

## **SECTION D. CHARGING MANUAL FOR TRAFFIC COURTS**

This section contains patterned "charges" (statements a prosecutor would make when arraigning a defendant prior to trial) for the most common types of cases seen in Traffic Court.

In this section you will find charges for cases charging:

HRS § 107, 249, 281, 286, 287, 290, 291, 291C, and 431.

Hawaii Administrative Rules

Public Utilities Commission

Department of Transportation

Revised Ordinances of Honolulu

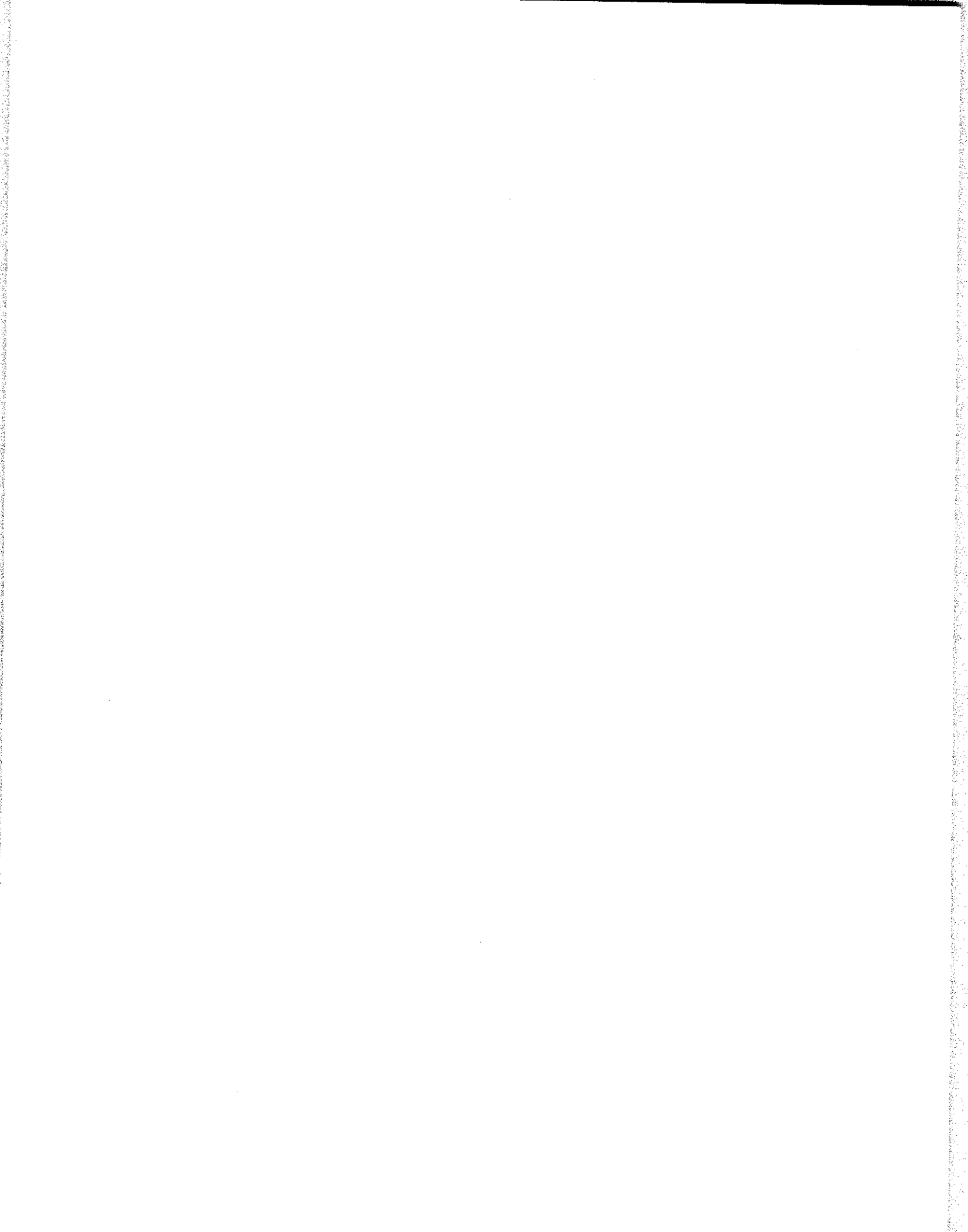
If you do not find the charge for your type of case here, you will probably have to make up the charge yourself. You should 1) look carefully at the words of the statute, and 2) comply with the requirements of Hawaii Rule of Penal Procedure 5(b)(arraignment).

### **HAWAII RULES OF PENAL PROCEDURE, RULE 5. PROCEEDINGS BEFORE THE DISTRICT COURT**

(b) Offenses Other Than Felony.

(1) Arraignment. ... Arraignment shall be in open court and shall consist of the reading of the complaint or the statement of the oral charge to the defendant, or stating the substance of the charge and calling on the defendant to plead thereto.

See end of this  
MANUAL for  
updates



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## MISCELLANEOUS TRAFFIC-RELATED OFFENSES

### SECTION 107-11 STATE PARKING REGULATIONS

On or about [date], in teh C&C of Honolulu, State of HI, you parked your vehicle in an area which was restricted or otherwise controlled without paying the required fees or without paying sufficient parking meter fees on state lands within the jurisdiction of the state comptroller in violation of section 107-11 H.R.S.

Penalty: Misdemeanor. Fined not more than \$50 or imprisoned not more than 10 days, or both, for each violation. (c).

### SECTION 249-2 UN-TAXED VEHICLE

On or about [date], in the C&C of Honolulu, State of HI, you failed to pay your vehicle registration tax on your motor vehicle on the date when due in violation of section 249-2 H.R.S.

### SECTION 249-7 NUMBER (LICENSE) PLATES

On or about [date], in the C&C of Honolulu, State of HI, you failed to fasten two plates on your vehicle, one on the front the other on the rear, in such a manner as to prevent the plates from swinging and at a minimum of 12 inches from the ground, or to display the numbered plates entirely unobstructed and keep reasonably clean, in violation of section 249-7 H.R.S.

### SECTION 249-11 FRAUD USE OF PLATES, TAGS, OR EMBLEMS

#### Knowing Use of an Un-Taxed Vehicle

On or about [date], in the C&C of Honolulu, State of HI, you knowingly used a motor vehicle, the tax upon which was delinquent, upon public highways of this state in violation of section 249-11 H.R.S.

#### Fraudulent Use of ...

On or about [date], in the C&C of Honolulu, State of HI, you attached to and used on a vehicle, license plates, tags, or emblems not furnished for that vehicle or did fraudulently use such license plates, tags, or emblems upon a vehicle other than the one for which the license plates, tags, or emblems were issued in violation of section 249-11 H.R.S.

Penalty: Fined not more than \$500.

