

Nonresident Traffic Violation Enforcement

Nell Cammack
Researcher

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Legislative Reference Bureau
State Capitol
Honolulu, Hawaii 96813

FOREWORD

This report has been prepared in response to House Resolution No. 96, H.D. 2, which was adopted during the 1991 Regular Session of the Hawaii State Legislature. H.R. No. 96, H.D. 2, requests that the Legislative Reference Bureau study the feasibility of establishing a reciprocity system for enforcing traffic violations committed by out-of-state visitors in order to capture revenues lost through unpaid citations.

Interstate reciprocity for nonresident traffic violators is provided through the Nonresident Violator Compact. Hawaii is not a member of the Compact and this report addresses the question of whether the State should join it at this time.

The Bureau extends its appreciation to the following for their cooperation and guidance in the preparation of this study: Milton Hee, Eddie Lee, and Garret Yoshimi, Office of the Administrative Director, Hawaii State Judiciary; Dennis Kamimura, Honolulu Department of Finance; and the staff of the county police, finance departments, and prosecutors' offices.

Samuel B. K. Chang
Director

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CHAPTER 1

INTRODUCTION

House Resolution No. 96, H.D. 2 (1991) (see Appendix A), requests the Legislative Reference Bureau to study the feasibility of establishing a reciprocity system to enforce traffic citations issued to nonresident motorists. The Resolution cites the revenues lost when visitors leave the State without paying traffic fines as a significant area of legislative concern, and further specifies that the study:

- (1) Develop an estimate of the revenue loss;
- (2) Examine national models and interstate reciprocity agreements relating to enforcement of citations issued to nonresidents;
- (3) Recommend a system suitable for implementation in Hawaii;
- (4) Determine the system's costs, personnel and information requirements;
- (5) Develop an implementation schedule;
- (6) Determine the cost-effectiveness of the recommended system; and
- (7) Identify how other states handle DUI violations, contested tickets and cases involving arrests.

Time constraints require that item (7) be limited to the handling of those types of cases involving nonresident motorists. A full analysis of each would require several separate studies.

Chapter 2 gives an overview of Hawaii's traffic laws and the responsibilities of state and county agencies involved in their enforcement. Data specific to nonresident traffic violators in Hawaii are presented in Chapter 3.

Chapter 4 describes the Nonresident Violator Compact. The Compact is an interstate reciprocity agreement that allows a state to impose license renewal or issuance restrictions on its drivers when they have outstanding moving violations in another state. It is the reciprocity system supported by the National Highway Safety Administration. At this writing, 41 states and the District of Columbia are members of the Compact. Nonmembers include Hawaii and the Pacific coast states.

An evaluation of the major public policy and program administration issues that participation in the Compact raises is covered in Chapter 5. Chapter 6 presents the study's findings and recommendations.

NONRESIDENT TRAFFIC VIOLATION ENFORCEMENT

Chapter 7 is a brief Afterword that touches upon observations on matters that are related to but beyond the scope of this study.

CHAPTER 2

TRAFFIC VIOLATION ENFORCEMENT IN HAWAII

Statutory Basis

General

Title 17, Hawaii Revised Statutes (consisting of chapters 286 to 293), establishes Hawaii's highway safety provisions including vehicle and driver licensing, the traffic laws applicable to the State and counties, enforcement, penalties, and procedures for arrest and adjudication. State law specifies that the Governor is responsible for promotion of traffic safety and coordination of state and county traffic safety activities, and designates the state Director of Transportation as the Governor's highway safety representative.¹ It further authorizes the Governor to delegate highway safety programs or portions thereof to the counties.² General rulemaking powers are given to the Director of Transportation including the authority to adopt rules relating to traffic control devices, pedestrian safety, and police traffic services.³

The Statewide Traffic Code defines those violations and penalties that are uniform throughout the State.⁴ The Code allows the counties to enact ordinances relating to rules of the road for any matters not covered by the Statewide Traffic Code.⁵ Uniformity among the county traffic codes is not required.

Unless specifically designated a felony, misdemeanor, or petty misdemeanor, violation of the highway safety laws or traffic codes is a violation for which the principal enforcement officers are the county police. The procedures for arrest for traffic violations require the officer to issue a citation or summons notifying the violator of the time and place to appear to answer the complaint.⁶ Only when specifically authorized or directed may the arresting officer take the driver into physical custody.⁷ The Administrative Judge of the District Courts is responsible for prescribing the form and content of summons or citations for violations where physical arrest is not mandated.⁸ (See Appendix B.)

When a citation has been issued the violator has technically been arrested for a criminal violation,⁹ and responsibility for prosecution and adjudication rests with the county prosecutor's office and state District Courts. For the more serious violations, a formal court appearance and trial are required. However, most citations may be resolved by simply "paying the ticket". Each District Court has a bail schedule that sets forth the amount of bail for specific violations. When violators are not required to appear before the court and do not want to contest the citation, they may simply deposit and then forfeit the appropriate bail. Bail forfeiture constitutes a guilty plea to the violation.¹⁰ If the violator does not appear as directed on the citation or forfeit bail, a penal summons ordering appearance is issued. The court may assess up to \$25 for the cost of issuing a summons for any traffic violation.¹¹

Parking Violations

In the case of parking violations when the driver cannot be identified, the citation is issued to the registered owner of the vehicle.¹² If the owner is a U-drive company, and the vehicle was rented to a customer at the time the citation was issued, the company is liable for the citation unless it provides the court with the name and address of the customer within forty-five days of notification of the violation. Alternatively, the court may impose a \$5 fee per parking citation.¹³

Compliance

The county directors of finance are authorized to require the registered owner of a vehicle to deposit or pay bail for any outstanding parking violation as a condition for registration renewal.¹⁴ Similarly, outstanding traffic citations or summons are to be satisfied as a condition for driver's license renewal.¹⁵ These provisions apply only to vehicles and drivers registered or licensed by Hawaii.

Nonresidents

Nonresidents are subject to license suspension or revocation in the same manner as residents, and the county examiner of drivers is required to forward a certified copy of a nonresident's license suspension or revocation to the driver's home state. In the case of other convictions, the examiner is authorized, but not mandated, to inform the home state of the conviction.¹⁶

Hawaii is a member of the Drivers License Compact.¹⁷ This interstate agreement requires Compact members to report each conviction of a person from a member state to the licensing authority of the convicted person's home state. Under the terms of the Compact, conviction means:¹⁸

...a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

If a nonresident is convicted of manslaughter or negligent homicide from the operation of a motor vehicle, DUI, use of motor vehicle in the commission of a felony, or failure to stop and render aid, the home state agrees to treat the offense as if it had occurred in the home state. Other convictions are to be treated as provided by the home state's law.¹⁹ The Drivers License Compact does not address the issues raised by nonresident drivers who do not forfeit bail or otherwise resolve the citation or summons.

Operating Procedures

Enforcement of Hawaii's traffic safety laws requires coordination and daily interaction among a number of state and county agencies. While the state Director of Transportation is assigned responsibility for oversight and general coordination of traffic safety, the counties and the state Judiciary handle the actual day-to-day enforcement of most traffic laws.

Legislative and Administrative Action

The state Legislature, county councils, and state Department of Transportation enact the laws and adopt the administrative rules that define the acts that constitute traffic violations and the penalties to be imposed. The Department of Transportation is further responsible for administering certain federal requirements relating to traffic safety and to vehicle and driver licensing.

County Police Departments

County police officers patrol both state and county roads and are authorized to issue citations when they observe either a state traffic law or county traffic ordinance being violated. If the case goes to trial, the officer who issued the citation must be present at the trial to identify the individual and testify if called. The police also provide the courts with copies of all citations they have issued.

State Judiciary

Copies of all citations issued are sent to the appropriate District Court and entered in a statewide master file maintained by the Judiciary's Traffic Violations Bureau which is located in Honolulu. This file contains the current status for all citations and is continuously updated as citations are processed and trials conducted. The Traffic Violations Bureau is also responsible for receiving, accounting for, and depositing all bail and fines collected for traffic and parking violations. All revenues are deposited into the state general fund.

The Judiciary has a number of district courts hearing traffic cases throughout the State that initially handle all citations and summons that go to trial. Appeals from traffic court judgments as well as from certain administrative decisions of the county vehicle and driver license administrators are allowed and processed by the state District Courts.

The Judiciary is also responsible for:

- Informing the county licensing administrators of convictions that involve suspension or revocation of a driver's license, and the status of outstanding citations that must be satisfied before motor vehicle registration or driver's license renewal is approved;

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- Design and preparation of the citation and summons forms used by enforcement officers; and
- Maintenance of the system of records relating to traffic citations.

County Prosecutors

The county prosecutors conduct the prosecution of all traffic violations that go to trial, including any appeals.

County Finance Departments

The county finance departments issue and renew both vehicle registrations and drivers licenses. All renewal applications must be checked against records from the Traffic Violations Bureau to ensure that, in the case of vehicle registration, there are no outstanding parking citations; and, in the case of driver licensing, there are no outstanding moving violations or court directives regarding suspension or revocation of the license.

