
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 a new section to be appropriately designated
3 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 of transportation, no vehicle
7 shall be driven 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 violation of this section, or any
11 violation of this section not preceded within five
12 years by a prior violation of this section, a fine of
13 \$250; and

14 (2) For a violation of this section committed within five
15 years of a prior violation of this section, a fine of
16 \$1,000."



1 SECTION 2. Section 249-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§249-10 Delinquent penalties; seizure and sale for**
4 **tax[-]; rules; annual report.** (a) Any tax imposed by sections
5 249-1 to 249-13 for any year and not paid when due, shall become
6 delinquent and a penalty shall be added to, and become part of,
7 the delinquent tax. The amount of the delinquency penalty shall
8 be established by the county's legislative body. If the date
9 that the tax is due is a Saturday, Sunday, or legal holiday, the
10 tax shall become delinquent at the end of the next day that is
11 not a Saturday, Sunday, or legal holiday. The director of
12 finance may require the payment of any delinquent tax and
13 penalty as a condition precedent to the registration, renewal,
14 or transfer of ownership of such vehicle. Any vehicle not
15 having the number plates required by sections 249-1 to 249-13,
16 or any vehicle upon which taxes are delinquent as provided in
17 this section[7] for one or more consecutive years, may be
18 seized, wherever found, by the director of finance or by any
19 [~~police~~] law enforcement officer, and held for a period of [~~ten~~]
20 thirty days, during which time the vehicle shall be subject to
21 redemption by its owner by payment of the taxes due, together



1 with the delinquent penalties and the cost of storage and other
 2 [~~charges~~] costs incident to the seizure of the vehicle[~~-~~];
 3 provided that the owner of the vehicle shall not be liable for
 4 the costs if the seizure of the vehicle was not conducted in
 5 accordance with this section; provided further that the storage
 6 facility shall allow the vehicle owner to enter the vehicle to
 7 obtain the vehicle's registration certificate. The director of
 8 finance, chief of police, or any [~~police~~] law enforcement
 9 officer shall be deemed to have seized and taken possession of
 10 any vehicle, after having securely sealed it where located and
 11 posted a notice upon the vehicle, setting forth the fact that it
 12 has been seized for taxes and warning all other persons from
 13 molesting it under penalty provided by section 249-11.

14 (b) All vehicles seized and sealed shall remain at the
 15 place of seizure or at any other place that the director of
 16 finance may direct, at the expense and risk of the owner. If
 17 the owner of the vehicle fails to redeem it within [~~ten~~] thirty
 18 days after seizure, the vehicle may be sold by the director of
 19 finance at public auction to the highest bidder for cash, after
 20 giving [~~ten~~] thirty days public notice in the county and by
 21 posting notices in at least three public places in the district



1 where the vehicle was seized; provided that the requirements of
2 public auction may be waived when the appraised value of any
3 vehicle is less than [~~\$250~~] \$500 as determined by the director
4 of finance or authorized representative, in which case the
5 vehicle may be disposed of in the same manner as when a vehicle
6 is put up for public auction and for which no bid is received.
7 The amount realized at the sale, less the amount of the tax and
8 penalty due, together with all costs incurred in giving public
9 notice, storing, and selling the vehicle and all other [~~charges~~]
10 costs incident to the seizure and sale, shall be paid to the
11 owner of the vehicle. If no claim for the surplus is filed with
12 the director of finance within sixty days from the date of the
13 sale, the surplus shall be paid into the county treasury as a
14 government realization and all claim to that sum shall
15 thereafter be forever barred.

16 (c) The owner of any antique motor vehicle shall be exempt
17 from the tax and delinquent penalty imposed under this chapter
18 for the entire period of nonuse; provided that the owner of the
19 antique motor vehicle shall first present to the director of
20 finance a signed and sworn certificate attesting to the antique
21 motor vehicle's period of nonuse.



1 (d) The department of transportation and law enforcement
2 agencies may adopt rules pursuant to chapter 91 as necessary for
3 the enforcement of this section.

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

8 SECTION 3. Section 286-61, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§286-61 Penalty.** Any person who violates sections
11 286-41, 286-42, 286-44.5 to 286-56.5, and 286-58 to 286-60 shall
12 be fined not less than \$5 [~~per~~] and not more than \$1,000;
13 provided that any corporate owner of a motor vehicle who fails
14 to register a motor vehicle as required by section 286-41(a)
15 following a transfer of the vehicle between counties shall be
16 fined \$1,000 for each violation[~~-~~]; provided further that any
17 owner of an out-of-state motor vehicle brought into the State
18 who fails to register the out-of-state motor vehicle pursuant to
19 section 286-41, 286-50, or 286-54 shall be fined not less than
20 \$500 and not more than \$1,000 for each violation. Any person
21 who violates section 286-43, 286-44, or 286-57 shall be fined



1 not less than \$5 and not more than \$1,000 or imprisoned not more
2 than one year, or both."

3 SECTION 4. Section 291C-227, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§291C-227 Penalty.** A person who violates any provision
6 of this part shall [~~for a first conviction thereof be fined \$75;~~
7 ~~for conviction of a second offense committed within one year~~
8 ~~after the date of the first offense, the person shall be fined~~
9 ~~\$150; for conviction of a third or subsequent offense committed~~
10 ~~within one year after the date of the first offense, the person~~
11 ~~shall be fined \$200.], for each conviction thereof, be subject
12 to a fine of not less than \$250 and not more than \$1,000."~~

13 SECTION 5. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.



Report Title:

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

Description:

Prohibits vehicles from driving on the shoulder of a roadway, except in certain circumstances. Specifies that a vehicle with an expired registration of one or more years may be subject to impoundment. 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. (CD1)

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