**SECTION 249-14 BICYCLES / MOPEDS REGISTRATION TAX**

On or about [date], in the C&C of Honolulu, State of HI, as the owner of a moped or bicycle, used for the conveyance of persons, you failed to pay the required registration tax and failed to affix the tag or decal to [**\*\* CHOOSE ONE \*\***]

-- [for bicycles] the upright post attached to the sprocket facing in the forward direction; OR

-- [for mopeds] the lower portion of the rear fender facing rearward,

thereby violating section 249-14 H.R.S.

Penalty: Seize moped/bicycle for 10 days until tax is paid and \$1.00 fine. § 249-15.

**SECTION 281-101.5(a) PURCHASE OF LIQUOR FOR MINORS**

On or about [date], in the C&C of Honolulu, State of HI, as an adult, you did purchase liquor for consumption or use by a minor in violation of section 281-101.5(a) H.R.S.

Penalty: under 18 yrs? subject to the jurisdiction of family court;  
18 yrs or older? guilty of misdemeanor.

**SECTION 281-101.5(b) PURCHASE OR POSSESSION OF LIQUOR BY MINORS**

On or about [date], in the C&C of Honolulu, State of HI, as a minor, you did purchase liquor or did have liquor in your possession or custody in a motor vehicle on a public highway or in a public place, public gathering, or public amusement or at a public beach or public park in violation of section 281-101.5(b).

Penalty: under 18 yrs? subject to the jurisdiction of family court;  
18 to 21 yrs? guilty of petty misdemeanor.

**SECTION 281-101.5(c) USE OF FALSE I.D. BY MINORS**

On or about [date], in the C&C of Honolulu, State of HI, as a minor, you did falsify an identification or use a false identification or identification of another person or of a fictitious person for the purpose of buying or attempting to buy liquor or for the purpose of obtaining employment to sell or serve liquor on a licensed premises, thereby violating section 281-101.5(c) H.R.S.

Penalty: under 18 yrs? subject to the jurisdiction of family court;  
18 to 21 yrs? guilty of petty misdemeanor.

**SECTION 286-25 NO SAFETY CHECK**

On or about [date], in the C&C of Honolulu, State of HI, you operated, permitted the operation of, caused the operation of, or parked a vehicle on a public highway without a current official certificate of inspection in violation of section 286-25 H.R.S.

**SECTION 286-43 DEFACING SERIAL NUMBERS, ETC.**

On or about [date], in the C&C of Honolulu, State of HI, you did willfully deface, destroy, or alter the serial number, a component part number, or identification mark of a vehicle, so placed or stamped on a vehicle by the manufacturer for the purpose of identifying the vehicle or its component parts, AND/OR you did place or stamp any serial, motor, or other number or mark upon a vehicle, except one assigned thereto by the director of finance, thereby violating section 286-43 H.R.S.

Comment: not prohibiting the restoration by an owner of an original motor, or other mark or number, when the restoration is authorized in writing by the director of finance, nor preventing any manufacturer from placing in the ordinary course of business, numbers or marks upon new motor vehicles or new parts thereof.

**SECTION 286-44 POSSESSION OF ALTERED VEHICLE PARTS**

On or about [date], in the C&C of Honolulu, State of HI, you did possess a motor vehicle, motor block, or any part thereof, knowing that the motor number, serial number, or manufacturer's number, placed on the same by the manufacturer for the purpose of identification, had been changed, altered, erased, or mutilated for the purpose of changing the identity of the motor vehicle, motor block, or any part thereof, thereby violating section 286-44 H.R.S.

**SECTION 286-47(3) NO REGISTRATION**

On or about [date], in the C&C of Honolulu, State of HI, as the owner of [\*\* CHOOSE ONE \*\*]

-- a vehicle, you failed to keep the certificate of registration within the vehicle for which it was registered, OR

-- a motorcycle, you failed to carry the certificate of registration in a convenient receptacle attached to the vehicle

and did fail to present the same at the request of a police officer, in violation of section 286-47(3) H.R.S.

Comment to § 286-47(3): (b) this shall not apply to state or county vehicles readily identified by the license plates and markings on sides of such vehicles.

(c) this shall not apply when such certificate is removed from the vehicle for the purpose of application for renewal, transfer of registration, or to record a change in the registration.

**SECTION 286-52(b) FAILURE TO TRANSFER TITLE**

On or about [date], in the C&C of Honolulu, State of HI, you [transferee] failed to forward the endorsed certificate of ownership to the director of finance, within 30 calendar days of the transfer of ownership of a vehicle in violation of section 286-52(b) H.R.S.

Comment: doesn't apply to transferee who was not intending to and does not drive the vehicle or permit the vehicle to be driven upon the public highways. § 286-52.

Penalty: not less than \$5 nor more than \$1,000; corporations = \$1,000. § 286-61.

**SECTION 286-54 OUT-OF-STATE VEHICLE PERMIT -- 10 DAYS**

On or about [date], in the C&C of Honolulu, State of HI, as a nonresident owner of a motor vehicle, you failed to apply within 10 days after commencing to operate said vehicle or causing or permitting it to be operated within the State of Hawaii, to the director of finance for the registration thereof upon the appropriate official form for such purposes and giving all the information required by statute in violation of section 286-54 H.R.S.

**SECTION 286-81(a) MOTORCYCLES/SCOOTERS [No Eye Protection]**

On or about [date], in the C&C of Honolulu, State of HI, you operated a motorcycle or motor scooter on a highway in the State, you, your passenger, or both did not wear safety glasses, goggles, or a face shield where your motorcycle or motor scooter has no windscreen, or windshields, or any other protective devices, other than a safety helmet, required by rules adopted by the director, in violation of section 286-81(a) H.R.S.

**SECTION 286-81(b) MOTORCYCLES/SCOOTERS [Helmets for Persons Under 18]**

On or about [date], in the C&C of Honolulu, State of HI, as a person under 18 yrs of age, you operated or rode as a passenger on a motorcycle or motor scooter on a highway in the State, and you failed to wear a safety helmet securely fastened with a chin strap, thereby violating section 286-81(b) H.R.S.

**SECTION 286-85 NO RECONSTRUCTION PERMIT**

On or about [date], in the C&C of Honolulu, State of HI, you operated a reconstructed vehicle upon a public highway without it being inspected and certified as required by law in violation of section 286-85 H.R.S.

**SECTION 286-102 DRIVING WITHOUT LICENSE**

On or about [date], in the C&C of Honolulu, State of HI, you operated a motor vehicle without first being appropriately examined and duly licensed as a qualified driver of that vehicle in violation of section 286-102 H.R.S.

**SECTION 286-103 RESTRICTION ON DRIVER'S LICENSE**

On or about [date], in the C&C of Honolulu, State of HI, you operated a motor vehicle in violation of any rules and regulations restricting the use of your driver's license that the examiner of drivers deemed necessary for the safety and welfare of the traveling public, with respect to the type of equipment or special mechanical control devices required on the motor vehicle, appropriate to your driving ability, as indicated on your license, thereby violating section 286-103 H.R.S.

**SECTION 286-106 EXPIRED LICENSE**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a vehicle with an expired license in violation of section 286-106 H.R.S.