The counties are responsible for maintaining the State's records of both vehicle registrations and drivers licenses. Operationally, the City and County of Honolulu operates and maintains the master data files for these records.²⁰

The Judiciary's statewide data for outstanding moving violation citations are provided to the City and County on computer tapes on a monthly basis. The neighbor island counties access the master data file in Honolulu to conduct the checks on drivers and vehicles in their jurisdictions. (The City and County is not responsible for monitoring the accuracy of data provided by the Judiciary.)

Procedures for Nonresident Violators

The counties and the Traffic Violations Bureau report that nonresident violators are processed in the same manner as residents.²¹

ENDNOTES

1. Hawaii Rev. Stat., sec. 286-3.
2. Hawaii Rev. Stat., sec. 286-7.
3. Hawaii Rev. Stat., sec. 286-8.
4. Hawaii Rev. Stat., chapter 291C.
5. Hawaii Rev. Stat., secs. 291C-162 and 291C-163.

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6. Hawaii Rev. Stat., secs. 286-10 and 291C-164.
7. Hawaii Rev. Stat., secs. 286-10 and 291C-164.
8. Hawaii Rev. Stat., sec. 291C-165
9. Hawaii Rev. Stat., sec. 291C-161
10. Hawaii's point system for evaluating driver qualifications to operate motor vehicles is established by law and applies statewide. When bail forfeiture is permitted, the courts are required to assess the minimum points established for the offense, but no less than one point. A total of twelve points constitutes a basis for driver's license suspension. Hawaii Rev. Stat., sec. 286-128.
11. Hawaii Rev. Stat., sec. 291C-161(d).
12. Hawaii Rev. Stat., sec. 291C-167.
13. Hawaii Rev. Stat., sec. 291C-168.5.
14. Hawaii Rev. Stat., sec. 286-51(a).
15. Hawaii Rev. Stat., sec. 286-109.
16. Hawaii Rev. Stat., secs. 286-121 and 286-128(c).
17. States that have not joined the Drivers License Compact are Connecticut, Georgia, Kentucky, Massachusetts, Michigan, North Carolina, Pennsylvania, Texas and Wisconsin. Unpublished information provided by Nancy Bullin, American Association of Motor Vehicle Administrators, 4200 Wilson Blvd., Suite 600, Arlington, VA, 22203.
18. Hawaii Rev. Stat., sec. 286C-1 (Article II. Definitions).
19. Hawaii Rev. Stat., sec. 286C-1 (Article IV. Effect of Conviction).
20. This is a voluntary arrangement among the counties. The neighbor island counties contribute to the cost of operating and maintaining the system.
21. Response to Legislative Reference Bureau questionnaire, August 15, 1991 sent to Traffic Violations Bureau, county police, prosecutors, and licensing administrators. "Do you process violations committed by nonresidents differently from those committed by Hawaii residents, and if so, describe the key differences.

CHAPTER 3

NONRESIDENT TRAFFIC VIOLATORS IN HAWAII

Nonresident Drivers

Nonresident motorists in Hawaii are most likely to be visitors or military personnel assigned to Hawaii. Visitors from the Pacific states (Alaska, California, Oregon and Washington) account for 44% of U.S. citizens visiting Hawaii, and the remaining states and territories account for 56%.¹ Most visitors who drive while in Hawaii will probably use rental cars.

Foreign nationals account for about one-third of Hawaii's visitors² and, with a valid international drivers license, may drive while in the State. However, accounting for some 63% of eastbound travelers,³ Japanese nationals dominate the foreign visitor segment. An estimated 90%⁴ of Japanese visitors travel as part of an organized tour package, and it is unlikely that a significant number drive a car while here.

The number of military personnel in Hawaii has remained relatively stable for the past twenty years⁵ while both civilian population and the number of visitors have steadily increased. On a de facto basis (as of July 1, 1990), military personnel account for approximately one-quarter of the nonresidents present in the State. If this trend continues, the military will account for a steady number but diminishing portion of the total population as well as of nonresident drivers.

This population profile indicates that visitors from the U.S. mainland are the dominant segment of nonresident drivers in Hawaii, and that this will continue to be the case for the foreseeable future.

Nonresident Moving Violations⁶

The following data are based on tabulations provided specifically for this study by the Office of the Administrative Director, District Court, First District. Detail as to type of violation and residency of the drivers cited cannot be extracted from the existing computer files. Also, the amounts reported for the value of court imposed fines are not the amounts actually collected which is affected by time payment processing, fine reductions or suspensions, and uncollectible fines. The assumptions as to residency and military status of violators are based on the population data in the preceding section, and are not the responsibility of the Office of the Administrative Director.

In the fiscal year ending 1991, 45,510 traffic citations were issued to nonresident drivers. (These citations represent moving violations only, since parking tickets are issued to vehicle owners rather than drivers.) Of these, 40% were satisfied through bail forfeiture in person (BF) or by mail (BBM). Just under one-third (29%) went before the court and, of

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these, one-half had fines imposed and one-half were dismissed. Thirty-one percent were still outstanding at the close of the fiscal year. While the total number of citations issued to nonresidents since the fiscal year ending 1989 has increased each year, the breakdown of their disposition has generally held constant.

NUMBER OF MOVING CITATIONS ISSUED TO NONRESIDENTS By Fiscal Year Ending

	1989	%	1990	%	1991	%
OUTSTANDING	6,820	25	9,385	26	14,135	31
BF/BBM	9,942	37	14,552	40	18,161	40
FINED	6,744	25	7,400	21	6,936	15
DISMISSED	3,413	13	4,736	13	6,278	14
TOTAL ISSUED	26,919	100	36,073	100	45,510	100
ISSUED TO MILITARY	5,192		4,531		4,872	

The 1991 figures show that some 11% of nonresident citations were issued to military personnel. Assuming that their share of outstanding citations is the same as for all citations issued to nonresidents, they account for some 1,555 of the 14,135 citations that were outstanding at the end of 1991. For the purposes of this analysis, all of the remaining 12,580 are attributed to visitors from other states or U.S. territories. Again assuming that traffic citations are issued to nonresidents in approximate proportion to their numbers in the overall visitor population, residents of the Pacific states account for 5,535 citations and those from the remainder of the states for 7,045.

The amounts involved in nonresident citations also increased over the three-year period. The data show 23% of the total value of these citations in fiscal year 1990-1991 to be outstanding as compared with 15% and 16% in the previous years. This can be expected to drop somewhat as citations issued toward the end of the period are cleared by BF or BBM payments early in fiscal year 1991-1992, and as fines are imposed on cases taken to court after the end of the fiscal year. The average amount involved in outstanding citations issued during the fiscal year 1990-1991 is \$25.19.

VALUE OF MOVING CITATIONS ISSUED TO NONRESIDENTS By Fiscal Year Ending

	1989	%	1990	%	1991	%
OUTSTANDING	\$142,750	16	\$216,823	15	\$356,185	23
BF/BBM	\$346,610	39	\$448,998	31	\$624,106	41
FINED	\$408,913	45	\$801,754	54	\$551,032	36
TOTAL VALUE	\$898,273	100	\$1,467,035	100	\$1,531,032	100

Discussion: Moving Violations

The preceding data show that in fiscal year 1990-1991:

- Moving violations committed by nonresident drivers involve some 45,000 cases statewide;
- The total value of these citations is over \$1,500,000;
- Although there is currently no specific nonresident violator enforcement or compliance program, 40% of both the number and value of citations issued to nonresidents were satisfied by bail forfeiture in person or by mail;⁷
- 36% of the value of these citations was imposed by the courts on 15% of the total citations issued;
- 30% of the citations issued were still outstanding at the end of the year accounting for just under one-fourth or \$356,000 of the total amount involved;
- Data from prior years indicate that continuing efforts to satisfy outstanding citations will reduce the outstanding category with corresponding increases in the BF/BBM and Fined categories; and
- Population figures indicate that approximately 11% of all citations can be attributed to military personnel stationed in Hawaii, 39% to visitors from the Pacific states, and 50% to residents of the other states and territories.

For the purposes of cost/benefit analysis, program design and evaluation, the following are projected for fiscal year 1992-1993. The projected values assume that there are no major changes in the state or county traffic codes, enforcement policies, fines, or bail schedules.

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PROJECTED NONRESIDENT MOVING CITATIONS Fiscal 1992-1993

	NUMBER	VALUE
OUTSTANDING	16,500	\$500,000
BF/BBM	25,000	\$725,000
FINED	10,000	\$775,000
DISMISSED	9,100	--
TOTAL	65,000	\$2,000,000
BY RESIDENCY		
MILITARY	5,900	
PACIFIC STATES	26,000	
OTHER STATES	33,100	
TOTAL	65,000	

Even if it is assumed that an aggressive enforcement program would not only collect most of the estimated \$500,000 outstanding citations but also reduce the number of cases dismissed and facilitate collection of currently uncollectible fines, the maximum that might be realized would probably be well under \$1,000,000. In order to be a cost-effective revenue capture effort, such a program would have to primarily utilize existing resources without diverting them from current activities that yield revenues.

