

A Bill for an Act Relating to Penalties and Procedure on Arrest, Interpretation and Severability in the Statewide Traffic Code.

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

SECTION 1. The title of Part XV of Chapter 291C, Hawaii Revised Statutes, is amended to read:

**"PART XV. PENALTIES AND PROCEDURE ON ARREST;  
RESPECTIVE POWERS OF STATE AND COUNTIES".**

SECTION 2. Part XV of Chapter 291C, Hawaii Revised Statutes, is amended by adding the following new sections to be appropriately designated and to read as follows:

**"Sec. 291C- Procedure upon arrest.** Except when authorized or directed under State law to immediately take a person arrested for a violation of any of the traffic laws before a district judge, any authorized police officer, upon making an arrest for violation of the State traffic laws shall take the name, address, and operator's license number of the alleged violator and the registered license number of the motor vehicle involved and shall issue to him in writing a summons or citation, hereinafter described, notifying him to answer to the complaint to be entered against him at a place and at a time provided in said summons or citation."

**"Sec. [291C-]† Summons or citation.** (1) There shall be provided for use by authorized police officers, a form of summons or citation for use in citing violators of those traffic laws which do not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii.

(2) In every case when a citation is issued the original of the same shall be given to the violator or in the case of an unattended vehicle, the original of the same shall be affixed to said vehicle as provided for in section 291C- herein; provided that the administrative judge of the district courts may prescribe the giving to the violator or affixing to said vehicle, a carbon copy of the citation, and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original."

**"Sec. 291C- Failure to obey summons or citation.** Any person who fails to appear at the place and within the time specified in the summons or citations issued to him by an officer upon his arrest for any traffic violation is guilty of a

†"291C-" substituted for "921C-" to correct obvious clerical error.

violation as provided in the Penal Code regardless of the disposition of the charge of which he was originally arrested."

**"Sec. 291C- Summons or citation on illegally parked vehicle.** Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions contained in the State traffic laws, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its registered owner, and shall conspicuously affix to such vehicle a citation, hereinbefore described, for the registered owner of record to answer to the charge against him within seven days during the hours and at a place specified in the citation."

**"Sec. 291C- Failure to comply with summons or citation attached to parked vehicle.** If a violator of the restrictions on stopping, standing, or parking under the State traffic laws does not appear in response to a summons or citation affixed to such motor vehicle within a period of seven days, the traffic violations bureau shall issue to the registered owner of the motor vehicle to which the summons or citation was affixed, a penal summons ordering his appearance in court."

**"Sec. 291C- When complaint to be issued.** In the event any person fails to comply with a penal summons given to such person or attached to a vehicle, or if any person fails or refuses to deposit bail as required and within the time permitted, the court shall forthwith issue a warrant for his arrest."

**Sec. 291C- Interpretation.** Wherever consistent with the context of the State traffic laws, words in the present, past or future shall be construed to be interchangeable with and to include any other tense; the masculine gender shall be construed to include the feminine gender; and words in the singular number shall be construed to include the plural; and in the plural to include the singular, and each shall be construed to be interchangeable with the other."

**"Sec. 291C- Severability.** If any provision of the State traffic laws is held for any reason invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the State traffic laws."

**"Sec. 291C- Revocation or suspension of license.** In addition to the penalties heretofore provided, the court may revoke or may suspend, for a period not to exceed one year, the license of any operator or chauffeur convicted of a violation of any section or provision of the State traffic laws involving a vehicle in motion."

**"Sec. 291C- Disposition of fines and forfeitures.** All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of the State traffic laws shall be paid to the director of finance of the State."

**"Sec. 291C- Refusal to provide identification.** Any person detained for a violation of this chapter shall not wilfully refuse to provide his name, address and any proof thereof upon the lawful order or direction of any police officer in the course and scope of his duties pursuant to this chapter."

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SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall become effective upon its approval.

(Approved May 24, 1978.)

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\*Edited accordingly.