**SECTION 286-110(d) LEARNERS PERMIT (No Licensed Driver)**

On or about [date], in the C&C of Honolulu, State of HI, as the holder of a temporary instruction permit, you operated a motor vehicle without being accompanied by a person licensed to operate that category of vehicle, thereby violating section 286-110(d) H.R.S.

**SECTION 286-110(e) LEARNERS PERMIT (Operating Motorcycle at Night)**

On or about [date], in the C&C of Honolulu, State of HI, as the holder of a temporary instruction permit you did  
[\*\* CHOOSE ONE \*\*]

- operate a motorcycle or motor scooter during hours of darkness; OR
- operate a motorcycle or motor scooter while carrying passengers,

thereby violating section 286-110(e) H.R.S.

**SECTION 286-116(a) LICENSE OR NO-FAULT NOT ON PERSON**

On or about [date], in the C&C of Honolulu, State of HI, you failed to have [\*\* CHOOSE ONE \*\*]

- a valid driver's license in your immediate possession at all times, when operating a motor vehicle, OR
- a valid no-fault or liability insurance identification card applicable to the motor vehicle being operated when operating such vehicle

and failed to display the same upon demand of a police officer, thereby violating section 286-116(a) H.R.S.

Comment: No person charged with violating this section shall be convicted if the person produces in court, or proves from the proper official or other records that the person was the holder of a driver's license or a no-fault or liability insurance ID card and policy conforming to article 10C and article 10G of chapter 431 or a certificate of self-insurance issued by the insurance commissioner pursuant to §431:10C-107 and §431:10C-103, therefore issued to the person and valid at the time of the person's arrest.

**SECTION 286-132 DRIVING WHILE LICENSE SUSPENDED OR REVOKED**

On or about [date], in the C&C of Honolulu, State of HI, you drove a motor vehicle upon the highway of this State while your license, right or privilege to operate a motor vehicle in this State had been, and remained, canceled, suspended, or revoked, thereby violating section 286-132 H.R.S.

**SECTION 287-20(a) FAILURE TO POST SR-22**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a motor vehicle while your license had been suspended or revoked pursuant to part XIV of chapter 286 except as provided in section 291-4(f) H.R.S., or upon a conviction of any offense pursuant to law, or in the case of minors, pursuant to part V of chapter 571, without furnishing and maintaining proof of financial responsibility in violation of section 287-20(a) H.R.S.

Comment: not apply to any conviction of a moving violation, any administrative license suspension pursuant to chapter 291A, or the first conviction within a 5 yr pd for driving w/o a valid no-fault policy.

Penalty: Fined not more than \$1,000. § 287-44(a).

Comment: Use § 287-44(a) for violations of all suspensions except those on chap 287.

Penalty: 287-44(d) Any person whose license has been suspended or revoked under this chapter and who during the suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle to be operated by another upon any highway except as permitted under this chapter shall be fined not more than \$500 or imprisoned not more than 6 mo, or both.

Comment: Use § 2987-44(d) for license suspensions under Chapter 287.

**SECTION 290-12 LEAVING ABANDONED VEHICLE**

On or about [date], in the C&C of Honolulu, State of HI, as a registered owner, you abandoned a vehicle, on a roadway, alley, street, way, lane, trail, bridge, or highway or other public property, or on private property without authorization of the owner or occupant, thereby violating section 290-12 H.R.S.

Penalty: Fined not more than \$1,000.

## CHAPTER 291 TRAFFIC VIOLATIONS

**\*\* Section 291-37(a) Penalties:** Any person guilty of omitting any of the required acts, committing any of the prohibited acts of this chapter, or the rules adopted shall be guilty of a violation of this chapter and may be fined not less than \$25 nor more than \$1800.

### SECTION 291-2 RECKLESS DRIVING

On or about [date], in the C&C of Honolulu, State of HI, you did operate a vehicle or ride an animal recklessly in disregard of the safety of persons or property, thereby violating section 291-2 H.R.S.

Penalty: not more than \$1,000 or imprisoned not more than one year or both.

### SECTION 291-3.1(a) OPEN CONTAINER [Driver Consuming]

On or about [date], in the C&C of Honolulu, State of HI, you did consume an intoxicating liquor while operating a motor vehicle or moped upon a public street, road, or highway, thereby violating section 291-3.1(a) H.R.S.

### SECTION 291-3.1(b) OPEN CONTAINER [Driver Possessing]

On or about [date], in the C&C of Honolulu, State of HI, while operating a motor vehicle or moped upon a public street, road, or highway, you did possess a bottle, can or other receptacle containing an intoxicating liquor which had been opened, or a seal broken, or the contents of which had been partially removed, thereby violating § 291-3.1(b) H.R.S.

### SECTION 291-3.2(a) OPEN CONTAINER [Passenger Consumes]

On or about [date], in the C&C of Honolulu, State of HI, you did consume an intoxicating liquor while a passenger in a motor vehicle or on moped upon a public street, road, or highway, thereby violating section 291-3.2(a) H.R.S.

### SECTION 291-3.2(b) OPEN CONTAINER [Passenger Possess]

On or about [date], in the C&C of Honolulu, State of HI, you did possess, while a passenger in a motor vehicle or on a moped upon a public street, road, or highway, a bottle, can, or other receptacle containing an intoxicating liquor which had been opened, or a seal broken, or the contents of which had been partially removed, thereby violating section 291-3.2(b) H.R.S.

Comment for §§291-3.1 & 3.2: living quarters of a trailer or camper are exempted.  
Penalty for §§291-3.1 & 3.2: Petty Misdemeanor



**SECTION 291-3.3(a) STORAGE OF OPEN CONTAINER**

On or about [date], in the C&C of Honolulu, State of HI, you did keep in a motor vehicle/moped when such vehicle/moped was upon a public street, road, or highway or at a scenic lookout, a bottle, can, or other receptacle containing an intoxicating liquor which had been opened, or a seal broken, or the contents of which had been partially removed or fully removed, thereby violating section 291-3.3(a) H.R.S.

Comment: ok if kept in the trunk of the vehicle or some other area of the vehicle not normally occupied by the driver and passengers. A utility or glove compartment is deemed to be within the area occupied by the driver and passenger. (d).

**SECTION 291-3.3(b) CONSUMPTION AT SCENIC LOOKOUT**

On or about [date], in the C&C of Honolulu, State of HI, you did consume an intoxicating liquor at a scenic lookout, thereby violating section 291-3.3(b) H.R.S.

Penalty: Violation. (d).

**SECTION 291-4(a)(1) DRIVING UNDER THE INFLUENCE**

On or about [date], in the C&C of Honolulu, State of HI, you did operate or assumed actual physical control of the operation of a vehicle while under the influence of intoxicating liquor, an amount sufficient to impair your normal mental faculties or ability to care for yourself and guard against casualty, violating section 291-4(a)(1) H.R.S., thereby committing the offense of Driving Under the Influence of Intoxicating Liquor.