Nonresident Parking Citations

While current recordkeeping practices do not specifically identify parking citations issued to vehicles driven by nonresidents, a general indication can be developed from the U-drive vehicles for which the \$5 administrative charge⁸ is paid. A special one-month tabulation prepared by the Traffic Violations Bureau (Bureau) in Honolulu shows that, in September 1991, 2,361 parking citations were cleared by payment of the \$5 administrative fee in response to summons issued by the Bureau.⁹ On an annualized basis, this represents 28,332 citations with a value of some \$425,000 based on Honolulu's basic \$15 fee, or \$141,700 under the \$5 administrative fee. If Honolulu district citations are conservatively assumed to account for one-half of the parking citations issued statewide, the result is an estimated 56,700 citations that are attributable to U-drive vehicles and not voluntarily cleared by the driver. This figure is low because the major car rental firms, under their buyback provisions with auto manufacturers, ship their vehicles back to the mainland after 4-6 months.¹⁰ These vehicles will not be re-registered in Hawaii and so a registration stopper is ineffective. In fact, the annual state and county weight taxes are prorated when the vehicle is in the State less than a full year and a refund is made.

Because the rental agencies adjust their vehicle inventories to meet demand under their buyback agreements, the number of rental vehicles in the State is not constant and registration data do not tabulate U-drive vehicles separately from others. However, an average of approximately 40,000¹¹ vehicles is generally accepted. These figures indicate that an average of 1.4 parking citations per year per vehicle can be attributed to nonresident drivers who do not pay the citations directly. Under the current \$5 administrative fee, these citations total \$283,500 in annual revenues. This amount is collectible under current practices. Were the full citation amount collected, receipts would total an estimated additional \$300,000.

Discussion: Parking Citations

The Nonresident Violator Compact (see Chapter 4) does not cover parking violations and the revenues involved do not justify the cost of designing and implementing a unique interstate reciprocity program exclusively for collecting parking fines. Parking violations do not generally involve significant safety issues and so the noneconomic goal of improved highway safety is not a persuasive justification either.

A program to improve enforcement and collection of citations issued in Hawaii to nonresidents would have to focus on identifying and locating violators before they leave the State. When the vehicle involved is a U-drive this is technically possible because rental cars have identifying stickers¹² and the enforcement officer can note the name of the rental agency at the time the citation is issued. The agency's records identify the person who leased the vehicle and the lease contract requires a major credit card as security. Thus, the driver can be identified and a collection mechanism is also in place.

More aggressive enforcement of these citations would require: (1) notifying the rental agency of the citation immediately upon its issuance, and (2) authorizing the rental agency to act as collection agent for its customers.

ENDNOTES

1. Hawaii, Department of Business, Economic Development and Tourism, The State of Hawaii Data Book - 1990, November 1990, table 192, p. 191.
2. Ibid., Table 190, p. 189.
3. Ibid., Table 198, p. 196.
4. Ibid.
5. Ibid., Table 2, p. 13.

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6. Unpublished data provided by the Judiciary, Office of the Administrative Director, in support of this study. Data reflect statewide raw figures. Court fine amounts are those imposed, not actual collections, which will vary due to time-payment processing, suspended fines, and uncollectible fines.
7. The Hawaii County Police Department reports that license stoppers requested by the District Court, Third Circuit, have resulted in a 50% response from nonresident violators. This is achieved in the absence of a formal reciprocity agreement between Hawaii and the violators' home states. Letter from Victor V. Vierra, Chief of Police, Hawaii County to Samuel B. K. Chang, August 28, 1991.
8. Hawaii Rev. Stat., sec. 291-168.5
9. Telephone interview with Milton Hee, Manager, Traffic Violations Bureau, October 18, 1991.
10. Honolulu Star-Bulletin, "Cost of Renting a Car About to Rise," September 27, 1991.
11. Data Book, Table 519, p. 454. U-drives represented 4.3% of registered vehicles in 1983 (30,442 out of the total 702,854). A figure of 30,000 to 40,000 was frequently mentioned as a "best guess" during interviews conducted for this report.
12. Most major U-drive firms place bar code identifiers on their vehicles.

CHAPTER 4

NONRESIDENT TRAFFIC VIOLATOR COMPACT

Nonresident Violator Compact

Background¹

The first model interstate compact for enforcement of traffic violations was developed by the National Conference of Commissioners on Uniform State Laws in 1965. Known as the Traffic Violations Compact, it was used by Maryland, Virginia and the District of Columbia to develop bilateral agreements for enforcement involving nonresident violators. In 1969, New York, New Jersey and several New England states entered into similar agreements.

A Uniform Nonresident Violator Compact was drafted in 1972 by a task force established by the Mid-Atlantic Governors Conference. The 1972 Compact addressed the problem of limited contiguous state agreements and the variations in notification and compliance procedures that had developed under the individual bilateral agreements. By 1977, ten states, all in the east, had joined the 1972 agreement.

In 1977, the federal government's National Highway Traffic Safety Administration, the American Association of Motor Vehicle Administrators (AAMVA), and the Council of State Governments developed a model Nonresident Violator Compact, enabling legislation and an Operations Manual. Bylaws were subsequently adopted by the members of the Compact. These materials, as revised or amended, were re-issued in 1990.³ As of July 1991, forty-one states and the District of Columbia have joined the 1977 Nonresident Violator Compact (Compact).⁴ (See Appendix C).

Purpose

Each state has the legal and administrative authority to enforce traffic citations issued within its boundaries to its resident drivers. Each state can also issue citations to nonresident drivers. However, administratively, enforcement of citations issued to persons licensed by another state can only be assured if the violator (or the violator's drivers license) is physically detained until bail is posted, a fine is paid or a court has otherwise resolved the issue. This is due to the fact that the ultimate enforcement mechanism other than physical custody is license revocation or suspension, and such action can only be taken by the jurisdiction that issued the license.

This has historically been viewed as a significant problem by many states and local governments as well as by federal highway safety officials. In areas with large daily cross-border commuter traffic (e.g. the District of Columbia, Virginia, Maryland area; and the New York City, New Jersey, Connecticut tri-state area) there are significant traffic safety and revenue loss implications to nonenforcement. Similar considerations arise in areas that attract large numbers of nonresident vacationers who tour by automobile. Federal officials

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support uniformity of traffic laws and enforcement among the states as a key to national highway safety.

The Nonresident Violator Compact is a voluntary, uniform interstate agreement developed in response to these shared concerns. It offers an alternative that is administratively more efficient for enforcement officials, and allows nonresident violators to proceed on their own recognizance to the same extent as resident violators.

Compact Responsibilities

Under the Compact, the licensing or home state of a traffic violator agrees to impose its provisions for drivers license suspension, revocation, or limitation on the violator when notified by a member state that an outstanding violation is pending against the motorist. The violator is responsible for satisfying the terms of the outstanding violation directly with the issuing state, and providing satisfactory proof of compliance. The state issuing the citation must notify the motorist and the motorist's home state of the outstanding citation and provide the violator with appropriate certification of compliance when received. Upon receipt from the violator of the notification of compliance, the licensing state removes the license suspension, revocation or limitation.

Under the Compact the home state does not act as a collection agency nor does it establish the amount of bail or fine that is due. It does provide a hearing procedure under which the violator may protest the suspension, revocation or limitation imposed by the home state. This assures due process for the nonresident violator.

The primary obligation of member states is timely notification by the jurisdiction issuing the citation to the violator's home state. Uniformity in the areas of traffic laws, administrative rules, bail or fine schedules, and general operating procedures is not necessary since the Compact is basically an acknowledgment by a licensing state of the validity of citations issued by other member states. It is the responsibility of the violator to satisfy the terms of the citation and provide appropriate proof to the licensing authority. It is the responsibility of the licensing state to impose its normal licensing restrictions when proper notification is given by the issuing state, and withdraw the restrictions when the violator presents proof of compliance.

Violations Covered

The Compact generally covers the moving violations for which, in Hawaii, points are imposed such as speeding, reckless driving, and disregarding traffic control signals or signs.

The Compact does not cover:

- Parking violations;
- Equipment, inspection, size/weight violations;

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- Serious violations such as DUI that alone carry physical arrest or license suspension or revocation penalties; or
- Transportation of hazardous materials violations.

Compact Administration

Membership - *Membership may be accomplished by any of four methods:*

1. A state official with existing power to enter into interstate agreements or compacts may offer a resolution of joinder.
2. The legislature may authorize and direct an appropriate official to enter into the Compact.
3. The legislature may enact the Compact in its entirety.
4. The Compact may be joined, by reference, through the Uniform Vehicle Code - 1987, sections 6-202 through 6-205.

The American Association of Motor Vehicle Administrators recommends legislative enactment of short form legislation directing the appropriate official to execute the necessary documents.⁵ This method clearly establishes legislative intent while leaving the designated administrator free to act on Compact issues as they arise. As of July 1991, 42 jurisdictions are members of the Compact.

Withdrawal - Official written notice must be sent to all Compact members. Withdrawal does not become effective until 90 days following such notice.⁶

Board of Compact Administrators - The Board of Compact Administrators is comprised of one compact administrator from each member state. The administrators are designated by the governor of their state and serve as provided by their state's law. The administrator, in writing, may designate an alternate. Each member has one vote, and no action is binding unless taken at a meeting where a majority of members are present and a majority of the Board's members vote in favor.

