
A BILL FOR AN ACT

RELATING TO TRAFFIC INFRACTIONS.

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

1 PART I

2 SECTION 1. The legislature finds that fines for speeding
3 generally serve the purpose of deterring such activities.

4 However, the legislature notes that flat fines, which apply to
5 any speeding driver, can be ineffective deterrents upon wealthy
6 offenders, since a person with access to monetary resources can
7 pay a flat fine with ease.

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



1 For example, if a person earns \$60,000 per year, then it
2 can be determined that the person makes approximately \$230 per
3 workday; the baseline fine for such a person would be \$115,
4 which is half of their earnings per workday. Further, Finland's
5 system would then multiply this baseline \$115 amount by a factor
6 of fifteen if the person was driving fifteen miles per hour over
7 the speed limit, with a maximum factor of one-hundred twenty for
8 the most egregious of violations.

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

17 Accordingly, the purpose of this part is to establish and
18 fund a traffic fines task force, which shall examine the Finnish
19 traffic fines system, determine whether a similar system could
20 be implemented in Hawaii, and provide recommendations as to how
21 such a system could best be implemented.



1 SECTION 2. (a) The judiciary shall convene a traffic
2 fines task force to study the system of proportional traffic
3 fines used by Finland, determine the feasibility of a
4 proportional traffic fines system or a similar system in the
5 State, and make recommendations as to how proportional traffic
6 fines could be implemented in the State. The task force shall
7 include the following members:

- 8 (1) The chief justice or the chief justice's designee, who
9 shall serve as chairperson;
- 10 (2) The attorney general or the attorney general's
11 designee;
- 12 (3) The director of taxation or the director's designee;
- 13 (4) The director of law enforcement or the director's
14 designee;
- 15 (5) The director of transportation or the director's
16 designee;
- 17 (6) The prosecuting attorney of each county or their
18 respective designee;
- 19 (7) Two members representing different county police
20 departments, to be appointed by the governor;



1 (8) One member representing the cargo industry, to be
2 appointed by the governor; and

3 (9) Any other member as invited by the chairperson of the
4 task force.

5 (b) The members of the task force shall not be compensated
6 for their services, but shall be reimbursed for necessary
7 expenses, including travel expenses, incurred for serving on the
8 task force. No member shall be made subject to chapter 84,
9 Hawaii Revised Statutes, solely because of the member's
10 participation in the task force.

11 (c) The task force, with the assistance of the judiciary,
12 shall submit a report of its findings and recommendations,
13 including any proposed legislation, to the legislature no later
14 than forty days prior to the convening of the regular session of
15 2027.

16 (d) The task force shall be dissolved on June 30, 2027.

17 SECTION 3. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2026-2027 for
20 the establishment of a traffic fines task force pursuant to this
21 part.



1 The sum appropriated shall be expended by the judiciary for
2 the purposes of this part.

3 PART II

4 SECTION 4. Chapter 291D, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§291D- Restriction on driver's license and motor

8 vehicle registration. (a) When the person issued a notice of
9 traffic infraction not involving parking fails to pay the total
10 amount of fines, fees, surcharges, costs, or monetary
11 assessments that has been ordered, the court shall cause an
12 entry to be made in the driver's license record so as to prevent
13 the person from acquiring or renewing the person's driver's
14 license until the outstanding amount is paid or the notice of
15 traffic infraction is otherwise disposed of pursuant to this
16 chapter.

17 (b) In all cases where the registered owner of a motor
18 vehicle to which a notice of traffic infraction has been issued
19 fails to pay the total amount of fines, fees, surcharges, costs,
20 or monetary assessments that have been ordered, the court shall
21 cause an entry to be made in the motor vehicle's record so as to



1 prevent issuance or renewal of the motor vehicle's certificate
2 of registration and transfer of title to the motor vehicle until
3 the outstanding amount is paid or the notice of traffic
4 infraction is otherwise disposed of pursuant to this chapter;
5 provided that if the traffic infraction involves an unpaid
6 parking violation, this subsection shall not prevent the
7 issuance or renewal of the motor vehicle's certificate of
8 registration and transfer of title to the motor vehicle to
9 another person, in which case the clerk of the court shall issue
10 a clearance to effectuate the registration and transfer of
11 title; provided further that in no event shall a clearance:

- 12 (1) Absolve the registered owner of the motor vehicle at
13 the time the parking violation was incurred from
14 paying the fine;
- 15 (2) Prevent any subsequent issuance or renewal of the
16 motor vehicle's certificate of registration and
17 transfer of title to the motor vehicle; or
- 18 (3) Otherwise encumber the title of that motor vehicle."

