
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Chapter 291C, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§291C- Shoulder lanes; use prohibited. (a) Except as
5 otherwise provided in section 291C-26 or as permitted during
6 hours designated by the department, no vehicle shall be driven
7 on the shoulder of a roadway.

8 (b) Every person who violates this section shall be
9 subject to the following penalties:

10 (1) For a first infraction, or any infraction not preceded
11 within one year by a prior violation of this section,
12 a fine of \$250; and

13 (2) For a second or subsequent violation committed within
14 five years of the first violation, a fine of \$1,000.

15 §291C- Expired registration; enforcement; penalties.

16 (a) Notwithstanding any law to the contrary, after verifying
17 the registration status of a vehicle, the department of



1 transportation, any law enforcement officer, or any approved
2 person, contractor, or government agency designated to carry out
3 towing enforcement may impound a vehicle that is parked on a
4 public roadway or in a commercial parking lot that is open to
5 the public and cause the vehicle to be towed subject to section
6 290-11(b) to (i) when, prior to towing the vehicle, the
7 department of transportation or a county department of finance
8 has verified that the vehicle is not currently registered and
9 has not been registered for the three previous consecutive years
10 or more.

11 (b) The owner of the vehicle may redeem the vehicle by
12 registering the vehicle prior to recovering the vehicle pursuant
13 to section 290-11 and shall present the vehicle's current
14 registration when recovering the vehicle.

15 (c) The owner of the vehicle shall not be liable for any
16 towing or storage charges under section 290-11 if the vehicle
17 was improperly impounded or towed and shall be allowed to
18 recover the vehicle upon presenting the vehicle's current
19 registration without payment to the towing company. The towing
20 company shall allow a vehicle owner to enter the vehicle to



1 obtain the vehicle's current registration certificate to
2 establish ownership.

3 (d) The department of transportation and law enforcement
4 agencies may establish rules as necessary for the enforcement of
5 this section.

6 (e) The department of transportation shall submit an
7 annual report to the legislature detailing by county the
8 enforcement activity of this section no later than twenty days
9 prior to each regular session."

10 SECTION 2. Section 286-61, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§286-61 Penalty.** Any person who violates sections 286-
13 41, 286-42, 286-44.5 to 286-56.5, and 286-58 to 286-60 shall be
14 fined ~~[not]~~ no less than \$5 ~~[not]~~ and no more than \$1,000;
15 provided that any corporate owner of a motor vehicle who fails
16 to register a motor vehicle as required by section 286-41(a)
17 following a transfer of the vehicle between counties shall be
18 fined \$1,000 for each violation~~[.];~~ provided further that any
19 owner of an out-of-state motor vehicle brought into the State
20 who fails to register the out-of-state motor vehicle pursuant to
21 section 286-41, 286-50, or 286-54 shall be fined no less than



1 \$500 and no more than \$1,000 for each violation. Any person who
2 violates section 286-43, 286-44, or 286-57 shall be fined [~~not~~]
3 no less than \$5 and [~~not~~] no more than \$1,000 or imprisoned
4 [~~not~~] no more than one year, or both."

5 SECTION 3. Section 291C-227, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§291C-227 Penalty.** A person who violates any provision
8 of this part shall [~~for a first conviction thereof be fined \$75;~~
9 ~~for conviction of a second offense committed within one year~~
10 ~~after the date of the first offense, the person shall be fined~~
11 ~~\$150; for conviction of a third or subsequent offense committed~~
12 ~~within one year after the date of the first offense, the person~~
13 ~~shall be fined \$200.], for each conviction thereof, be subject
14 to a fine of no less than \$250 and no more than \$."~~

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.



Report Title:

DOT; Counties; Motor Vehicles; Shoulder Lanes; Registration; Expired Registration; Enforcement; Penalties; Out-of-state Motor Vehicles; High Occupancy Vehicle Lanes; Violations; Fines

Description:

Prohibits vehicles from driving on the shoulder of a roadway, except in certain circumstances. Authorizes the Department of Transportation, law enforcement officers, and other approved persons to impound vehicles with expired registrations of three years or more, under certain conditions. Requires an annual report to the Legislature. Increases the fine amount for owners of out-of-state motor vehicles who fail to register the vehicle in the State. Establishes minimum and maximum statutory penalties for violations relating to the use of high occupancy vehicle lanes. (HD1)

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