A chair and vice chair are elected annually. The Board must adopt and may amend bylaws for the conduct of business. It may accept donations and grants of money, equipment, services and the like from any jurisdiction, or governmental agency, and may dispose of the same. It may also contract for services. Forms, procedures and documents needed to administer the Compact have been developed by the Board and are included in the Compact Operations Manual.⁷

The Nonresident Violator Compact Board and The Drivers License Compact Commission⁸ revised their bylaws in 1990 to form a new Joint Board of Directors comprised of

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jurisdictions that are members of both compacts. The membership of both compacts approved the reorganization.⁹ Staff support services are provided by AAMVA. The joint board has a chair, vice chair and four members who each represent one of four regions (Region III representative not appointed as of June 1, 1991).¹⁰

Advantages and Disadvantages of Compact Membership

Advocates of the Nonresident Violator Compact cite the following benefits:

- Equal treatment of residents and nonresidents because personal recognizance is permitted for both;
- Lower enforcement costs because law enforcement officers are relieved of the burden of processing violators (i.e., physically escorting violators to court);
- Net increase in revenues because citations cannot be ignored without risk of loss of license;
- Decrease in "failure to appear" cases; and
- Improvement in overall compliance with traffic laws as motorists become aware of effective interstate enforcement.¹¹

Under Hawaii's current procedures, the first two points do not apply because personal recognizance is already allowed for all violators; and officers, therefore, are not required to process nonresidents differently from residents. The remaining three points are relevant to Hawaii.

The fact that the Compact is a tested and proven system accepted by and operational in a significant number of states is a further advantage.

However, there are also negative factors that must be considered:

- The western states have not joined the Compact. This means that residents of Alaska, Arizona, California, Montana, Oregon and Washington (as well as Michigan and Wisconsin) would not be subject to the compliance requirements of the Compact. Residents of the Pacific states represent almost one-half of Hawaii's westbound visitors¹² and, unless these states join, a substantial number of nonresident violators in Hawaii would not be covered were Hawaii to join.
- Membership in a reciprocity agreement would require that Hawaii drivers who receive citations in other states be subject to the same license stoppers as for Hawaii citations. While the revenues from enforcement of the stoppers on

Hawaii licenses would go to the state issuing the citation, the costs of adapting the Honolulu master data file would come from state and county funds. Furthermore, since the Traffic Violations Bureau is responsible for tracking citation compliance, integrating the status of outstanding out-of-state citations with in-state records would require modification of that system as well. The costs of these modifications could offset substantially the revenue gain. This amount is estimated to be between \$150,000 and \$200,000 given the Compact's present membership. (See Chapter 3.)

Initial Agency Assessments

A questionnaire was sent to each of the county police departments, prosecutors offices, and finance departments as well as the Traffic Violations Bureau asking their initial assessments of the Nonresident Violators Compact in terms of their role in enforcing nonresident violations. A copy of the Compact was provided. However, specific details for implementation were not proposed. The response to this initial review reflected the current enforcement responsibilities of each agency:

- The police departments generally felt that membership would not directly impact them, but that joining the Compact would probably improve enforcement.
- The neighbor island finance departments indicated possible workload and cost increases depending upon how the program would be implemented by the Honolulu Finance Department. They did not foresee improved enforcement resulting from membership.
- The prosecutors' offices indicated probable increases in both workload and operating costs with six months to one year needed to become operational. However, better enforcement was anticipated under the Compact.
- Both the Honolulu Finance Department and the Judiciary Traffic Violations Bureau reported probable workload and cost increases as well as a fairly lengthy start-up period, depending upon which would be the designated lead agency.

While the results of the questionnaire reflect only initial evaluations based on quite limited information, they do confirm that the cost-savings experienced by mainland jurisdictions which are primarily due to freeing police officers from the responsibility of escorting violators to court, cannot be expected under Hawaii's present system of personal recognizance. Thus, while enforcement and compliance would probably improve if Hawaii joined the Compact, there would also be increases in costs and workload for some enforcement agencies.

ENDNOTES

1. U.S., Department of Transportation, National Highway Traffic Safety Administration, The Nonresident Violator's Compact - Operations Manual (Washington, D.C.: November 1985), pp. 1-3.
2. Delaware, Maryland, New Jersey (1972); North Carolina (1973); Virginia, District of Columbia (1975); Louisiana (1975); Florida, New York, Pennsylvania (1977).
3. U.S., Department of Transportation, National Highway Safety Administration, in cooperation with American Association of Motor Vehicle Administrators and Nonresident Violator's Compact Board of Compact Administrators, The Nonresident Violator Compact, Operations Manual - 1990, DOT HS 807.577, NTS-24.
4. Unpublished material provided by Nancy Bullin, American Association of Motor Vehicle Administrators, 4200 Wilson Blvd., Arlington, VA 22203.
5. Nonresident Violator Compact 1990 Operations Manual, pp. 7-10.
6. Ibid., p. 29.
7. Ibid., p. 28.
8. The Drivers License Compact Commission is the administrative board that oversees the operations of the Drivers Licenses Compact. See Chapter 2.
9. Letter from Jerry Tannahill (NTS-24), US DOT/NHTSA, Washington, D.C., to Nell Cammack, September 4, 1991.
10. Ibid.
11. Nonresident Violator Compact 1990 Operations Manual, pp. 3-4.
12. Hawaii, Department of Business, Economic Development and Tourism, The State of Hawaii Data Book - 1990, November 1990, Table 192, p. 191.

CHAPTER 5

POLICY AND PROGRAM CONSIDERATIONS

Policy Issues

Aggressive enforcement of outstanding traffic citations issued to nonresidents involves two potentially competing issues of public policy: (1) possible negative impact on the visitor industry, and (2) improved traffic safety.

Hawaii competes nationally and internationally for the visitor dollar. The State strives to ensure that visitors leave with a strong positive impression in order to encourage repeat trips and generate favorable word-of-mouth information for potential first-time visitors. Resolving outstanding traffic citations is not a pleasant experience for motorists whether resident or not. In the case of visitors, it is likely to be particularly difficult. In addition to the inconvenience and irritation residents experience, the visitor must deal with an unfamiliar system either within a time-frame fixed by their travel schedule or by mail or phone after leaving the State. As an event that will probably occur toward the end or after their visit, it could well mean that one of the visitor's last impressions of Hawaii would be that associated with a traffic citation. For those affected, an otherwise pleasant experience can be overshadowed by problems regarding a citation.

The primary policy level advantage is a stronger traffic safety program that ensures equal treatment of visitors and residents under its enforcement provisions. Currently, the nonresident violator can simply ignore both parking and moving citations, while resident drivers and vehicle owners can have their licenses and vehicle registration applications denied until the citations are cleared. Nonresidents who are aware of this (or simply take a chance) can violate traffic laws without concern about the cost or inconvenience of a citation. Many of these violators are unfamiliar with local streets, traffic patterns and driving conventions, and, as such, may be particularly hazardous drivers.

Ideally, the program should be equally responsive to both economic and safety issues. However, where a conflict is unavoidable a clear policy decision should be made. Traffic citations are criminal charges the enforcement of which involves close cooperation among numerous state and county agencies. Without legislative and administrative commitment, it is unlikely that the resources and operational support required to modify the program would, in fact, be provided.

Program Factors

Fiscal

In general, when considering a new or expanded program, the potential revenues and any questions of equity are identified and balanced against its costs. Collection of all outstanding moving violations committed by nonresidents involves an estimated \$500,000 and, for parking violations, some \$300,000 in potential new revenues in 1993 (see Chapter 3). These estimates assume the continuation of current practices and bail/fine schedules but will be high if improved enforcement results in improved compliance with traffic laws.

Equity, or fairness, involves perceptions as well as more quantifiable variables. Public compliance and support are more easily achieved when those impacted accept program requirements as reasonable and fair. Similarly, basic program operations are more effective and efficient when they are seen as necessary and fair by the employees responsible for daily operations. The major issue of equity raised by traffic violation enforcement relative to nonresident violators under current procedures is equal treatment under the law.

Resident drivers must either pay their fines or bail, or risk denial of their license renewal application. When they do pay, the conviction may impact their insurance costs if the violation requires that points be recorded in their official traffic record. The driver licensed in another state can avoid both fines and points by simply ignoring a citation. Parking citations can similarly be avoided by nonresident drivers, while the resident vehicle owner must clear all tickets before the annual vehicle registration will be renewed.

In terms of fiscal considerations, the issues are, (1) whether existing procedures can be revised to capture a portion of the revenues currently lost and improve the inequitable treatment of resident versus nonresident violators, and (2) whether the costs of such revisions are acceptable relative to the identified benefits.

Operational

In the design of a program the essential technical and staff resources required to achieve the desired objective must be identified. Then an efficient structure for their coordination and utilization must be established. With regard to traffic violation enforcement, the essential element is the Traffic Violations Bureau's citation file. Enforcement procedures are initiated based on the information in these files, and the effectiveness of the program is dependent upon their accuracy and timeliness.

Depending upon the nature and stage of enforcement proceedings, provisions must be made for interagency coordination. Under the current program, the agencies most frequently involved when citations are issued against Hawaii residents are the traffic courts, prosecutors' offices and county licensing offices. The absence of comparable interfaces with the key agencies in other states is one of the limitations on enforcement involving nonresident violators. To correct this situation, either the missing interfaces must be established or the

method of imposing penalties be revised to eliminate the need for coordination with other states.

