
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. The legislature finds that the establishment of
2 a highway patrol is essential to increase the effectiveness of
3 enforcing the statewide traffic code and related county
4 ordinances, particularly with regard to speeding and driving
5 under the influence of an intoxicant. To this end, allowing the
6 department of public safety to serve as a state highway patrol
7 to handle traffic violations on state roadways would be ideal.

8 The purpose of this Act is to establishment a highway
9 patrol division within the department of public safety to
10 enforce all traffic laws and other applicable laws of the State
11 and counties.

12 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is
13 amended by adding two new sections to be appropriately
14 designated and to read as follows:

15 "§353C-A Highway patrol. (a) There shall be established
16 within the department, a state highway patrol, which shall
17 consist of state law enforcement officers appointed by the
18 director.



1 (b) State law enforcement officers assigned to the state
2 highway patrol shall have all the powers of police officers.

3 (c) The state highway patrol established under this
4 section shall enforce all of the traffic laws of the State under
5 title 17, Hawaii Revised Statutes, and comparable county
6 ordinances. The director in consultation with the police chief
7 of each county, shall provide, by rule, for a listing of the
8 statutes and ordinances within the jurisdiction of the highway
9 patrol.

10 (d) The director shall enter into an agreement with the
11 police chief of each county to coordinate responsibilities for
12 traffic enforcement between the state highway patrol and a
13 county police force.

14 (e) The state highway patrol shall be funded by the
15 highway patrol special fund established under section 353C-B.

16 (f) The director shall adopt rules pursuant to chapter 91
17 for the purposes of this section.

18 **§353C-B Highway patrol special fund; established.** (a)

19 There is established the highway patrol special fund to be
20 administered by the department. The fund shall consist of:

21 (1) Moneys raised pursuant to the surcharges levied under
22 section 291C-171;



1 (2) Funds appropriated by the legislature for the purpose
2 of this chapter; and

3 (3) Any interest on moneys within the fund.

4 (b) The fund shall be used to fund and operate the state
5 highway patrol established under section 353C-A.

6 (c) In administering the fund, the director shall maintain
7 records of all expenditures and disbursements made from the
8 highway patrol special fund.

9 (d) The director shall submit to the legislature an annual
10 report on the activities under the highway patrol special fund
11 no later than twenty days prior to the convening of each regular
12 session."

13 SECTION 3. Section 291C-171, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§291C-171 Disposition of fines and forfeitures ~~(-)~~;**
16 **surcharge for highway patrol.** (a) [All] Except as provided in
17 subsection (c), all fines and forfeitures collected upon
18 conviction or upon the forfeiture of bail of any person charged
19 with a violation of any section or provision of the state
20 traffic laws and all assessments collected relating to the
21 commission of traffic infractions shall be paid to the director
22 of finance of the State.



1 (b) In addition to any monetary assessment imposed for a
2 traffic infraction, the court may impose penalties on all
3 outstanding traffic citations and judgments. The penalties
4 shall be established pursuant to rules approved by the supreme
5 court; provided that the amounts of the penalties shall be based
6 upon a graduated scale that increases in proportion to the
7 length of the delinquency. Any interest penalty imposed as
8 provided in this section may be waived by the court for good
9 cause. All penalties collected for such outstanding citations
10 and judgments shall be paid to the director of finance of the
11 State.

12 (c) A surcharge equal to fifty per cent of the amount of
13 the fine shall be added to each fine levied or assessment
14 collected for a violation of any traffic laws of the state
15 falling within the jurisdiction of the state highway patrol
16 under section 353C-A. The surcharge shall be added to the
17 amount of the fine or assessment and shall be deposited into the
18 highway patrol special fund established under section 353C-B."

19 SECTION 4. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2008-2009 for the
22 establishment of a state highway patrol.



1 The sum appropriated shall be expended by the department of
2 public safety for the purposes of this Act.

3 SECTION 5. In codifying the new sections added by section
4 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2008.
10

INTRODUCED BY:

Lance Luane
John Doe
Tony Wu
John M. Meyer
Jim Smith
Mile Canale
R. A.
Barbara Marum

Rep. P. Hancock
Lyle B. Berg
Nancy Snow



Report Title:

Traffic safety; traffic enforcement; highway patrol

Description:

Adds a surcharge of 50% to a fine levied for a violation of any section or provision of the statewide traffic code. Establishes a state highway patrol and state highway patrol special fund. Requires the director of finance to distribute the amount of the surcharge to the highway patrol special fund. Appropriates funds.

