

SB2614

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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 23, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 2614

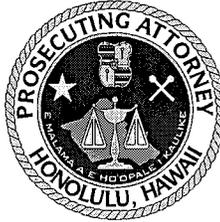
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

The Department of Transportation opposes this bill over concerns regarding resources for storage and maintenance of the vehicle involved in this law.

Forfeiture and impoundment has long been an issued when a vehicle is involved. This bill authorizes the courts to determine if the vehicle will be forfeited. This will result in not having storage space and the resources to maintain the vehicle while waiting for the final determination of the forfeiture.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE BRIAN TANIGUCHI, CHAIR
SENATE JUDICIARY AND GOVERNMENT OPERATIONS COMMITTEE
Twenty-fifth State Legislature
Regular Session of 2010
State of Hawai'i

February 23, 2010

RE: S.B. 2614; RELATING TO EXCESSIVE SPEEDING.

Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following comments on S.B. 2614.

The purpose of this bill is to amend the offense of excessive speeding to provide for forfeiture of the defendant's vehicle if the vehicle was used by the defendant in at least two prior convictions of excessive speeding within a certain time frame.

We do not have any objection to this bill but would suggest a technical amendment to the language at page 5 lines 1 and 2. We would recommend the language be rewritten as follows:
...offenses under this section may be ~~ordered by the court to be~~ subject to forfeiture under chapter 712.

Forfeiture under chapter 712A can be either administrative or judicial. If administrative it proceeds under Hawaii Revised Statutes section 712A-10 which does not necessarily require a court order for forfeiture. Under the current language of S.B. 2614 regarding a court order, only judicial forfeiture could be utilized. We therefore suggest the language above be struck.

Thank you for this opportunity to testify.

From: Susan [kipc@hawaiiantel.net]
Sent: Monday, February 22, 2010 12:08 PM
To: JGO Testimony
Subject: SB2614 Testimony/2.23

TESTIMONY FOR SB 2614

Hearing on Tuesday, February 23, 2010 at 10 a.m.

The Keiki Injury Prevention Coalition firmly supports legislation that will reduce the number of repeat excessive speeders on the roadways. Motor vehicle crashes are the leading cause of death of Hawaii's young people and across the nation. Excessive speeding is major contributing factor to this sad fact. We do not believe the terms of the legislation place too great a burden on an individual or the state Department of Transportation. It is expected that lower occupancy rates will yield a suitable storage facility and the Department can explore revenue streams from the sale of these vehicles to recover costs associated with this legislation. It is also expected that a private, public partnership could address the issues raised by the Department. The bottom line is that fewer young lives in Hawaii will be tragically shortchanged from death or disability if we reasonably reduce the number of drivers on the roads who ignore public safety.