[AND]

**SECTION 291-4(a)(2) DRIVING UNDER THE INFLUENCE**

On or about [date], in the C&C of Honolulu, State of HI, you did operate or assumed actual physical control of the operation of a vehicle with .08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood or .08 or more grams of alcohol per two hundred ten liters of breath, violating section 291-4(a)(2) H.R.S., thereby committing the offense of Driving Under the Influence of Intoxicating Liquor.

\*\* MOVE TO CONSOLIDATE THE TWO CHARGES.

Dual Charge: State may charge both violations, and D must plead guilty or not guilty to each charge separately. State may charge in the conjunctive. State v. Jendrusch, 58 Haw. 279. State may prove in the disjunctive. Terr v. Lii, 39 Haw. 574.

Penalty: § 291-4(b).

**SECTION 291-4.5 DRIVING AFTER LICENSE SUSPENDED OR REVOKED FOR DUI**

On or about [date], in the C&C of Honolulu, State of HI, as a person whose driver's license has been revoked, suspended, or otherwise restricted pursuant to Part XIV of chapter 286 or section 291-4, you did operate a motor vehicle upon the highways of this State while such license remained suspended, revoked, or in violation of the restrictions placed on the license, thereby violating § 291-4.5 H.R.S.

Penalty: (b) sentenced to a term of imprisonment of at least 3 consecutive days but not more than 30 days, shall be fined not less than \$250 but not more than \$1,000, AND that person's driver's license shall be suspended or revoked for an additional year. The court for good cause may extend imprisonment up to 60 days. The period of suspension or revocation shall commence upon the release of the person from the period of imprisonment imposed pursuant to this section.

**SECTION 291-7 DRIVING UNDER THE INFLUENCE OF DRUGS**

On or about [date], in the C&C of Honolulu, State of HI, you did operate or assumed actual physical control of the operation of a vehicle while under the influence of a drug which impaired your ability to operate the vehicle in a careful and prudent manner, violating section 291-7 H.R.S., thereby committing the offense of driving under the influence of drugs.

Comment: "drug" means any controlled substance (see schedules I to IV of Chapter 329).  
Penalty: see (b)

**SECTION 291-8 PROJECTION FROM CAR**

On or about [date], in the C&C of Honolulu, State of HI, as the driver, operator, or person in charge of a motor car or truck used for the transportation of passengers, you did carry or permit to be carried any baggage or freight on the motor car or truck in such manner that the same or any part thereof projected beyond the extreme width of the motor car or truck, thereby violating section 291-8 H.R.S.

**SECTION 291-9 FREIGHT ON RUNNING BOARD**

On or about [date], in the C&C of Honolulu, State of HI, you did carry on the running board of a motor car or truck used for the transportation of passengers any baggage, freight, or packages which projected in a way beyond the running board, or which caused the doors of the motor car or truck to be blocked so that the passengers therein did not have free access to the same, thereby violating § 291-9 H.R.S.

Penalty: § 291-10 Any person violating 291-8 & 291-9 shall be fined not less than \$5 nor more than \$150.

**SECTION 291-11 RIDERS UNDER SEVEN YEARS OLD**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a motorcycle or motor scooter, you did carry, as a passenger, or permitted to ride thereon, a person under the age of seven years, thereby violating section 291-11 H.R.S.

Penalty: Fined not more than \$200. (c)

**SECTION 291-11.5(a)(1) CHILD PASSENGER RESTRAINTS:  
UNDER 3**

On or about [date], in the C&C of Honolulu, State of HI, as a person operating a motor vehicle on a public highway in the State, you did transport a child under three years of age without ensuring that the child was properly restrained in an approved child passenger restraint system, thereby violating section 291-11.5(a)(1) H.R.S.

**SECTION 291-11.5(a)(2) CHILD PASSENGER RESTRAINTS:  
3 TO 4**

On or about [date], in the C&C of Honolulu, State of HI, as a person operating a motor vehicle on a public highway in the State, you did transport a child who was three years of age or older but less than four years of age, without ensuring that the child was properly restrained in an approved child passenger restraint system or without ensuring that the child was restrained by a seat belt assembly, thereby violating section 291-11.5(a)(2) H.R.S.

Exceptions: see (b) & (c)  
Penalty: Violation -- § 291-161(b).

**SECTION 291-11.6(a)(1) SEAT BELTS -- DRIVER**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a motor vehicle upon a public highway  
[\*\* CHOOSE ONE \*\*]

. -- without being restrained by a seat belt assembly,  
OR

-- with a passenger in the front seat of the motor vehicle who, if between the ages of 4 and 15, were not restrained by a seat belt assembly, or if under the age of four, were not restrained pursuant to section 291-11.5 in the front seat of the motor vehicle,

thereby violating section 291-11.6(a)(1) H.R.S.

Exceptions: see (b) & (c)  
Penalties: \$ 20 for each violation.

**SECTION 291-11.6(a)(2) SEAT BELTS -- PASSENGER**

On or about [date], in the C&C of Honolulu, State of HI, as a passenger, fifteen years of age or more, in the front seat of a motor vehicle being operated upon a public highway, you were not restrained by a seat belt assembly, thereby violating section 291-11.6(a)(2) H.R.S.

Penalty: Fined \$20 for each violation. (e).

**SECTION 291-12 INATTENTION TO DRIVING**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a vehicle without due care or in a manner as to cause a collision with, or injury or damage to, as the case may be, a person, vehicle or other property, thereby violating section 291-12 H.R.S.

Penalty: Fined not more than \$500 or imprisoned not more than six months, or both.

**SECTION 291-14 PASSENGER RESTRICTIONS IN PICKUP TRUCKS**

**[Passenger Cited]**

On or about [date], in the C&C of Honolulu, State of HI, you did stand in the bed or load-carrying area of a motor vehicle commonly known as a pickup truck while the vehicle was in operation thereby violating section 291-14 H.R.S.

**[Driver Cited]**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a pickup truck, you did operate the vehicle with a passenger seated in the bed or load-carrying area of the vehicle and [**\*\* CHOOSE ONE \*\***]

- (1) there was seating available in the cab of the vehicle; OR
- (2) the side racks of the vehicle was not securely attached and the tailboard or tailgate was not securely closed; OR
- (3) every passenger in the bed or load-carrying area of the vehicle was not seated on the floor and was attempting to control unlashed cargo.

Comment: (c) As used in this section, "pickup truck" means a light truck w/ a cab on the front part of the vehicle covering the driver's seat, and an open bed behind the cab designed primarily to transport property or cargo, with sides and a tailgate to retain the contents within the confines of the bed, and has a maximum gross weight rating of 10,000 lbs or less.

Penalty: Fine of \$25 for each violation.

**SECTION 291-21.5(a) SUN SCREENS -- USING VEHICLE**

On or about [date], in the C&C of Honolulu, State of HI, you did operate, permit the operation of, cause to be operated, or park any motor vehicle on a public highway on which the glazing material of the motor vehicle did not meet the requirements of FMVSS 205 in effect at the time of its manufacture or was used in conjunction with sun screening devices not exempted by section 291-21.5(a), thereby violating section 291-21.5(a) H.R.S.

