

JAN 20 2023

A BILL FOR AN ACT

RELATING TO TRAFFIC INFRACTIONS.

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

1 SECTION 1. The legislature finds that fines for speeding
2 generally serve the purpose of deterring such activities.
3 However, the legislature notes that flat fines, which apply to
4 any speeding driver, can be ineffective deterrents upon wealthy
5 offenders, since a person with access to monetary resources can
6 pay a flat fine with ease.

7 The legislature further finds that Finland utilizes a
8 scaled system for its traffic fines, in which the amount that an
9 offender must pay is based upon that offender's income, with
10 higher yearly incomes resulting in higher fines. The
11 legislature also notes that Finland's scaled system is
12 determined by fining offenders using a formula based upon
13 approximately half of their daily earnings, with that number
14 then being subject to multiplication based upon the severity of
15 the violation.

16 For example, if a person earns \$60,000 per year, then it
17 can be determined that the person makes approximately \$230 per



1 workday; the baseline fine for such a person would be \$115,
2 which is half of their earnings per workday. Further, Finland's
3 system would then multiply this baseline \$115 amount by a factor
4 of fifteen if the person was driving fifteen miles per hour over
5 the speed limit, with a maximum factor of one-hundred twenty for
6 the most egregious of violations.

7 The legislature additionally finds that implementation of a
8 scaled fine system in Hawai'i would require that the judiciary or
9 police departments obtain sufficient data on the incomes of
10 offenders. Further, the legislature finds that implementation
11 of a scaled fine system would require a mathematic equation or
12 other process by which an offender's fine is calculated in
13 relation to their income. The legislature further notes that
14 the feasibility of such a program should be explored.

15 Accordingly, the purpose of this Act is to establish and
16 fund a traffic fines task force, which shall examine the Finnish
17 traffic fines system, determine whether a similar system could
18 be implemented in Hawai'i, and provide recommendations as to how
19 such a system could best be implemented.

20 SECTION 2. (a) The judiciary shall convene a traffic
21 fines task force to study the system of proportional traffic



1 fines, which is used by Finland, determine the feasibility of
2 such a proportional traffic fines system or a similar system in
3 Hawaii, and make recommendations as to how proportional traffic
4 fines could be implemented in Hawaii. The task force shall
5 include the following members:

6 (1) The chief justice or the chief justice's designee, who
7 shall serve as chairperson;

8 (2) The attorney general or the attorney general's
9 designee;

10 (3) The director of taxation or the director's designee;

11 (4) The director of public safety or the director's
12 designee;

13 (5) Two members representing different county police
14 departments; and

15 (6) Any other member as assigned by the task force.

16 (b) The members of the task force shall not be compensated
17 for their services, but shall be reimbursed for necessary
18 expenses, including travel expenses, incurred for serving on the
19 task force. No member shall be made subject to chapter 84,
20 Hawaii Revised Statutes, solely because of the member's
21 participation in the task force.



1 (c) The task force, with the assistance of the judiciary,
2 shall submit a report of its findings and recommendations,
3 including any proposed legislation, to the legislature no later
4 than forty days prior to the convening of the regular session of
5 2024.

6 (d) The task force shall be dissolved on June 30, 2024.

7 SECTION 3. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$100,000 or so much
9 thereof as may be necessary for fiscal year 2023-2024 for the
10 establishment of a traffic fines task force, which shall examine
11 the Finnish traffic fines system, determine whether a similar
12 system could be implemented in Hawaii, and provide
13 recommendations as to how a system could best be implemented.

14 The sum appropriated shall be expended by the judiciary for
15 the purposes of this Act.

16 SECTION 4. This Act shall take effect upon its approval;
17 provided that section 3 of this Act shall take effect on July 1,
18 2023.

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INTRODUCED BY:





S.B. NO. 990

Report Title:

Traffic Fines; Task Force; Establishment; Appropriation

Description:

Establishes a traffic fines task force that will examine the Finnish tiered traffic fines system, determine whether a similar system could be implemented in Hawaii, and provide recommendations as to how a system could best be implemented. Appropriates funds.

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