19 SECTION 5. Section 286-109, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) Statutes of limitations and other provisions of this
2 chapter notwithstanding, no driver's license or instruction
3 permit shall be issued or renewed under this section, where the
4 examiner of drivers is notified by the district judge, traffic,
5 emergency period, and fireworks violations bureaus of the
6 district courts, or the judge of the circuit court that the
7 applicant has failed to respond to a traffic citation or
8 summons, or failed to appear in court after an arrest for the
9 violation of any traffic laws of a county, this chapter or
10 chapter 286G, 287, 290, 291, or 291C, or of any motor vehicle
11 insurance laws under article 10C of chapter 431, or of any
12 motorcycle or motor scooter insurance laws under article 10G of
13 chapter 431, and the same remains delinquent and outstanding, or
14 the applicant, has as of the time of the application, failed to
15 comply in full with all orders of the court; [~~provided that this~~
16 ~~subsection shall not apply to outstanding and delinquent~~
17 ~~payments pursuant to chapter 291D;~~] provided [~~further~~] that the
18 district court with whose order an applicant has failed to
19 comply in full, may approve the issuance or renewal of a
20 driver's license or instruction permit other than a commercial
21 driver's license upon conditions imposed by the court for the



1 satisfaction of the outstanding court order and any other
2 conditions as may be imposed by the court, if one or more of the
3 following conditions are met:

4 (1) The applicant is gainfully employed in a position that
5 requires driving and will be discharged if the
6 applicant is unable to drive; or

7 (2) The applicant has no access to alternative
8 transportation and therefore must drive to work;

9 provided further that if the applicant has failed to comply in
10 full with orders of the district court of more than one circuit,
11 the applicant shall obtain the approval of the district court of
12 each circuit in which the applicant has an outstanding court
13 order before a driver's license or instruction permit may be
14 issued or renewed under this subsection.

15 A driver's license or instruction permit issued or renewed
16 under this subsection shall be subject to immediate suspension
17 by the court upon the applicant's failure to remain in full
18 compliance with all conditions imposed by the court for the
19 issuance or renewal of the driver's license or instruction
20 permit. The examiner of drivers may place an indication of
21 restriction upon a driver's license or instruction permit issued



1 or renewed under this subsection. Proof of financial
2 responsibility under section 287-20 shall not apply to the
3 issuance or renewal of driver's licenses or instruction permits
4 under this subsection."

5 SECTION 6. Section 291D-5, Hawaii Revised Statutes, is
6 amended by amending subsection (d) to read as follows:

7 "(d) The notice of traffic infraction, notice of emergency
8 period infraction, or notice of fireworks infraction shall
9 include the following:

- 10 (1) A statement of the specific infraction for which the
11 notice was issued;
- 12 (2) Except in the case of parking-related traffic
13 infractions, a brief statement of the facts;
- 14 (3) A statement of the total amount to be paid for each
15 infraction, which amount shall include any fee,
16 surcharge, or cost required by statute, ordinance, or
17 rule, and any monetary assessment, established for the
18 particular infraction pursuant to section 291D-9, to
19 be paid by the person to whom the notice was issued,
20 which shall be uniform throughout the State;



- 1 (4) A statement of the options provided in section 291D-
2 6(b) for answering the notice and the procedures
3 necessary to exercise the options;
- 4 (5) A statement that the person to whom the notice is
5 issued shall answer, choosing one of the options
6 specified in section 291D-6(b), within twenty-one days
7 of issuance of the notice;
- 8 (6) A statement that failure to answer the notice within
9 twenty-one days of issuance shall result in the entry
10 of judgment by default for the State and may result in
11 the assessment of a late penalty[~~+~~], and, that if the
12 person to whom the notice was issued fails to pay the
13 total amount specified in the default judgment within
14 an additional thirty days or to otherwise take action
15 to set aside the default, notice shall be sent to the
16 director of finance of the appropriate county:
- 17 (A) That the person to whom the notice of infraction
18 not involving parking was issued shall not be
19 permitted to renew or obtain a driver's license;
20 or



1 (B) Where the notice was issued to a motor vehicle,
2 that the registered owner shall not be permitted
3 to register, renew the registration of, or
4 transfer title to the motor vehicle until the
5 traffic infraction is finally disposed of
6 pursuant to this chapter, except as provided in
7 section 291D- (b);