A final operational consideration is the extent to which the program should be incorporated and coordinated with related activities. Nonresident violator enforcement is an integral part of the larger enforcement program for all traffic violations. The same laws apply and the same basic procedures are used. Because nonresident violations are a relatively minor sub-set of all violations, consideration must be given to applying available resources to improving the overall system rather than focusing only on nonresident violators.

Evaluation

Data indicate that the vast majority of nonresident violators are short-term¹ visitors from the mainland. Of those cited for moving violations, only 15 to 20 per cent fail to clear their citations eventually, and 40 per cent are cleared by bail forfeiture (see Chapter 3). The relatively small proportion whose citations are not eventually paid or otherwise cleared does not justify a major enforcement effort.

The problems of inaccurate or out-of-date citation records are of particular concern when visitors are involved. Both enforcement personnel and those cited should have confidence in the validity and accuracy of the information which is the basis for enforcement actions.

Enforcement of moving violations improves highway safety primarily through the deterrent effect. Drivers are more likely to obey traffic laws when they are aware of the law and that, if cited for a violation, they will be prosecuted and the conviction placed in their record regardless of state boundaries. Simply stated, improved highway safety depends upon compliance rather than revenue capture.

The issue of equity requires that the program be able to accurately identify violators and impose penalties based upon the violation rather than the residency of the person cited. It further requires that all violators have access to mechanisms to resolve disputes.

House Resolution No. 96, H.D. 2, focuses on the revenue generating potential of more aggressive enforcement of traffic violations committed by nonresidents. When both parking and moving violations are considered, this is an estimated \$800,000 annually under current practices and bail schedules (\$500,000 attributable to outstanding moving violations and \$300,000 to unpaid parking citations). Program costs should, therefore, be substantially less than \$800,000 if the effort is to be cost-effective. If not, they should support improvements that are applicable to more than nonresident violator enforcement.

The potential \$800,000 revenue gain reflects both outstanding parking and moving violations. The enforcement options for the two types of violations differ. The driver is charged with moving violations, while the vehicle owner is responsible for parking citations.

POLICY AND PROGRAM CONSIDERATIONS

Parking enforcement further distinguishes vehicles owned by rental firms for which a \$5 administrative fee may be imposed in lieu of the parking fine or bail.

Parking citations are not covered by the Nonresident Violator Compact. While they are less significant than moving violations in terms of both revenue loss and safety, they also involve the issues of visitor attitudes and equity. The latter is complicated by the fact that while most nonresident parking violations are committed by visitors, the car rental firm, not the driver, is notified of the violation. This notification may take several months and usually occurs after the visitor has left the State.

Program Design

The purpose of strengthening the traffic violations enforcement system as it applies to nonresidents is to improve both compliance with traffic laws and collection of the amounts due from those cited for traffic violations. The program to accomplish this should:

- Be sensitive to the special needs of visitors;
- Require minimal start-up and operating costs;
- Be compatible with efforts to improve the overall system;
- Address both parking and moving violations; and
- Maximize collection of amounts due from violators.

Efforts that focus on voluntary compliance with both traffic laws and citation requirements meet these conditions. They can also be compatible with but are not necessarily dependent upon participation in an interstate reciprocity system.

ENDNOTES

1. Hawaii, Department of Business, Economic Development, and Tourism. The State of Hawaii Data Book - 1990. November 1990, Table 195, p. 194. The median length of stay for westbound visitors in 1989 was 9.7 days; three-fourths stayed twelve days or less.

CHAPTER 6

FINDINGS AND RECOMMENDATIONS

House Resolution No. 96, H.D. 2 (1991), requests a study to determine the feasibility of establishing a reciprocity system to enforce traffic violations committed by nonresidents. The advantages to participating in a reciprocity program include development of a data base and management system that is compatible with those of most other states, and participation in an enforcement program that, in the near future, will be uniform across the nation. However, due to marginal cost-effectiveness of participation under current circumstances, actions not requiring interstate coordination should also be considered.

The findings and recommendations are presented in three parts. Part One addresses the specific questions raised in House Resolution No. 96, H.D. 2. Part Two discusses actions that can be taken unilaterally. Part Three presents the study's recommended program.

Part I. House Resolution No. 96, H.D. 2

The primary concern reflected in House Resolution No. 96, H.D. 2, is the loss of revenue attributable to citations issued to visitors who leave the State without paying the bail or penalties due. In addition to revenue gain, participation in the model reciprocity system would ensure that Hawaii's citation system and records are compatible with those of most other states. This will facilitate compliance with current and future federal requirements such as those in the 1986 Commercial Motor Vehicle Safety Act, as well as related voluntary programs. Membership in an interstate reciprocity system will not capture revenues from outstanding parking citations issued to vehicles driven by nonresidents.

House Resolution No. 96, H.D. 2, specifically identifies the following seven items to be covered by the study.

1. Estimate of revenue loss attributable to failure to enforce traffic citations issued to nonresident visitors.

Given current fines, bail schedules, and citation issuance practices, the statewide estimated value of outstanding citations issued to nonresidents for moving violations for fiscal 1993 is \$500,000. The estimated value of all moving violation citations issued to nonresidents is \$2,000,000 of which \$725,000 in voluntary forfeiture of bail will be received, and court fines of \$775,000 imposed. The number of the outstanding violations is estimated at 16,500 out of a total of 65,000 issued for the year.

2. Examine whether interstate reciprocity systems offer an effective nonresident violator

FINDINGS AND RECOMMENDATIONS

enforcement program.

The Nonresident Violator Compact is the model multi-state reciprocity system for enforcement of most moving violations committed by nonresident drivers. The Compact does not cover parking violations or the more serious moving violations, such as DUI, that in themselves involve physical arrest or license revocation. Forty-one states and the District of Columbia are Compact members. The mainland states that have not joined are Alaska, Arizona, California, Michigan, Montana, Oregon, Washington and Wisconsin. Member states have found the program to be effective and cost-efficient when compared to their programs prior to joining the Compact. The American Association of Motor Vehicle Administrators and the National Highway Safety Administration endorse the Compact.

Under the Compact member states agree to impose licensing suspension or renewal restrictions on their residents when notified of an outstanding violation in a member state. The driver is responsible for clearing the violation and providing proper notification to the licensing authorities.

3. Recommend a reciprocity system suitable for implementation by Hawaii.

The Nonresident Violator Compact is an established, tested and widely accepted reciprocity system. Should Hawaii elect to formally participate in interstate reciprocity relating to traffic violation enforcement, it should do so through membership in this Compact. Membership in the Compact would provide that Hawaii residents with outstanding violations in other states would have to clear those citations as a condition for Hawaii drivers license renewal. Similarly, Hawaii would have to notify the home state of nonresident drivers of their drivers' outstanding citations and provide violators with suitable proof when the citations are cleared.

At this time the State would derive only limited financial benefits from Compact membership due to the fact that approximately 39 per cent of Hawaii's visitors are residents of states that are not yet Compact members.

4. Determine the fiscal, personnel, and information requirements to implement the recommended system.

Due to the limitations of the Traffic Violations Bureau's citation records system and the relatively small number of outstanding nonresident violations attributable to residents of Compact member states (10,000 per year), participation in the Compact could be initiated most quickly using a manual rather than automated system.

The program should be placed in the Traffic Violations Bureau because it is the agency with responsibility and authority for recording and maintaining citation records. The information regarding the status of citations is essential to participation in the Compact. The

NONRESIDENT TRAFFIC VIOLATION ENFORCEMENT

estimated fiscal, personnel and information requirements of a primarily manual program include:

- Annual operating costs:

\$150,000	Three full-time employees (salary, fringe benefits, and overhead)
\$10,000	Postage, forms, telephone in excess of normal requirements
- One-time setup costs:

\$15,000	On site consultation/training by AAMVA support staff (two trips--travel and per diem for one person)
\$10,000	Computer and software for word processing and data management
- Information:

Status of citations issued to Hawaii residents by member states (provided by issuing state)
Copies and status of citations issued to residents of member state (provided by Traffic Violations Bureau)

An alternative approach is to direct the Traffic Violations Bureau, in consultation with AAMVA, to incorporate the necessary elements into the system-wide revisions currently being planned. In this case, the costs attributable to Compact membership would be negligible. On site consultation with AAMVA or another agency familiar with Compact operations should be included under either approach.

5. Develop a timetable for implementation.

The manual option outlined in the preceding discussion could be operational 12 to 18 months following approval of funding and positions and enactment of legislation authorizing membership in the Compact. However, this assumes that it is given a high priority that its revenue producing potential may not justify.

1992 Legislative Session - Enact short form legislation assigning the program to the Judiciary's Traffic Violations Bureau and authorizing the Chief Justice or Courts Administration to enter into the Nonresident Violator Compact.

FINDINGS AND RECOMMENDATIONS

Appropriate funds and authorize three positions to the Traffic Violations Bureau to develop the program.

Fiscal Year 1992-1993

July 1992 - Enabling legislation and funding enacted.

Fall 1992 (six-nine months) - First on-site consultation with AAMVA staff. Identify program requirements, prepare draft operations manual and position descriptions, initiate position authorizations and hiring of personnel. Acquire equipment and software. Start development of program's software system (standardized letters and file maintenance).

