

**ACT 113**

A Bill for an Act Relating to Motor Vehicle Operator's and Chauffeur's Licenses and Amending Chapter 160 of the Revised Laws of Hawaii 1955 by Providing for a Point System for the Evaluation of the Operating Records of all Persons Operating Motor Vehicles and for the Enforcement Thereof.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 160, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding new sections to be designated as Section 160- to Section 160- , and to read as follows:

**"Sec. 160- . Point system for evaluation of operating records of all persons operating motor vehicles and for determination of their continuing qualifications.**

(a) There is hereby established a point system for the evaluation of the operating records of all persons operating motor vehicles and for the determination of the continuing qualifications of such persons to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations of the traffic laws of the State and of traffic ordinances of its counties to be imposed by the district magistrate in accordance with the following schedule of minimum and maximum points:

- (1) Heedless and careless driving ..... 3 to 6 points
- (2) Driving while license suspended or revoked (includes court conviction as well as safety responsibility violations) ..... 3 to 6 "
- (3) Fraudulent use of license ..... 3 to 6 "
- (4) Excessive speeding (15 miles or more over the established speed limit) ..... 3 to 6 points
- (5) Leaving scene of accident ..... 3 to 6 "
- (6) Speeding (10 miles or more over the established speed limit) ..... 1 to 4 "
- (7) Failure to report accident immediately ..... 1 to 4 "
- (8) Driving on left side of roadway ..... 0 to 4 "
- (9) Inattention to driving; negligent driving ..... 1 to 4 "
- (10) Permitting unlicensed driver to drive ..... 1 to 4 points
- (11) Following too closely ..... 1 to 3 "

(12)	Disregarding stop signs .....	1 to 3	''
(13)	Right of way violations .....	0 to 3	''
(14)	Disregarding traffic control signals .....	1 to 3	''
(15)	Unlawful passing .....	0 to 3	''
(16)	Unsafe changing of lanes .....	0 to 3	points
(17)	Crossing solid or double lines .....	0 to 3	''
(18)	Impeding traffic .....	0 to 2	''
(19)	Improper turning .....	0 to 2	''
(20)	Unsafe emergence from parked position .....	0 to 2	''
(21)	Disregarding pavement markings .....	0 to 2	''
(22)	Unsafe movements .....	0 to 2	points
(23)	Stopping at medial openings .....	1 to 2	''
(24)	Improper emergence from private driveway .....	1 to 2	''
(25)	Unattended motor vehicle (if motor running) .....	1 to 2	''
(26)	Violation of pedestrian's right of way .....	1 to 2	''
(27)	Unsafe equipment on vehicle .....	0 to 2	''
(28)	Faulty Brakes .....	0 to 2	''
(29)	Driving with improper lights .....	0 to 2	''

(b) When district magistrate shall suspend operator's or chauffeur's license based on point system. The district magistrate shall suspend, for a period from one to six months, the operator's or chauffeur's license of any person upon a showing of his or her record, based on a uniform point system as provided herein, that the licensee has been convicted of or forfeited bail for, or has been found under the provisions of chapter 333 to have violated traffic laws of the State or ordinances of its counties with such frequency as to indicate a disrespect for such laws or ordinances and a disregard for the safety of other persons on the highways. The district magistrate upon a showing of good cause may suspend the license suspension. For the purpose of this part, a total of 12 points assessed against any operator or chauffeur as determined by the values designated above shall indicate such disrespect and disregard. Nothing contained herein shall preclude the district magistrate from imposing any greater sentence as may be provided by law.

(c) Non-resident privilege of driving a motor vehicle. The privilege of driving a motor vehicle on the highways of this State and the several counties, given to a non-resident under the laws of this State, shall be subject to suspension by the district magistrate in like manner, and for like cause, the same as an operator's or chauffeur's license issued by this State may be suspended.

(d) Reports of outside convictions; recording against drivers. The district magistrates of each county shall enter into reciprocal agreements with the proper agency of any other county and the governor of the State may enter into such agreements with any state or territory for the purpose of reporting convictions or bail forfeitures in such county, state or territory by a person holding an operator's or chauffeur's license in such county, state or territory. Such convictions or bail forfeitures in such county, state or territory of a violation therein which if committed in this State, would be a violation of the traffic laws of this State or the ordinances of the several counties, shall be recorded against an operator or chauffeur the same as if the conviction or bail forfeiture had been made in the State.

(e) Reports of convictions by courts martial or United States commissioners; recording against operators or chauffeurs. Convictions by courts

martial of any of the various branches of the armed forces of the United States or by a United States commissioner of a violation either on or off government property which, if committed in this State, would be a violation of the traffic laws of this State or the ordinances of the several counties, may be recorded against an operator or chauffeur the same as if the conviction had been in the courts of this State.