8 (7) A statement that, at a hearing requested to contest
9 the notice, pursuant to section 291D-8, no officer
10 shall be present unless the person to whom the notice
11 was issued timely requests the court to have the
12 officer present, and that the standard of proof to be
13 applied by the court is whether a preponderance of the
14 evidence proves that the specified infraction was
15 committed;

16 (8) A statement that, at a hearing requested for the
17 purpose of explaining mitigating circumstances
18 surrounding the commission of the infraction or in
19 consideration of a written request for mitigation, the
20 person shall be considered to have committed the
21 infraction;



1 (9) A space in which the signature of the person to whom
2 the notice was issued may be affixed; and

3 (10) The date, time, and place at which the person to whom
4 the notice was issued shall appear in court, if the
5 person is required by the notice to appear in person
6 at the hearing."

7 SECTION 7. Section 291D-7, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsections (a), (b), and (c) to read:

10 "(a) When an admitting answer is received, the court shall
11 enter judgment in favor of the State in the total amount
12 specified in the notice of traffic infraction, notice of
13 emergency period infraction, or notice of fireworks
14 infraction[-]; provided that in the case of a traffic
15 infraction, if the total amount is not submitted with the
16 answer, the court may take action as provided in section
17 291D- .

18 (b) When a denying answer is received, the court shall
19 proceed as follows:

20 (1) In the case of a traffic infraction, emergency period
21 infraction, or fireworks infraction where the person



1 requests a hearing at which the person will appear in
2 person to contest the infraction, the court shall
3 notify the person in writing of the date, time, and
4 place of hearing to contest the notice of traffic
5 infraction, notice of emergency period infraction, or
6 notice of fireworks infraction. The notice of hearing
7 shall be mailed to the address stated in the denying
8 answer or, if none is given, to the address stated on
9 the notice of traffic infraction, notice of emergency
10 period infraction, or notice of fireworks infraction.
11 An electronic copy of the notice of hearing may be
12 sent to the electronic mail address stated on the
13 notice of infraction. The notification also shall
14 advise the person that, if the person fails to appear
15 at the hearing, the court shall enter judgment by
16 default in favor of the State, as of the date of the
17 scheduled hearing, and that the total amount specified
18 in the default judgment shall be paid within thirty
19 days of entry of default judgment; ~~and~~ provided that
20 in the case of a traffic infraction, if it is not



1 paid, the court shall take action as provided in
2 section 291D- ; and
3 (2) When a denying answer is accompanied by a written
4 statement of the grounds on which the person contests
5 the notice of traffic infraction, notice of emergency
6 period infraction, or notice of fireworks infraction,
7 the court shall proceed as provided in section 291D-
8 8(a) and shall notify the person of its decision,
9 including the total amount assessed, if any, by
10 mailing the notice of entry of judgment within forty-
11 five days of the postmarked date of the answer to the
12 address provided by the person in the denying answer
13 or, if none is given, to the address given when the
14 notice of traffic infraction, notice of emergency
15 period infraction, or notice of fireworks infraction
16 was issued or, in the case of parking violations, to
17 the address at which the vehicle is registered. An
18 electronic copy of the notice of entry of judgment may
19 be sent to the electronic mail address stated on the
20 notice of infraction. The notice of entry of judgment
21 also shall advise the person, if it is determined that



1 the infraction was committed and judgment is entered
2 in favor of the State, that the person has the right,
3 within thirty days of entry of judgment, to request a
4 trial and shall specify the procedures for doing so.
5 The notice of entry of judgment shall also notify the
6 person, if an amount is assessed by the court for
7 monetary assessments, fees, surcharges, or costs, that
8 if the person does not request a trial within the time
9 specified in this paragraph, the total amount assessed
10 shall be paid within thirty days of entry of judgment.
11 In the case of a traffic infraction, the notice of
12 entry of judgment shall also inform the person that if
13 the total amount is not paid within thirty days, the
14 court shall take action as provided in section
15 291D- .