Spring/Summer 1993 (six months) - Second on-site AAMVA consultation and workshop. Prepare final operations manual and adopt rules if necessary. Consult with county licensing administrators to develop hearing procedures required by the Compact and coordinate system for updating license records (flagging and unflagging license stoppers).

Fall 1993 - Initiate program operations.

If the program is integrated into the Traffic Violations Bureau's data processing master plan, the timetable would be established by that process.

6. Determine the system's cost-effectiveness.

The annual operating costs of the manual system outlined in Item 4 are an estimated \$160,000 per year. The potential revenue attributable to outstanding moving violations committed by drivers who are residents of Compact member states is an estimated \$300,000 (60% of the total \$500,000 in outstanding moving violations estimated for the fiscal year ending 1993). Taking into consideration the value of administrative time and effort required to establish the program, its cost-effectiveness would be negligible for the first two to three years.

7. Determine how other states handle contested violations, DUI, and violations involving arrests.

Under the Nonresidents Violator Compact the cited nonresident driver and the jurisdiction issuing the citation must resolve contested violations in accordance with the same procedures that apply to the jurisdiction's residents. The Compact further requires a hearing process in the licensing state through which the licensing action taken as a result of the citation can be reconsidered. The action of the hearings board does not alter the status of the citation itself.

The Nonresident Violator Compact does not cover major violations such as DUI or those for which arrest is required. The provisions of the Drivers License Compact (see Chapter 2), of which Hawaii is a member, require member states to report each conviction of a nonresident to their home state licensing authority. If the conviction was for manslaughter, negligent homicide from the operation of a motor vehicle, DUI, use of a motor vehicle in the commission of a felony, or failure to stop and render aid, the violator's home state agrees to treat the offense as provided by the home state's law. Prosecution of the offense remains the responsibility of the state in which the act occurred.

Part II. Non-reciprocity Actions

There are several actions that could improve nonresident enforcement and do not require interstate coordination. Implementing some or all of them could increase revenue collections while the Traffic Violations Bureau completes and implements the entire data processing master plan including those portions relating to nonresident violators.

1. Encourage voluntary compliance.

The present system enjoys a surprisingly high level of voluntary compliance (40%). This indicates an acceptance by many visitors of the validity of citations they receive and a desire to keep their driving records clear of outstanding penalties. A low-cost program to encourage voluntary compliance should be tested and, if successful, implemented on a permanent basis.

For a six-month test period, have U-drive firms distribute a notice from the state Department of Transportation with each U-Drive contract. The notice would be a brief, courteous reminder to obey the traffic laws, and a warning that, (a) an outstanding violation may result in denial of relicensing applications in the driver's home state, and (b) their U-Drive contract may allow the firm to charge their credit card for unpaid parking citations issued while they were renting the vehicle.

Follow-up notices should be sent to violators if possible. The project should be monitored to determine if there are significant changes in, (a) the number of citations issued (i.e. improved compliance with traffic laws), and (b) the number or amounts of bail forfeiture by nonresidents (i.e. improve voluntary payment of bail).

The project costs are minimal, involving only the printing and distribution of the notice, and one special tabulation of nonresident citation records similar to that made for this study. Exhibit 1 is an example of the type of notice proposed.

Exhibit 1

**Sample Notice from the
Department of Transportation**

ALOHA,

Welcome to Hawaii!

We hope you enjoy your visit and want to make sure you have a safe and pleasant stay in the Islands.

Since you will be driving a car while here, you should be aware of a few facts about driving in our State.

Hawaii is host to more than 6 million visitors every year. They come from all parts of the world and many will drive sometime during their stay. That gives us a lot of drivers who are not familiar with our roads and traffic rules, and some who may not drive as safely as they should. In order to keep our streets and highways safe for everyone, the traffic laws, including parking restrictions, are actively enforced on all the islands and we urge you to obey the posted restrictions at all times.

However, if you should receive a citation for either a parking or moving violation, we encourage you to clear it as soon as possible.

An outstanding or overdue citation for a moving violation may result in refusal by your state of residency to renew your drivers license until the ticket is paid.

Your car rental contract may allow the company to charge an unpaid parking citation to your credit card even after you have paid your bill.

It is easy to avoid the cost and inconvenience of traffic tickets by simply driving safely and within the law. We hope that will be your choice.

Mahalo

2. Amend the in-lieu administrative fee provisions for parking citations issued to U-drive vehicles.

Section 291-168.5, Hawaii Revised Statutes, provides that a \$5 administrative fee may be imposed in lieu of bail for parking citations issued to U-drive vehicles. Alternatively the firm may provide the name and address of the customer renting the vehicle within 45 days of notification of the citation. This \$5 fee was established when the majority of parking citations were also \$5. Since then, Honolulu has increased the basic fine to \$15, and each county may change parking fines by ordinance. The in lieu charge should be related to citation amounts rather than a statutorily fixed amount.

Section 291-168.5 should be amended to provide that the in lieu fee be either equal to the amount of the citation or a percentage thereof with a minimum of \$5. (U-drive firms that find the costs unacceptable need only provide the name and address of the driver thus shifting liability for the citation to the driver and responsibility for collection to the State. Those firms that include provisions for payment of citations in their contracts may charge their costs to the driver's credit card even after the vehicle has been returned and the rental bill paid.)

3. Allow the county directors of finance to deny vehicle weight tax refunds if the vehicle owner has outstanding parking citations.

Section 249-3, Hawaii Revised Statutes, provides that state and county vehicle weight taxes shall be prorated and refunds made when a vehicle is junked or shipped out of the State during the year for which the tax has been paid. Many U-drive vehicles are eligible for these refunds because they are returned to the mainland within four to six months under the buy-back agreements between U-drive firms and auto manufacturers. While there is no direct relationship between the weight tax and possible parking citations, at a practical level the finance directors should not be required to process a refund if there are also outstanding citations on file.

Section 249-3 should be amended to provide that no refund of vehicle weight taxes shall be required if the director of finance has determined that the registered owner has not deposited or paid bail with regard to any properly issued summons or citation issued to the registered owner for a stopping, standing, or parking violation. The amendment should be permissive rather than mandatory. The amounts involved on a per vehicle basis are small and the directors should be given flexibility to balance the administrative costs against potential revenue. Furthermore, improvements regarding the timeliness and accuracy of citation records may be needed before the provision is implemented.

Part III. Recommendations

1. Hawaii should not join the Nonresident Violator Compact at this time.

In order to participate in the Compact a special manual processing system would have to be established in the Traffic Violations Bureau. It would require additional staff and separate procedures for processing nonresident citations. The program would not be cost-effective and would need administrative attention and support better devoted to improving the enforcement program as a whole.

2. The Legislature should support measures to upgrade and improve the traffic violations enforcement program and require that such changes be compatible with the provisions of the Compact with a view toward eventual membership.

While membership in the Compact would generate only modest revenues other advantages such as record compatibility with other states and participation in national highway safety efforts justify a goal of joining in the future.

3. The unilateral actions described in the preceding Part II should be implemented:

- Prepare and distribute notices encouraging compliance with traffic laws and citations.
- Amend section 291-168.5, Hawaii Revised Statutes, to keep in lieu administrative charges for U-Drives in proportion to parking fines.
- Allow the directors of finance to deny vehicle weight tax refunds if there are outstanding parking citations.

These actions reflect the program features outlined in Chapter 5 which are:

- Be sensitive to the special needs of visitors;
- Require minimal start-up and operating costs;
- Be compatible with efforts to improve the overall system;
- Address both parking and moving violations; and
- Maximize collection of amounts due from violators.

CHAPTER 7

AFTERWORD

Hawaii's traffic violations enforcement system is excessively fragmented and compartmentalized. The numerous agencies responsible for various parts of the system operate in relative isolation. In large part this appears to be due to or encouraged by the following factors:

- A great many agencies are directly responsible for parts of the system but no single agency is responsible for overseeing the entire program;
- The agencies involved are structurally isolated to an unusual degree (i.e., the Judiciary is administered by a judge appointed by the Governor, most county prosecutors are elected, the police chiefs are appointed by independent police commissions, the directors of finance are appointed by the county mayors, and the Director of Transportation is appointed by the Governor);
- The sources and amounts of funds to pay program costs bear no clear relationship to the amount or disposition of program revenues; and
- For most of the agencies, traffic violation enforcement is not their primary function and, as such, is a low priority activity.

An analysis of the traffic violations enforcement system is beyond the scope of this study. However, it is most unlikely that significant improvements in enforcement generally and nonresident enforcement in particular will be achieved until the larger issues are resolved.

The legislature should consider establishing and funding a multi-agency task force to design and monitor a detailed, in-depth analysis of traffic violation enforcement in Hawaii. The task force should be free to review the purposes and goals of traffic enforcement, examine alternatives such as decriminalizing traffic violations and the transfer or consolidation of operational responsibilities, and evaluate the available technologies such as bar coding of vehicles and/or drivers licenses to improve timeliness, accuracy, and efficiency of registration and records maintenance.

HOUSE OF REPRESENTATIVES
SIXTEENTH LEGISLATURE, 1991
STATE OF HAWAII

H.R. NO.