**SECTION 291-21.5(b) SUN SCREENS -- INSTALLING**

On or about [date], in the C&C of Honolulu, State of HI, you did install, mount, adhere, affix, or use a sun screening device or combination of devices in conjunction with the glazing material of a motor vehicle which did not meet the requirements of FMVSS 205 in effect at the time of the glazing material's manufacture, thereby violating section 291-21.5(b) H.R.S.

Exceptions: see (d).

Penalty: Fined not less than \$50 nor more than \$250 for each separate offense.

**SECTION 291-22 REGULATIONS OF EXHAUST PIPE & MUFFLER**

On or about [date], in the C&C of Honolulu, State of HI, you did drive upon the public highways any motor scooter, as defined in section 286-2, the exhaust pipe or muffler of which had been so changed from the factory design as to increase the volume or audibility of the explosions within the motor thereof, thereby violating section 291-22 H.R.S.

Penalty: Fined not more than \$100. § 291-23.

**SECTION 291-24 NOISY MUFFLER [Motorcyle & Moped]**

On or about [date], in the C&C of Honolulu, State of HI,  
[\*\* CHOOSE ONE \*\*]

-- you did operate a motorcycle/moped, moving under its own power on a public highway that was not equipped with a muffler in constant operation to prevent any excessive or unusual noise or such muffler or exhaust system was equipped with a cutout, bypass, or similar device, OR

-- you did modify the exhaust system of a motorcycle/moped in a manner which will amplify or increase the noise emitted by the motor of such motorcycle/moped above that emitted by the muffler originally installed on the motorcycle/moped,

thereby violating section 291-24 H.R.S.

Comment for 2d option: no need muffler for motorcyle/moped that: (1) has 3 wheels; (2) is powered by an electric motor; (3) has a full body enclosed cab; and (4) has a seat belt assembly or a child restraint system for the driver and passenger.  
Comment: (b) a muffler is a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from the engine of the motorcycle/moped, and effective in reducing noise.  
Penalty: (c) Fined not more than \$100.

**SECTION 291-24.5 NOISY MUFFLER [Motor Vehicle]**

On or about [date], in the C&C of Honolulu, State of HI, you did use on a public highway, sell, alter or install a muffler which noticeably increased the noise emitted by a motor vehicle above that emitted by the vehicle as equipped from the factory, thereby violating section 291-24.5 H.R.S.

Penalty: (b) violation. Not less than \$25 nor more than \$250 for each separate offense.

**SECTION 291-24.6 MOTOR VEHICLE ALARM SYSTEM NOISE**

On or about [date], in the C&C of Honolulu, State of HI, you were the registered owner of a motor vehicle, in which a motor vehicle alarm system was installed, which was activated and emitted a sound for more than five continuous minutes, thereby violating section 291-24.6 H.R.S.

Penalty: fined not more than \$100.  
Definition: see §291-24.6(a)

**\*\* SECTION 291-32 PENALTIES FOR §§ 291-25 TO 291-31**

Whoever violates any of the provisions of this section or of sections 291-25 to 291-31, shall be fined not more than \$10. Each violation shall be deemed a separate offense, and a subsequent violation of the same provision shall be subject to twice the fine imposed upon the prior conviction therefor.

**SECTION 291-25(a) NO HEADLIGHTS -- CARS**

On or about [date], in the C&C of Honolulu, State of HI, between the times of 30 minutes after sunset until 30 minutes before sunrise, as the operator of a motor vehicle moving upon a public highway, you failed to carry at the front thereof at least two lighted head lamps which should display white lights of equal candle power that under the conditions of use should produce a light sufficient to reveal any person, vehicle, or substantial object on the highway straight ahead of the motor vehicle for a distance of 200 feet, thereby violating section 291-25(a) H.R.S.

**SECTION 291-25(b) NO HEADLIGHTS -- MOTORCYLES**

On or about [date], in the C&C of Honolulu, State of HI, between the times of 30 minutes after sunset until 30 minutes before sunrise, as the operator of a motorcycle, motor scooter, or motorized bicycle moving on a public highway  
[\*\* CHOOSE ONE \*\*]

-- you failed to carry, at the front thereof, at least one lighted headlight which should display a white light that under the conditions of use should produce a light sufficient to reveal any person, vehicle, or substantial object on the highway straight ahead of the motor vehicle for a distance of 200 feet; OR

-- with a side car or similar contrivance attached, in addition to one lighted headlight, you failed to carry on the side car or similar contrivance a lighted lamp visible from a point at least 200 feet ahead of the vehicle,

thereby violating section 291-25(b) H.R.S.

**SECTION 291-26 TESTING LIGHTS**

On or about [date], in the C&C of Honolulu, State of HI, you did drive, operate, or propel a motor vehicle without an approved device or adjustment upon its headlights, meaning the headlights had not been tested nor approved by the chief of police or the chief of police's authorized subordinate of the county wherein the vehicle is registered, thereby violating section 291-26 H.R.S.

**SECTION 291-28 LIGHTS FOR LOADS**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle loaded with any material in such a manner that a portion of the load extended toward the rear 4 feet or more beyond the rear of the bed or body of the vehicle, you failed to display at the extreme end of the load, a red light plainly visible under ordinary atmospheric conditions at least 200 feet from the rear or a red flag or cloth not less than 16 inches square at the extreme rear of the load, thereby violating section 291-28 H.R.S.

**SECTION 291-30 SPOTLIGHTS**

On or about [date], in the C&C of Honolulu, State of HI, you used a spotlight on your vehicle [\*\* CHOOSE ONE \*\*]

-- in a city, town, or village, OR

-- so as to shine in the eyes of the drivers of approaching passing vehicles, and when used said spotlight was not turned off within 200 feet of an approaching vehicle,

thereby violating section 291-30 H.R.S.



**SECTION 291-31(a) TAIL LIGHTS -- CARS**

On or about [date], in the C&C of Honolulu, State of HI, between the times of 30 minutes after sunset until 30 minutes before sunrise, as the operator of a vehicle, other than a bicycle, motorcycle or motor scooter, operated in a public highway, [\*\* CHOOSE ONE \*\*]

-- you failed to display at the rear thereof at least 2 tail lights, spaced as far apart as practicable, which should display red lights visible not less than 200 feet from the rear thereof; OR

-- where a registration number plate is required by law to be carried on the rear thereon, you failed to illuminate by a white light in such manner that the registration number thereof could be plainly distinguished at a distance of not less than 50 feet from the rear thereof,

thereby violating section 291-31(a) H.R.S.

**SECTION 291-31(b) TAIL LIGHT -- MOTORCYCLES**

On or about [date], in the C&C of Honolulu, State of HI, between the times of 30 minutes after sunset until 30 minutes before sunrise, as the operator of a motorcycle or motor scooter operated on a public highway, [\*\* CHOOSE ONE \*\*]

-- you failed to display at the rear thereof, a tail light which should display a red light visible not less than 200 feet from the rear thereof; OR

-- if a registration number plate is required by law to be carried on the rear of the motorcycle or motor scooter, you failed to illuminate the same by a white light in such manner that the registration number thereon could be plainly distinguished at a distance of not less than 50 feet from the rear thereof,

thereby violating section 291-31(b) H.R.S.