16 (c) When an answer admitting commission of the infraction
17 but seeking to explain mitigating circumstances is received, the
18 court shall proceed as follows:

19 (1) In the case of a traffic infraction, emergency period
20 infraction, or fireworks infraction where the person
21 requests a hearing at which the person will appear in



1 person to explain mitigating circumstances, the court
 2 shall notify the person in writing of the date, time,
 3 and place of hearing to explain mitigating
 4 circumstances. The notice of hearing shall be mailed
 5 to the address stated in the answer or, if none is
 6 given, to the address stated on the notice of traffic
 7 infraction, notice of emergency period infraction, or
 8 notice of fireworks infraction. An electronic copy of
 9 the notice of hearing may be sent to the electronic
 10 mail address stated on the notice of infraction. The
 11 notification also shall advise the person that, if the
 12 person fails to appear at the hearing, the court shall
 13 enter judgment by default in favor of the State, as of
 14 the date of the scheduled hearing, and that the total
 15 amount stated in the default judgment shall be paid
 16 within thirty days of entry of default judgment; ~~and~~
 17 provided that in the case of a traffic infraction, if
 18 it is not paid, the court shall take action as
 19 provided in section 291D- ; and

20 (2) If a written explanation is included with an answer
 21 admitting commission of the infraction, the court



1 shall enter judgment for the State and, after
2 reviewing the explanation, determine the total amount
3 of the monetary assessments, fees, surcharges, or
4 costs to be assessed, if any. The court shall then
5 notify the person of the total amount to be paid for
6 the infraction, if any. There shall be no appeal from
7 the judgment. If the court assesses an amount for
8 monetary assessments, fees, surcharges, or costs, the
9 court shall also notify the person that the total
10 amount shall be paid within thirty days of entry of
11 judgment. In the case of a traffic infraction, the
12 notice of entry of judgment shall also inform the
13 person that if the total amount is not paid within
14 thirty days, the court shall take action as provided
15 in section 291D- ."

16 2. By amending subsection (e) to read:

17 "(e) Whenever judgment by default is entered in favor of
18 the State, the court shall mail a notice of entry of default
19 judgment to the address provided by the person when the notice
20 of traffic infraction, notice of emergency period infraction, or
21 notice of fireworks infraction was issued or, in the case of



1 parking infractions, to the address stated in the answer, if
2 any, or the address at which the vehicle is registered. An
3 electronic copy of the notice of entry of default judgment may
4 be sent to the electronic mail address stated on the notice of
5 infraction. The notice of entry of default judgment shall
6 advise the person that the total amount specified in the default
7 judgment shall be paid within thirty days of entry of default
8 judgment and shall explain the procedure for setting aside a
9 default judgment. In the case of a traffic infraction, the
10 notice of entry of judgment shall also inform the person that if
11 the total amount is not paid within thirty days, the court shall
12 take action as provided in section 291D- . Judgment by
13 default entered for the State pursuant to this chapter may be
14 set aside pending final disposition of the traffic infraction,
15 emergency period infraction, or fireworks infraction upon
16 written application of the person and posting of an appearance
17 bond equal to the amount of the total amount specified in the
18 default judgment and any other assessment imposed pursuant to
19 section 291D-9. The application shall show good cause or
20 excusable neglect for the person's failure to take action
21 necessary to prevent entry of judgment by default. In the case



1 of a traffic infraction, upon receipt of the application and
2 required appearance bond, the court shall take action to remove
3 the restriction placed on the person's driver's license or the
4 motor vehicle's registration and title imposed pursuant to
5 section 291D- . Thereafter, the court shall determine whether
6 good cause or excusable neglect exists for the person's failure
7 to take action necessary to prevent entry of judgment by
8 default. If so, the application to set aside default judgment
9 shall be granted, the default judgment shall be set aside, and
10 the notice of traffic infraction, notice of emergency period
11 infraction, or notice of fireworks infraction shall be disposed
12 of pursuant to this chapter. If not, the application to set
13 aside default judgment shall be denied, the appearance bond
14 shall be forfeited and applied to satisfy amounts due under the
15 default judgment, and the notice of traffic infraction, notice
16 of emergency period infraction, or notice of fireworks
17 infraction shall be finally disposed. In either case, the court
18 shall determine the existence of good cause or excusable neglect
19 and notify the person of its decision on the application in
20 writing."



1 SECTION 8. Section 291D-8, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) If a person for whom a hearing has been scheduled, to
4 contest the notice of traffic infraction, notice of emergency
5 period infraction, or notice of fireworks infraction, or to
6 explain mitigating circumstances, fails to appear at the
7 hearing, the court shall enter judgment by default for the State
8 and take action as provided in section 291D-7(e). In the case
9 of a traffic infraction, if the total amount of the monetary
10 assessment, fees, surcharges, or costs is not paid within thirty
11 days of entry of default judgment, the court shall take action
12 as provided in section 291D- ."