96
HD.2

HOUSE RESOLUTION

REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A
RECIPROCITY SYSTEM FOR THE ENFORCEMENT OF TRAFFIC VIOLATIONS
BY OUT-OF-STATE VISITORS.

WHEREAS, the Commercial Motor Vehicle Safety Act of 1986 requires all states to record and transmit conviction and license status information for commercial vehicles in an expedient system; and

WHEREAS, the Legislature finds that some states have expanded on this requirement and have included records for all drivers; consequently, driving records information from other states can be quickly obtained to facilitate the enforcement of traffic violations and driver's licensing laws; and

WHEREAS, states that have access to current driver's records of other states have been entering into reciprocal arrangements whereby a state will prohibit the issuance or renewal of a driver's license until an applicant with an outstanding traffic violation or summons for a traffic violation in another state has cleared that violation through the payment of a fine or other penalty; and

WHEREAS, while Hawaii provides information upon request to other states, it does not yet have in place a system whereby driver's records information can be exchanged with other states to facilitate the enforcement of traffic violations by out-of-state drivers; and

WHEREAS, since thousands of out-of-state visitors pass through Hawaii each year, it can be speculated that there is a significant number of traffic violations committed by such visitors and the fines imposed on many of those violations are lost if the State is unable to track the out-of-state visitors who leave the State without paying the fine; and

WHEREAS, if the State established a reciprocity system with all other states to follow-up on out-of-state traffic violators, the State could generate a significant amount of revenue through the collection of fines from those traffic violators; now, therefore,

BE IT RESOLVED by the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, that the Legislative Reference Bureau is requested to conduct a study on the feasibility of establishing a traffic

violations enforcement reciprocity system between Hawaii and other states whereby the State can pursue the collection of traffic fines imposed on transient out-of-state visitors who leave Hawaii before paying their fines; and

BE IT FURTHER RESOLVED that in conducting the study, the Legislative Reference Bureau is requested specifically to:

- (1) Provide an estimate of the amount of revenue the State loses annually by not enforcing the traffic violations committed by out-of-state visitors;
- (2) Explore National Reciprocity Models and alternative reciprocal arrangements that this State can enter into with other states for the purpose of developing an effective traffic violations enforcement system;
- (3) Recommend a traffic violations enforcement reciprocity system that is most suitable for implementation by the State;
- (4) Determine the fiscal, personnel, and information requirements for implementing the recommended reciprocity system;
- (5) Develop a timetable for the implementation of the recommended reciprocity system; and
- (6) Determine the cost-effectiveness of the recommended reciprocity system;
- (7) Determine how other states handle contested traffic violations, driving under the influence cases, and cases involving arrests;

and

BE IT FURTHER RESOLVED that the Department of Transportation, the Judiciary, the Attorney General's law enforcement coalition task force, and the counties are requested to cooperate fully with the Legislative Reference Bureau in the conduct of this study; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit a report of its findings and recommendations no later than twenty days prior to the convening of the Regular Session of 1992; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chief Justice of the Supreme Court, the Administrative Director of the Courts, the Legislative Reference Bureau, the Director of Transportation, the Attorney General's law enforcement coalition task force, and the Mayor of each county.

Appendix B

Citation Forms

IMPORTANT READ REVERSE SIDE CAREFULLY

6496203 P0

PARKING CITATION

In the DISTRICT COURT OF THE FIRST CIRCUIT
CITY AND COUNTY OF HONOLULU - STATE OF HAWAII

Dist.	Beat	Census	State
<div style="display: flex; justify-content: space-between;"> <div> Vehicle Type </div> <div> Vehicle Color </div> <div> Make of Vehicle </div> </div>			
Name		Operator's Lic. No.	
Address			

☐ 13.3-PARKING OUT OF STALL

☐ 13.4-RESERVED PARKING

☐ 29.1C-121-UNATTENDED VEHICLE

☐ 14.1-PROHIBITED PARKING
(Describe Below)

☐ 14.5-NO PARKING SIGN

☐ 14.8-TOW AWAY ZONE

☐ 15.1-PARKING IN LOADING ZONE

☐ 15.4-PARKING IN BUS STOP

☐ 16.1-PARKING OVERTIME LIMIT

☐ 16.3-PARKING ON SCHOOL GROUNDS

☐ 22.11-STREET METER VIOLATIONS

☐ EXPIRED METER ☐ OVERPARKING

☐ Other Violation

☐ 23.6-OFF-STREET PARKING LOT EXPIRED METER

☐ 24.11-DISABLED PERSON STALL

☐ 107-11-STATE PARKING REG.

☐ 107-11(G) EXPIRED METER

☐ 107-11 PROHIBITED PARKING

☐ 107-11 RESTRICTED TIME

☐ 107-11 UNAUTHORIZED PARKING

☐ 266-25-HARBOR BOARD REG.

☐ 261-12-AIRPORT PARKING REG.

☐ 15.1-8(a)(1) PROHIBITED PARKING

☐ 15.1-8(a)(2) LOADING ZONE

☐ 15.1-8(a)(3) EXPIRED METER

☐ 13.14.2-C&C PARKS BOARD REG.

☐ 184-5-DOCARE REG. (STATE PARKS)

Location

Sec.

Meter No.

Time of Offense

A M

P M

Date

/

/

19

Report to:

TRAFFIC VIOLATIONS BUREAU,

BAIL FORFEITURE BY MAIL PERMITTED: YES NO SEE REVERSE SIDE

A WITHIN 7 DAYS
BAIL AMOUNT \$

B AFTER 7 DAYS
BAIL AMOUNT \$

OFFICER'S SIGNATURE _____ BADGE/ID. NO. _____

WARNING: Failure to respond or appear at the time and place indicated will result in the issuance of a summons or warrant for your arrest.

NOTE: WHEN MAILING YOUR REMITTANCE PLEASE

- MAKE CHECK OR MONEY ORDER PAYABLE TO: TRAFFIC VIOLATIONS BUREAU
- DETACH AND FOLD THIS COPY - INSERT WITH REMITTANCE IN ATTACHED ENVELOPE
- SEAL & MAIL - NO POSTAGE REQUIRED

CHECK OR MONEY ORDER PREFERRED

6496203 P0

IMPORTANT - READ CAREFULLY

THIS CITATION MAY BE SATISFIED BY PAYMENT, IN PERSON OR BY MAIL OF THE BAIL AMOUNT SHOWN ON THE FACE. IF PAID WITHIN 7 DAYS, PAY AMOUNT IN COLUMN A. IF PAID AFTER 7 DAYS, PAY AMOUNT IN COLUMN B. IF "BAIL FORFEITURE BY MAIL PERMITTED" IS MARKED "YES", YOU MAY MAIL YOUR REMITTANCE IN THE ATTACHED ENVELOPE. NO POSTAGE NECESSARY. PLEASE PAY IN U.S. DOLLARS ONLY. A SERVICE CHARGE OF \$7.50 WILL BE ASSESSED FOR DISHONORED ITEMS (CHECKS, CREDIT CARDS, ETC.) PER SEC. 40-35.5 HRS.

CHARGE TO MY	ACCT. NO.	CARD EXPIRES
VISA <input type="checkbox"/> MASTERCARD <input type="checkbox"/>		MO YR
PRINT NAME _____		
ADDRESS _____		
ZIP CODE _____		
SIGNATURE _____		

IF "BAIL FORFEITURE BY MAIL IS PERMITTED" IS MARKED "NO", PLEASE PRESENT THIS CITATION TO THE TRAFFIC VIOLATIONS BUREAU SPECIFIED ON THE FACE OF THIS FORM, WITHIN 7 DAYS. OFFICE HOURS ARE BETWEEN 8:00 A.M. AND 4:00 P.M. MONDAY THROUGH FRIDAY. HONOLULU OFFICE HOURS ARE BETWEEN 7:45 A.M. AND 9:00 P.M. MONDAY THROUGH FRIDAY.

TRAFFIC VIOLATIONS BUREAU ADDRESSES ARE AS FOLLOWS:
DISTRICT NO.

- 1 - HONOLULU _____ 1111 Alaieka St, Honolulu, HI 96813
Phone: 548-5735
- 2 - WAHIKAWA _____ Waikawa District Court
1034 Kilani Ave., Waikawa, HI 96786
Phone: 621-8045
- 3 - EWA (PEARL CITY) _____ Ewa District Court
870 Fourth St, Pearl City, HI 96782
Phone: 455-4181
- 3 - WAIANAE _____ Waianae District Court
87-1784 Farrington Hwy., Waianae, HI 96792
Phone: 668-1509
- 4 - KANELOHE _____ Kaneohe District Court
(KOOAUPOKO & KOOAULOA) 46-201 Kahuhipa St, Kaneohe, HI 96744
Phone: 235-0044
Kailua Police Sub. Station
219 Kuulei Rd., Kailua, HI 96734
Phone: 262-6517

IF YOU WANT TO CONTEST THIS CITATION, PLEASE FILL OUT THE SECTION BELOW AND MAIL OR PRESENT THIS SUMMONS TO THE TRAFFIC VIOLATIONS BUREAU ON THE FACE HEREOF WITHIN 7 DAYS AFTER DATE OF ISSUANCE. (COMPLETE COURT ADDRESSES ARE SHOWN ABOVE).