**SECTION 291-31.5 BLUE LIGHTS PROHIBITED**

On or about [date], in the C&C of Honolulu, State of HI, you did knowingly operate, affix or cause to be affixed, display, or possess any lamp, reflector, or illumination device which appears to be the color blue upon a motor vehicle, motorcycle, motor scooter, bicycle, or moped and your vehicle was not a law enforcement vehicles authorized and approved by the chief of police of the county in which the vehicle is operated or by the director of public safety, thereby violating § 291-31.5 H.R.S.

**SECTION 291-33 PROJECTIONS ON FACE OF WHEELS PROHIBITED**

On or about [date], in the C&C of Honolulu, State of HI, you did operate or move upon a public road, street, or highway within the State, a vehicle, motor vehicle, or other power vehicle the face of the wheels of which are fitted or equipped with flanges, ribs, clamps, cleats, lugs, chains, spikes, or other projections, other than rubber blocks, destructive to the road surfaces, thereby violating section 291-33 H.R.S.

**SECTION 291-34(a) SIZE OF VEHICLES -- WIDTH**

On or about [date], in the C&C of Honolulu, State of HI, you did operate or move a motor vehicle or other power vehicle having an overall width greater than 9 feet, including load, upon a public road, street, or highway within the State, thereby violating section 291-34(a) H.R.S.

**SECTION 291-34(b) SIZE OF VEHICLES -- HEIGHT**

On or about [date], in the C&C of Honolulu, State of HI, you did operate [**\*\* CHOOSE ONE \*\***]

-- or move a motor vehicle or other power vehicle having an overall height greater than 14 feet, including load, upon a public road, street or highway within the State, OR

-- a motor vehicle or other power vehicle under or through a bridge or other highway structure, where the height of said motor vehicle or other power vehicle exceeded the posted height for the bridge or other highway structure,

thereby violating section 291-34(b) H.R.S.

**SECTION 291-34(c)(1) SIZE OF VEHICLES -- LENGTH**

On or about [date], in the C&C of Honolulu, State of HI, you did operate or move a motor vehicle or other power vehicle having a total overall length greater than 45 feet, including load, upon a public road, street, or highway within the State, thereby violating section 291-34(c)(1) H.R.S.

**SECTION 291-35 GROSS WEIGHT**

On or about [date], in the C&C of Honolulu, State of HI,  
you did operate or move [**\*\* CHOOSE ONE \*\***]

-- upon a public road, street, or highway within the State a motor vehicle or other power vehicle or combination of such vehicles equipped wholly with pneumatic tires, which had a total gross weight, including vehicle and load, an axle load, or a wheel load in excess of the limits set forth in section 291-35, OR

-- Over a bridge or other highway structure, a vehicle or combination of vehicles, the total gross weight of which, including vehicle and load, exceeded the posted maximum gross load limitation for the bridge or other highway structure,

thereby violating section 291-35 H.R.S.

SECTION 291C-12 FLEEING THE SCENE (Serious Bodily Injury)

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle involved in an accident resulting in serious bodily injury to or death of any person, you failed to immediately stop the vehicle at the scene of the accident, or as close thereto as possible, forthwith returning and in every event remaining at the scene of the accident until you had fulfilled the requirements of section 291C-14, thereby violating section 291C-15 H.R.S.

Penalty: Guilty of a class B felony. (b). The license or permit to drive and any nonresident operating privilege of the person so convicted shall be revoked. (c).

SECTION 291C-12.5 FLEEING THE SCENE (Substantial Bodily Injury)

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle involved in an accident resulting in substantial bodily injury to any person, you failed to immediately stop the vehicle at the scene of the accident, or as close thereto as possible, forthwith returning to and in every event remaining at the scene of the accident until you had fulfilled the requirements of section 291C-14, thereby violating section 291C-12.5 H.R.S.

Penalty: Guilty of a class C felony. (c).

SECTION 291C-12.6 FLEEING THE SCENE (Bodily Injury)

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle involved in an accident resulting in bodily injury to any person, you failed to immediately stop the vehicle at the scene of the accident, or as close thereto as possible, forthwith returning to and in every event remaining at the scene of the accident until you had fulfilled the requirements of section 291C-14, thereby violating section 291C-12.6 H.R.S.

Comment: Such stop should be made w/o obstructing traffic more than is necessary.  
Penalty: Guilty of a misdemeanor.

**SECTION 291C-13 FLEEING THE SCENE (Damage to Property -- Attended Vehicle)**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle involved in an accident that resulted only in damage to a vehicle or other property which was driven or attended by any person, you failed to immediately stop your vehicle at the scene of the accident, or as close thereto as possible, forthwith returning to and in every event remaining at the scene of the accident until you had fulfilled the requirements of section 291C-14, thereby violating section 291C-13 H.R.S.

Comment: such stop should be made w/o obstructing traffic more than is necessary.  
Penalty: 1st conviction: fined not more than \$100 or imprisoned not more than 10 days. 2d conviction w/i 1 yr of 1st: fined not more than \$200 or imprisoned not more than 20 days, or both. 3rd conviction w/i 1 yr of 1st: fined not more than \$500 or imprisoned not more than 6 months, or both.

**SECTION 291C-14 DUTY TO GIVE INFORMATION & RENDER AID**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person, [\*\* CHOOSE ONE \*\*]

-- you failed to give your name, address, and the registration number of the vehicle you were driving; OR

-- upon request and when available, you failed to exhibit the driver's license or permit to drive to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident; OR

-- you failed to give your name, address and the registration number of your vehicle and upon request exhibit your driver's license or permit to any police officer at the scene of the accident or who was investigating the accident; OR

-- you failed to render to any person injured in the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon, or hospital for medical or surgical treatment when it was apparent that such treatment was necessary, or if such carrying was requested by the injured person,

thereby violating section 291C-14 H.R.S.

Comment: if can't do all the above and tried best, should report to police and give such information.

**SECTION 291C-15 FLEEING THE SCENE (Unattended Vehicle)**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle you did collide with or were involved in an accident with a vehicle or other property which was unattended resulting in any damage to the other vehicle or property, you failed to immediately stop and then and there either locate and notify the operator or owner of such vehicle or other property of your name, address, and the registration number of the vehicle you were driving or you failed to attach securely in a conspicuous place in or on such vehicle or other property a written notice giving your name, address, and the registration number of the vehicle you were driving and you failed to notify the nearest police officer without unnecessary delay, thereby violating section 291C-15 H.R.S.

Comment: such stop should be made w/o obstructing traffic more than is necessary.

**SECTION 291C-18 FALSE REPORTS**

On or about [date], in the C&C of Honolulu, State of HI, you did give information in oral or written reports as required in this part or in Chapter 287 knowing or having reason to believe that such information was false, thereby violating section 291C-18 H.R.S.

Penalty: Fined not more than \$1,000 or imprisoned not more than 1 year, or both.