13 SECTION 9. Section 291D-9, Hawaii Revised Statutes, is
14 amended by amending subsection (e) to read as follows:

15 "(e) Upon request of a person claiming inability to pay a
16 monetary assessment, the court may grant an extension of the
17 period in which the monetary assessment shall be paid or may
18 impose community service in lieu thereof. In the case of a
19 traffic infraction, if the assessment is not paid or the
20 community service is not performed on or before the date



1 established and the court has not extended the time, the court
2 shall take action as provided in section 291D- ."

3 SECTION 10. Section 291D-12, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§291D-12 Powers of the district court judge sitting in
6 the traffic, emergency period, and fireworks division. (a) A
7 district court judge sitting in the traffic, emergency period,
8 and fireworks division and hearing cases pursuant to this
9 chapter shall have all the powers of a district court judge
10 under chapter 604, including the power to:

- 11 (1) Conduct traffic infraction, emergency period
- 12 infraction, and fireworks infraction hearings and
- 13 impose monetary assessments;
- 14 (2) Permit deferral of monetary assessment or impose
- 15 community service in lieu thereof;
- 16 (3) Dismiss a notice of traffic infraction, notice of
- 17 emergency period infraction, or notice of fireworks
- 18 infraction, with or without prejudice, or set aside a
- 19 judgment for the State;
- 20 (4) Order temporary driver's license suspension or
- 21 driver's license reinstatement;



- 1 (5) In the case of a traffic infraction, order the
2 director of finance not to issue or renew the driver's
3 license, or to register, renew the registration of, or
4 issue title to a motor vehicle, of any person who has
5 not paid a monetary assessment, has not performed
6 community service in lieu thereof, or has not
7 otherwise satisfied a judgment for the State entered
8 pursuant to this chapter;
- 9 [~~+5~~] (6) Approve the issuance or renewal of a driver's
10 license or instruction permit pursuant to section 286-
11 109(c);
- 12 [~~+6~~] (7) Issue penal summonses and bench warrants and
13 initiate contempt of court proceedings in proceedings
14 conducted pursuant to section 291D-13;
- 15 [~~+7~~] (8) Issue penal summonses and bench warrants and
16 initiate failure to appear proceedings in proceedings
17 conducted pursuant to section 291D-5(d)(10); and
- 18 [~~+8~~] (9) Exercise other powers the court finds necessary
19 and appropriate to carry out the purposes of this
20 chapter.



1 (b) A district court judge sitting in the traffic,
2 emergency period, and fireworks division and hearing cases
3 pursuant to this chapter shall not order the director of finance
4 to withhold issuing or renewing the driver's license, or
5 registering, renewing the registration of, or issuing the title
6 to a motor vehicle, of any person who has not paid a monetary
7 assessment, has not performed community service in lieu thereof,
8 or has not otherwise satisfied a judgment for the State entered
9 pursuant to this chapter[-]; provided that this subsection shall
10 not apply in cases of a traffic infraction."

11 SECTION 11. Act 59, Session Laws of Hawaii 2020, is
12 amended by amending section 9 to read as follows:

13 "SECTION 9. [~~Any person prevented from obtaining or~~
14 ~~renewing a driver's license or motor vehicle registration solely~~
15 ~~due to failure to pay any monetary assessment imposed under~~
16 ~~chapter 291D, Hawaii Revised Statutes, may petition the court~~
17 ~~for a driver's license or motor vehicle clearance. The court~~
18 ~~shall grant any petition for a driver's license or motor vehicle~~
19 ~~clearance filed in accordance with this section.] Repealed."~~

20 PART III



1 SECTION 12. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 13. This Act shall take effect on July 1, 3000.



Report Title:

Traffic Fines Task Force; Establishment; Driver's License; Motor Vehicle Registration; Unpaid Monetary Obligations; Appropriation

Description:

Part I: Establishes a Traffic Fines Task Force that will examine the Finnish tiered traffic fines system, determine whether a similar system could be implemented in the State, and provide recommendations as to how a system could best be implemented. Appropriates funds. Part II: Imposes a restriction on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations, under certain circumstances. Repeals provisions that would have allowed any person prevented from obtaining or renewing a driver's license or motor vehicle registration solely due to failure to pay any monetary assessment to petition the court for a driver's license or motor vehicle clearance. Effective 7/1/3000. (HD1)

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