

STAND. COM. REP. NO. 911

Honolulu, Hawaii

March 2, 2007

RE: H.B. No. 1215
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1215, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS,"

begs leave to report as follows:

The purpose of this bill is to clarify and expedite the processing of traffic infractions by, among other things:

- (1) Clearly establishing that the District Court may adjudicate civil traffic infractions charged against minors;
- (2) Clarifying that confidentiality protections afforded to minors are inapplicable to civil traffic infraction proceedings;
- (3) Consistently applying the civil standard of proof for civil traffic infraction trials;
- (4) Allowing District Courts discretionary scheduling of concurrent proceedings to address difficulties faced in complying with present concurrent scheduling requirements;
- (5) Clarifying the protections afforded to a defendant against self-incrimination;



- (6) Promoting consistency in the manner of processing and adjudicating moving and non-moving civil traffic infractions;
- (7) Permitting the use of electronic citations; and
- (8) Requiring that the person who is the lessee of the vehicle at the time of the issuance of a traffic infraction shall be responsible for the summons or citation if the registered owner of record is the lessor of a rental or U-drive motor vehicle.

The Judiciary supported this bill. Catrala-Hawaii supported this bill with amendments.

Your Committee has amended certain provisions of this bill relating to lessors and lessees of rental or U-drive motor vehicles by:

- (1) Exempting laws pertaining to the care and maintenance of the vehicle from the requirement that the lessee, at the time of the issuance of a traffic infraction, shall be responsible for the summons or citation if the registered owner of record is the lessor of a rental or U-drive motor vehicle;
- (2) Clarifying that if requested by the lessor in writing within 45 days of such notice of violation, the administrative judge of the court having jurisdiction over the citation or summons shall waive the requirement of providing the name and address of the lessee by the lessor and impose an administrative fee per citation or summons of five dollars per citation or summons on the lessor; and
- (3) Exempting parking citations and traffic infractions pertaining to the care and maintenance of the vehicle from the provision allowing the lessor to adopt a policy of charging the lessee for the actual cost of the citation or infraction paid to the court.

In addition, your Committee has amended this bill by:

- (1) Changing its effective date to January 1, 2112, to encourage further discussion; and



- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1215, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1215, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