**SECTION 291C-19 GARAGES TO REPORT**

On or about [date], in the C&C of Honolulu, State of HI, as the person in charge of a garage or repair shop to which was brought a motor vehicle which showed evidence of having been involved in an accident of which written report must be made by the driver as provided in Chapter 287, or struck by any bullet, you failed to report to the police department, within 24 hours after the motor vehicle was received by you, giving the vehicle identification number, registration number, and the name and address of the owner or driver of the vehicle, thereby violating section 291C-19 H.R.S.

**SECTION 291C-23 OBEDIENCE TO POLICE OFFICERS**

On or about [date], in the C&C of Honolulu, State of HI, you did willfully fail or refuse to comply with any lawful order or direction of any police officer, invested by law with authority to direct, control, or regulate traffic, thereby violating section 291C-23 H.R.S.

Penalty: Petty Misdemeanor

**SECTION 291C-31(a) OBEDIENCE TO TRAFFIC-CONTROL DEVICES**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle you failed to obey the instructions of an official traffic-control device applicable thereto placed in accordance with law, thereby violating section 291C-31(a) H.R.S.

Comment: (c) Whenever official traffic-control devices are placed in position approximately conforming to law, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to law and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.

**SECTION 291C-32(a)(3)(A) RED LIGHT (Running a Red)**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle facing a steady red signal, you failed to stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and you failed to remain standing until an indication to proceed was shown, thereby violating section 291C-32(a)(3)(A) H.R.S.

**SECTION 291C-32(a)(3)(B) RIGHT ON RED**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle facing a steady red indication, you did make a right turn [**\*\* CHOOSE ONE\*\***]

-- failing to yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, OR

-- where such right turn against a steady red indication was prohibited by a sign erected at such intersection giving notice thereof,

thereby violating section 291C-32(a)(3)(B) H.R.S.

**SECTION 291C-32(a)(3)(C) LEFT ON RED**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left you did make a left turn into said one-way street, [\*\* CHOOSE ONE \*\*]

-- failing to yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, OR

-- where such left turn against a steady red indication was prohibited by a sign which is erected at such intersection giving notice thereof,

thereby violating section 291C-32(a)(3)(C) H.R.S.

**SECTION 291C-32(a)(3)(D) CROSSING AGAINST RED**

On or about [date], in the C&C of Honolulu, State of HI, as a pedestrian facing a steady red signal alone, you did enter the roadway, thereby violating § 291C-32(a)(3)(D) HRS

**SECTION 291C-33(2) PEDESTRIAN-CONTROL SIGNALS**

On or about [date], in the C&C of Honolulu, State of HI, you did start to cross the roadway in the direction of a "Don't Walk" or "Upraised Palm" signal, whether flashing or steady, thereby violating section 291C-33(2) H.R.S.

**SECTION 291C-34(a)(1) FLASHING RED [Stop Signal]**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle facing a red lens illuminated with rapid intermittent flashes, you failed to stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, thereby violating section 291C-34(a)(1) H.R.S.

**SECTION 291C-37 INTERFERENCE WITH TRAFFIC-CONTROL DEVICES**

On or about [date], in the C&C of Honolulu, State of HI, without lawful authority, you did attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, thereby violating section 291C-37.



**SECTION 291C-38(c)(3) SOLID WHITE LINE**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle, you did cross a solid white line absent unusual circumstances and without exercising great care, thereby violating section 291C-38(c)(3) H.R.S.

**SECTION 291C-38(c)(5) DOUBLE SOLID WHITE LINE**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle, you did cross a double solid white line, thereby violating section 291C-38(c)(5) H.R.S.

**SECTION 291C-38(c)(6) SOLID YELLOW LINE**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle, you did cross a solid yellow line, thereby violating section 291C-38(c)(6) H.R.S.

**SECTION 291C-38(c)(8) DOUBLE SOLID YELLOW LINE**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle, you did cross a double solid yellow line, thereby violating section 291C-38(c)(8) H.R.S.

**SECTION 291C-38(c)(9) SOLID/BROKEN DOUBLE YELLOW LINE**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle, you did cross a double broken/solid yellow line from the lane adjacent to the solid line thereby violating section 291C-38(c)(9) H.R.S.

Comment: for (6), (8), & (9), crossing permitted when it is part of a left turn movement.

**SECTION 291C-38(c)(12) DRIVING IN BIKE LANE**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle other than a bicycle, you did operate your vehicle in a bicycle lane, thereby violating section 291C-38(c)(12) H.R.S.

**SECTION 291C-41(c) LEFT OF CENTER**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle upon a roadway having 4 or more lanes for moving traffic and providing for 2-way movement of traffic, you did operate your vehicle to the left of the center line of the roadway, thereby violating section 291C-41(c) H.R.S.

Comment to § 291C-41(c): Except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under (a)(2). This is not prohibiting the crossing of the center line in making a left turn or from an alley, private road, or driveway.

**SECTION 291C-43(1) PASSING ON THE LEFT [Unsafe]**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle overtaking another vehicle proceeding in the same direction, you passed to the left thereof at an unsafe distance and again drove to the right side of the roadway before being safely clear of the overtaken vehicle, thereby violating section 291C-43(1) H.R.S.

**SECTION 291C-46(a)(1) LEFT OF CENTER (Hill)**

On or about [date], in the C&C of Honolulu, State of HI, you did drive your vehicle to the left side of the roadway when approaching or upon the crest of a grade or a curve in the highway where your view was obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction, thereby violating section 291C-46(a)(1) H.R.S.

**SECTION 291C-46(a)(2) LEFT OF CENTER (Intersection)**

On or about [date], in the C&C of Honolulu, State of HI, you did drive your vehicle to the left side of the roadway when approaching within 100 feet of or traversing any intersection or railroad grade crossing, thereby violating section 291C-46(a)(2) H.R.S.

**SECTION 291C-46(a)(3) LEFT OF CENTER (Bridge)**

On or about [date], in the C&C of Honolulu, State of HI, you did drive your vehicle to the left side of the roadway when the view was obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel, thereby violating section 291C-46(a)(3) H.R.S.

**SECTION 291C-47(b) NO-PASSING ZONES**

On or about [date], in the C&C of Honolulu, State of HI, where signs or markings are in place to define a no-passing zone, you did drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length, thereby violating section 291C-47(b) H.R.S.

**SECTION 291C-48(b) ONE-WAY ROADS**

On or about [date], in the C&C of Honolulu, State of HI, upon a roadway designated for one way traffic, you did operate your vehicle other than in the direction designated by official traffic-control devices, thereby violating section 291C-48(b) H.R.S.

**SECTION 291C-48(c) ROTARY TRAFFIC ISLANDS**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle passing around a rotary traffic island, you operated said vehicle other than to the right of the island, thereby violating section 291C-48(c) H.R.S.

**SECTION 291C-49(1) UNSAFE LANE CHANGE**

On or about [date], in the C&C of Honolulu, State of HI, you moved your vehicle from your lane of travel without first ascertaining that such movement could be made with safety, thereby violating section 291C-49(1) H.R.S.