REQUEST FOR TRIAL DATE

I WANT TO CONTEST THIS SUMMONS. PLEASE SCHEDULE MY COURT APPEARANCE DATE.

Name _____ <small>(Please Print)</small>	Last	First	Middle
Address _____			
Zip Code _____		Phone _____	
Date of Birth _____		Sex: Mar. Stat. No. _____	
Signature _____			

PLEASE WAIT UNTIL NOTIFIED OF YOUR COURT APPEARANCE DATE

MOTORIST'S COPY - ENCLOSE WITH YOUR REMITTANCE IN ATTACHED ENVELOPE

CITATION - NOTICE TO APPEAR

3164482 MO

in the DISTRICT COURT OF THE FIRST CIRCUIT, City and County of Honolulu, State of Hawaii vs _____ (State) CDL

Operator's Lic. No. _____

That Name _____ Last _____

Current Address _____ First _____ Initial _____

City _____ State _____ Zip _____

Wt _____ Hgt _____ Sex _____ Date of Birth _____ Age _____ Complexion _____

If Juvenile Parent or Guardian's name _____ Father _____ Mother _____

Place of Employment or School _____ Phone _____

Branch & Serial Number _____ (If member of Armed Forces fill in this section) Rank _____

on or about this _____ day of _____ 19 _____ at _____ Hrs _____

did operate a Motor Vehicle Lic. Plate No. _____

Make of Vehicle _____ Type _____ Color _____ Yr _____

on a public street or in a public park to wit _____

did then and there and thereby commit the offense of _____

Violation _____

Section _____

☐ No Driver's License ☐ Traffic Light ☐ Stop Sign ☐ Crossing Solid Line ☐ No left Turn zone

☐ Equipment and Miscellaneous violation ☐ Speeding mph in _____

Accident ☐ Minor ☐ Major Report No. _____

Date of Issue _____ Time _____ Hrs _____

You are notified that the undersigned officer will file a sworn complaint on or before the date and in the court indicated below.

Complainant _____ Badge No. _____

NOTICE TO APPEAR

See reverse side for complete TRAFFIC VIOLATIONS

BUREAU addresses of the court indicated below

District _____ Court Room No. _____

Court of _____

See reverse side for special instructions if space charged below

☐ Juvenile ☐ Equipment & Misc. Violator

MONITOR'S COURT APPEARANCE DATE. THIS IS NOT A TRIAL DATE. SEE REVERSE SIDE OF THIS CITATION IF YOU DESIRE A TRIAL.

WARNING: Failure to respond or appear at the time and place indicated will result in the issuance of a bench warrant for your arrest.

IMPORTANT - READ CAREFULLY

TRAFFIC CITATIONS:

Questions relative to waiver of court appearance, bail forfeiture and prior pleas of guilty may be answered by presenting this citation to or phoning the Traffic Violations Bureau of the court indicated on the reverse side within seven (7) days from date of its issuance. A person may qualify for a bail forfeiture under the prescribed "Bail Forfeiture" schedule provided he has had a clear record for a period of three (3) months preceding the violation. If bail forfeiture is permitted please PAY IN U.S. DOLLARS. A SERVICE CHARGE OF \$7.50 WILL BE ASSESSED ON DISHONORED ITEMS (CHECKS, CREDIT CARDS, ETC.) PER SEC. 46-35.5 HRS.

CHARGE TO MY _____ ACCT. NO. _____ CARD EXPIRES _____

VISA ☐ MASTERCARD ☐ _____

PRINT NAME _____

ADDRESS _____

ZIP CODE _____

SIGNATURE _____

COLLECTION OF DRIVER EDUCATION ASSESSMENTS

Pursuant to Section 285G-3, Hawaii Revised Statutes, a fine of \$5.00 shall be levied on a finding that a violation occurred of a statute or county ordinance relating to vehicles or their drivers or owners, except for (1) offenses relating to stopping (when prohibited), standing or parking; (2) offenses relating to registration; and (3) offenses by pedestrians. The fine shall be paid for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended.

IF YOU ARE A JUVENILE, YOU MUST BE ACCOMPANIED BY A LEGAL PARENT OR GUARDIAN to forfeit bail if qualified, and/or to appear on your court date.

EQUIPMENT AND MISCELLANEOUS CITATIONS:

Please report within seven (7) days showing receipt for correction of equipment deficiency. Depending on the type of violation, bail forfeiture may be permitted.

PLEASE NOTE ▶ The complete address of the VIOLATIONS BUREAU of the court indicated on your CITATION is as follows:

DISTRICT NO.

- 1 - HONOLULU _____ 1111 Alaie St. Honolulu, HI 96813
Phone 548-5705
- 2 - WAIHANA _____ Waihana District Court
1034 Kahan Ave. Waihana, HI 96786
Phone 621-6045
- 2 - WAILUA _____ Wailua District Court
1034 Kahan Ave. Waihana, HI 96786
Phone 621-6706
- 3 - EWA IN PEARL CITY _____ Ewa District Court
870 Pouna St. Pearl City, HI 96782
Phone 455-4781
- 3 - WAIKAE IN WAIKAE _____ Waikae District Court
87-1784 Farrington Hwy. Waikeae, HI 96792
Phone 668-1509
- 4 - KANEHE _____ Kanehe District Court
46-201 Kahunipa St. Kanehe, HI 96744
Phone 235-0044
Kailua Police Sub. Station
219 Kailua Rd. Kailua, HI 96734
Phone 262-6517

FOR TRAFFIC CITATION ONLY REQUEST FOR TRIAL DATE

I WANT TO CONTEST THIS CITATION. PLEASE SCHEDULE MY COURT APPEARANCE DATE.

(PRINT) NAME _____

ADDRESS _____

PHONE _____

Appendix C

Nonresident Violator Compact of 1977

Suggested Legislation (short form)

(Title, enacting clause, etc.)

Section 1. The Motor Vehicle Administrator (or other designated official) is authorized and direct to execute all documents and perform all other acts necessary to enter into and carry out the provisions of the Nonresident Violator Compact.

Section 2. ((Insert, as deemed appropriate by the enacting jurisdiction, selected portions of the Nonresident Violator Compact.))

Section 3. ((Insert effective date.))

Suggested Legislation (long form)

(Title, enacting clause, etc.)

Section 1. The Nonresident Violator Compact, hereinafter called "the compact," is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I

((Findings, Declaration of Policy and Purpose))

(a) The party jurisdictions find that:

(1) In most instances, a motorists who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

- (i) Must post collateral or bond to secure appearance for trial at a later date; or
- (ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or
- (iii) Is taken directly to court for the trial to be held.

(2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

(3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.

(4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violation, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

(5) The practice described in paragraph (1) above causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

(6) The deposit of a driver's license as a bail bond, as directed in paragraph (2) above, is viewed with disfavor.

(7) The practices described herein consume an undue amount of law enforcement time.

(b) It is the policy of the party jurisdictions to:

(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

(c) The purpose of this compact is to:

(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

Article II

((Definitions))

(a) In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise.

(b)(1) "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "Compliance"* means the act of answering a citation, summons or subpoena through appearance at court, a tribunal, and/or payment of fines and costs. (Adopted June 1978)

(4) "Court" means a court of law or traffic tribunal.

(5) "Driver's License" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(6) "Home Jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(7) "Issuing Jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(8) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or other countries. (Amended September 1978)

(9) "Motorist" means driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(10) "Personal Recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

(11) "Police Officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

(12) "Terms of the Citation" means those options expressly stated upon the citation.

* For purposes of the Nonresident Violator's Compact the posting of collateral or bail has not been considered in this definition.

Article III

((Procedure for Issuing Jurisdiction))

(a) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it should take place immediately following issuance of the citation.

(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

(d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist, the information in a form and content as contained in the Compact Manual.

(e) The licensing authority of the issuing jurisdiction need not suspend the privilege of a motorist for whom a report has been transmitted.

(f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

(g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

Article IV

((Procedure for Home Jurisdiction))

(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded.

(b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

Article V

((Applicability of Other Laws))

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to license to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangements between a party jurisdiction and a nonparty jurisdiction.

Article VI

((Compact Administrator Procedures))

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identify has been given to the board.

(b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions as represented.

(c) The board shall elect annually, from its membership, a chairman and vice chairman.

(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize and dispose of the same.

(f) The board may contract with, or accept services or personnel from any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

Article VII

((Entry into Compact and Withdrawal))

(a) This compact shall become effective when it has been adopted by at least two jurisdictions.

(b)(1) Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

(2) The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

(i) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.

(ii) Agreement to comply with the terms and provisions of the compact.

(iii) That compact entry is with all jurisdiction then party to the compact and with any jurisdiction that legally becomes a party to the compact.

(3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

(c) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

Article VIII

((Exceptions))

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

Article IX

((Amendments to the Compact))

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective 30 days after the date of the last endorsement.

(c) Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment shall constitute endorsement.

Article X

((Construction and Severability))

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the construction of any party jurisdiction or of the United States or the applicability thereof to any government agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

Article XI

((Title))

This compact shall be known as the Nonresident Violator Compact of 1977.

Section 2. ((Insert effective date.))