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## A BILL FOR AN ACT

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RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM.

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

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

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

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



1       The legislature further finds that while county police  
2 departments play a vital role in enforcing parking violations on  
3 state highways, these departments have limited resources and  
4 issuing parking citations on a state highway caused by visitor  
5 attractions on state lands has not been a priority.

6       The purpose of this Act is to authorize the director of  
7 transportation to add an illegal parking surcharge that shall be  
8 placed into a state special fund. A percentage of the subject  
9 funds shall be distributed to the department of transportation  
10 for administrative costs of the program and parking management-  
11 related improvements, while the remaining balance shall be  
12 distributed to the respective police departments of the county  
13 from which the surcharge was collected and shall be used to  
14 enforce illegal parking.

15       SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
16 amended by adding two new sections to part XI to be  
17 appropriately designated and to read as follows:

18       "§291C-A State highway enforcement program; establishment;  
19 annual reports. (a) There is established the state highway  
20 enforcement program within the department of transportation for  
21 administrative purposes. The purpose of the state highway



1 enforcement program is to enable the State and counties, in  
2 consultation with the director of transportation, to:

3 (1) Enforce illegal parking under section 291C-111(c); and

4 (2) Provide for parking management-related improvements.

5 (b) The state highway enforcement program fund moneys  
6 shall be allocated as follows:

7 (1) \_\_\_\_\_ per cent to the department of transportation  
8 for:

9 (A) Administrative costs of the program; and

10 (B) Parking management-related improvements in

11 consultation with the director of transportation;

12 and

13 (2) \_\_\_\_\_ per cent to enable the counties, in consultation  
14 with the director of transportation, to enforce  
15 illegal parking under section 291C-111(c).

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

20 (d) The director of transportation shall submit an annual  
21 report to the legislature on the status and progress of the



1 state highway enforcement program, including an update of all  
2 moneys deposited into and expended from the state highway  
3 enforcement program fund, no later than twenty days prior to the  
4 convening of each regular session. The report shall also  
5 include county expenditures pursuant to section 291C-B.

6 §291C-B State highway enforcement program fund;  
7 establishment. There is established in the state treasury the  
8 state highway enforcement program fund, into which shall be  
9 deposited the state highway enforcement program surcharges  
10 collected in accordance with section 291C-111(c). Moneys in the  
11 fund shall be distributed by the director of finance for deposit  
12 into special accounts dedicated for the respective police  
13 departments of the county from which the state highway  
14 enforcement program surcharge was collected; provided that the  
15 department of transportation shall be allocated a percentage of  
16 the state highway enforcement program fund moneys for  
17 administrative costs of the program and parking management-  
18 related improvements pursuant to section 291C-A(b)(1)."

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



1       "§291C-111 Noncompliance with stopping, standing, or  
2 parking requirements. (a) With respect to highways under their  
3 respective jurisdictions, the director of transportation is  
4 authorized to and the counties by ordinance may prohibit or  
5 restrict the stopping, standing, or parking of vehicles where  
6 the stopping, standing, or parking is dangerous to those using  
7 the highway or where the stopping, standing, or parking of  
8 vehicles would interfere unduly with the free movement of  
9 traffic; provided that the violation of any law or any  
10 ordinance, regardless of whether established under this or any  
11 other section, prohibiting or restricting the stopping,  
12 standing, or parking of vehicles shall constitute a traffic  
13 infraction. The counties shall not provide any other penalty,  
14 civil or criminal, or any other charge, in the form of rental or  
15 otherwise, in place of or in addition to the fine to be imposed  
16 by the district court for any violation of any ordinance  
17 prohibiting or restricting the stopping, standing, or parking of  
18 vehicles.

19       This section shall not be construed as prohibiting the  
20 authority of the director of transportation or the counties to  
21 allow the stopping, standing, or parking of motor vehicles at a



1 "T-shaped" intersection on highways under their respective  
2 jurisdictions; provided that such stopping, standing, or parking  
3 of motor vehicles is not dangerous to those using the highway or  
4 where the stopping, standing, or parking of motor vehicles would  
5 not unduly interfere with the free movement of traffic.

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

16 (b) The director of transportation, the counties, and  
17 owners of private highways, with the consent of the county  
18 official responsible for traffic control with respect to  
19 highways under their respective jurisdictions shall place signs  
20 or curb markings which are clearly visible to an ordinarily  
21 observant person prohibiting or restricting the stopping,



1 standing, or parking of vehicles on the highway. Such signs or  
2 curb markings shall be official signs and markings and no person  
3 shall stop, stand, or park any vehicle in violation of the  
4 restrictions stated on such signs or markings.

5 (c) The director of transportation may designate certain  
6 portions of state highways as surcharge eligible. Any person  
7 committing a violation of any law prohibiting or restricting the  
8 stopping, standing, or parking of vehicles on state highways in  
9 a surcharge eligible zone shall be charged, in addition to any  
10 penalties and fines, a state highway enforcement program  
11 surcharge of \$ to be enforced and collected by the  
12 district courts of this State and to be deposited into the state  
13 highway enforcement program fund established under section 291C-  
14 B. Signs restricting or prohibiting parking in surcharge  
15 eligible zones shall state the surcharge amount."

16 SECTION 4. The department of transportation shall adopt  
17 rules pursuant to chapter 91 to carry out the purposes of this  
18 Act.

19 SECTION 5. In codifying the new sections added by section  
20 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

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

6 SECTION 7. New statutory material is underscored.

7 SECTION 8. This Act shall take effect on July 1, 2018.

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JAN 22 2018





# H.B. NO. 2267

**Report Title:**

State Highway Enforcement Program

**Description:**

Establishes the State Highway Enforcement Program and related fund within the Department of Transportation. Establishes surcharge eligible zones for illegal parking in certain areas. Surcharge to be imposed by courts in addition to other penalties and fines.

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