(f) Reports prima facie evidence to show convictions. In all proceedings held under the provisions of this section, the original or photostatic or other copies of the reports filed with the district magistrates of each county, including official reports received from the directors of motor vehicle divisions, state highway departments, or other agencies of any county, state or territory charged with the duty of keeping records of offenses against the traffic laws of such counties, states or territories, and reports of courts martial of United States commissioners, when such copies are duly certified by the various agencies supplying them as true copies of the original on file therewith, shall be deemed prima facie evidence of the information contained in such reports, for the purpose of showing any convictions or bail forfeiture.

(g) Computation of points. In computing the total number of points charged to any person after a particular violation, those accrued as a result of violations which have occurred during the twelve months' period including and immediately preceding the last violation shall be counted at their full value; those accrued from twelve to twenty-four months preceding the last violation shall be counted at one-half their established value and those resulting from violations more than twenty-four months prior to the last violation shall not be counted. If no violation has been charged against a person during the twenty-four month period, a total of six favorable points will be credited to his account, which may be used to offset the points chargeable on account of violations. Computation of points shall begin with offenses occurring only after the effective date of this section. In the event that a district magistrate subsequent to the bail forfeiture does hear the case, he may set aside the points resulting from the bail forfeiture and designate the points he deems necessary provided that no licensee shall twice be assigned points for the same traffic violation.

(h) Notice of suspension to operator or chauffeur; return of license. Upon the determination and order by the district magistrate that a person has accumulated sufficient points to warrant the suspension of his license and the period of suspension, the licensee shall turn in his license as directed by the district magistrate if he is present in court. If the licensee is not present in court when the district magistrate makes a determination and order that the license shall be suspended, then the clerk of the district court shall notify such licensee in writing by certified mail, return receipt requested to addressee only, that his license has been suspended and such licensee shall, within fifteen days after receipt of such notice of suspension, return his license to the clerk of the district court. Any person willfully failing to return his license as required by this section shall, on conviction thereof, be fined not more than \$100 or imprisoned for not more than 30 days, or both.

(i) In the event of an appeal from the decision of the district magistrate to the circuit and supreme courts, or a trial in the circuit courts, such courts shall be governed by the provisions of this section and shall direct the dis-

trict magistrate and the clerk of the district magistrate to carry out their order.

(j) Any provisions herein to the contrary notwithstanding whenever an employee is cited for driving a vehicle with unsafe, faulty or improper equipment, brakes or lights and the responsibility for such condition is that of the employer, no points shall be assessed against the driver.

(k) Where bail forfeiture is allowed, the court shall assess against the driver the minimum points set forth in subsection (a) above, but in no case less than one point.

Any provisions herein to the contrary notwithstanding, in the case where the violation of the following items under subsection (a) above are due to the size or nature of the vehicle, or the necessity of the driver's following a specific route or schedule in the course of his employment, and not to inattention or fault on the part of the driver, the court shall assess no points: items (8), (13), (15), (16), (17), (18), (19), (20), (21), and (22).

**Sec. 160- . District magistrates to keep records.** (a) The district magistrates of each county shall keep, maintain and control or shall otherwise provide for the keeping, maintaining and controlling of proper and accurate records of each conviction or bail forfeiture or any other disposition of each violation of licensee coming within the provisions of this Act. The district magistrates of each county shall also establish procedures for the accounting, control and disposition of each and every traffic citation, notice or summons used or issued, whether the use or issuance of the same is authorized by the court or by any other governmental agency under applicable laws or ordinances, which may include the keeping of an accurate citation, notice or summons control ledger or form in a numerical, chronological or other accountable manner.

**Section 160- . Prohibiting 'fixing' of tickets and providing penalties therefor; nolle prosequi by prosecuting attorney only by motion and approval of court.** (a) It shall be unlawful for any person, including any government official or employee of the State or county, to 'fix', 'void', change, modify, adjust, tamper with or otherwise dispose of any traffic citation, notice or summons. Nothing contained in this subsection shall be construed to affect the powers of the judges and magistrates of the several courts in the exercise of their judicial functions. Any person who violates the provisions of this subsection shall be fined not more than \$1,000, or imprisoned for not more than one year, or both. Any government official or employee of this State or any county who violates any of the provisions hereof shall be summarily discharged from his office or employment.

(b) No nolle prosequi shall be entered in any case involving a violation of the traffic laws or ordinances of the State or of the several counties and no such case or any charge arising therefrom shall be stricken, amended or reduced except by consent of the court upon written motion of the prosecuting attorney stating the reasons therefor. The court may deny such motion if it deems such reasons insufficient."

**SECTION 2.** Insurers may provide preferential insurance rates to those persons who have favorable records to their credit.

**SECTION 3.** This Act shall take effect upon its approval.

(Approved May 25, 1961.) **H.B. 33.**