 amended as follows:



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1 1. By amending subsection (b) to read:

2 "(b) Except as provided in subsections (c) and (d), every
3 person who is determined to have violated any provision of this
4 chapter for which another penalty is not provided shall be
5 fined:

6 (1) Not more than \$200 for a first violation thereof~~[+]~~
7 and required to pay a surcharge of \$200, in addition
8 to other penalties, which shall be deposited into the
9 statewide interoperable public safety communications
10 trust fund;

11 (2) Not more than \$300 for a second violation committed
12 within one year after the date of the first
13 violation~~[+]~~ and required to pay a surcharge of \$300,
14 in addition to other penalties, which shall be
15 deposited into the statewide interoperable public
16 safety communications trust fund; and

17 (3) Not more than \$500 for a third or subsequent violation
18 committed within one year after the date of the first
19 violation~~[+]~~ and required to pay a surcharge of \$500,
20 in addition to other penalties, which shall be



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1 deposited into the statewide interoperable public
2 safety communications trust fund."

3 2. By amending subsection (d) to read:

4 "(d) Every person who violates section 291C-13 or 291C-18
5 shall:

6 (1) Be fined not more than \$200 or imprisoned not more
7 than ten days for a first conviction thereof[+] and
8 pay a surcharge of \$200, in addition to other
9 penalties, which shall be deposited into the statewide
10 interoperable public safety communications trust fund;

11 (2) Be fined not more than \$300 or imprisoned not more
12 than twenty days or both for conviction of a second
13 offense committed within one year after the date of
14 the first offense[+] and pay a surcharge of \$300, in
15 addition to other penalties, which shall be deposited
16 into the statewide interoperable public safety
17 communications trust fund; and

18 (3) Be fined not more than \$500 or imprisoned not more
19 than six months or both for conviction of a third or
20 subsequent offense committed within one year after the
21 date of the first offense[-] and pay a surcharge of



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1 \$500, in addition to other penalties, which shall be
2 deposited into the statewide interoperable public
3 safety communications trust fund."

4 SECTION 31. This Act does not affect rights and duties
5 that matured, penalties that were incurred, and proceedings that
6 were begun before its effective date.

7 SECTION 32. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 33. This Act shall take effect on July 1, 2017.

10

INTRODUCED BY:

Rossy de Baker
Clerene W. Fisher



S.B. NO. 293

Report Title:

DOD; Executive Board; Public Safety Communications

Description:

Establishes a statewide interoperability executive board for public safety communications. Finances the board through surcharges on traffic violations.

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