**SECTION 291C-49(3) DIRECTION LANE MARKINGS**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle, you failed to obey the directions of an official traffic-control device directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, thereby violating section 291C-49(3) H.R.S.

**SECTION 291C-49(4) LANE CHANGE PROHIBITED**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle, you failed to obey the directions of an official traffic-control device prohibiting the changing of lanes on sections of roadway, thereby violating section 291C-49(4) H.R.S.

**SECTION 291C-50(a) FOLLOWING TOO CLOSELY**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle, you did follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway, thereby violating section 291C-50(a) H.R.S.

**SECTION 291C-50(b) FOLLOWING TOO CLOSELY (Truck)**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which was following another motor truck or motor vehicle drawing another vehicle, you did not, when conditions permitted, leave sufficient space so that an overtaking vehicle could enter and occupy such space without danger, thereby violating section 291C-50(b) H.R.S.

Comment: Except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

**SECTION 291C-53 HOV LANES [\* Effective until 6/30/97]**

On or about [date], in the C&C of Honolulu, State of HI, where a lane was designated as a carpool lane, express lane, or express bus lane, you did, as the driver of a vehicle with less than 2 persons, enter and/or use the designated lane, thereby violating section 291C-53 H.R.S.

**SECTION 291C-61 VEHICLE APPROACHING OR ENTERING INTERSECTION [Yield the Right of Way]**

On or about [date], in the C&C of Honolulu, State of HI, when 2 vehicles approached or entered an intersection from different highways at approximately the same time, you, as the operator of a motor vehicle on the left, failed to yield the right of way to an oncoming vehicle on the right in violation of section 291C-61 of H.R.S.

**SECTION 291C-62 VEHICLE TURNING [Right of Way]**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle intending to turn within an intersection or into an alley, private road, or driveway, you failed to yield the right of way to any vehicle, bicycle, or person approaching from the opposite direction or proceeding in the same direction when such vehicle, bicycle, or person was within the intersection or so close thereto as to constitute an immediate hazard, thereby violating section 291C-62 H.R.S.

**SECTION 291C-63(b) STOP SIGN**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle approaching a stop intersection indicated by a stop sign, [**\*\* CHOOSE ONE \*\***]

-- you failed to stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where you would have had a view of approaching traffic on the intersecting roadway, before entering the intersection; OR

-- after having stopped, you failed to yield the right of way to any vehicle which had entered the intersection from another highway or which was approaching so closely on the other highway as to constitute an immediate hazard during the time when you were moving across or within the intersection,

thereby violating section 291C-63(b) H.R.S.

**SECTION 291C-63(c) YIELD SIGN**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle approaching a yield sign, you failed to slow down to a speed reasonable for the existing conditions and, if required for safety to stop, [**\*\* CHOOSE ONE \*\***]

-- you failed to slow or stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway; OR

-- after slowing or stopping, you failed to yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time you were moving across or within the intersection,

thereby violating section 291C-63(c) H.R.S.

Comment: If such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of the driver's failure to yield right of way.

**SECTION 291C-64 RIGHT OF WAY [Private Road/Driveway]**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle about to enter or cross a highway (including bicycle lane or bicycle path) from an alley, building, private road, or driveway or from any public or private property other than a highway that is adjacent to the highway, you failed to yield the right of way to all vehicles or bicycles approaching on the highway (including bicycle lane or bicycle path) to be entered, thereby violating section 291C-64 H.R.S.

**SECTION 291C-65(a) RIGHT OF WAY [Emergency Vehicles]**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle, upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, you failed to yield the right of way and immediately drive to a position clear of any intersection and parallel to, and as close as possible to, the right hand edge or curb of the highway the nearest edge or curb when the highway had multiple lanes, or when the highway is a divided highway or one-way street and you failed to stop and remain in such position until the authorized emergency vehicle was passed, thereby violating section 291C-65(a) H.R.S.

**SECTION 291C-72(a) RIGHT OF WAY [Pedestrian In Crosswalk]**

On or about [date], in the C&C of Honolulu, State of HI, where traffic-control signals were not in place or not in operation, as the driver of a vehicle, you failed to yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian was upon the half of the roadway upon which your vehicle was traveling, or when the pedestrian was approaching so closely from the opposite half of the roadway as to be in danger, thereby violating section 291C-72(a) H.R.S.

**SECTION 291C-72(d) PASSING YIELDING VEHICLE**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle approaching from the rear of a vehicle that was stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, you did overtake and pass such stopped vehicle, thereby violating section 291C-72(d) H.R.S.

**SECTION 291C-73(a) RIGHT OF WAY WHILE JAYWALKING**

On or about [date], in the C&C of Honolulu, State of HI, as a pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, you failed to yield the right of way to all vehicles upon the roadway, thereby violating section 291C-73(a) H.R.S.

**SECTION 291C-73(b) JAYWALKING [Pedestrian Tunnel]**

On or about [date], in the C&C of Honolulu, State of HI, as a pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing had been provided, you failed to yield the right of way to all vehicles upon the roadway, thereby violating section 291C-73(b) H.R.S.

**SECTION 291C-73(c) JAYWALKING [Between Signals]**

On or about [date], in the C&C of Honolulu, State of HI, as a pedestrian, you did cross at a place other than a marked crosswalk, between adjacent intersections at which traffic-control signals were in operation, thereby violating section 291C-73(c) H.R.S.

**SECTION 291C-73(d) JAYWALKING (Diagonally)**

On or about [date], in the C&C of Honolulu, State of HI, as a pedestrian [\*\* CHOOSE ONE \*\*]

-- you crossed a roadway intersection diagonally where such diagonal crossing was not authorized by official traffic-control devices, OR

-- you failed, where authorized by official traffic-control devices to cross diagonally, to cross in accordance with the official traffic-control devices pertaining to such crossing movements,

thereby violating section 291C-73(d) H.R.S.

**SECTION 291C-74 DUE CARE FOR DRIVERS**

On or about [date], in the C&C of Honolulu, State of HI, (notwithstanding other provisions of this chapter) as the driver of a vehicle, you did fail to [**\*\* CHOOSE ONE \*\***]

-- exercise due care to avoid colliding with any pedestrian upon any roadway, OR

-- give warning by sounding the driver's horn when necessary, OR

-- exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway,

thereby violating section 291C-74 H.R.S.

**SECTION 291C-75 PEDESTRIANS USE RIGHT HALF OF CROSSWALK**

On or about [date], in the C&C of Honolulu, State of HI, as a pedestrian, you did fail to move, when practicable, upon the right half of a crosswalk, thereby violating section 291C-75 H.R.S.

**SECTION 291C-76(a) PEDESTRIAN ON ROAD (Sidewalk Present)**

On or about [date], in the C&C of Honolulu, State of HI, where sidewalks were provided, as a pedestrian, you did walk along and upon an adjacent roadway, bicycle lane, or bicycle path, thereby violating section 291C-76(a) H.R.S.

**SECTION 291C-76(b) PEDESTRIAN ON ROAD (No Sidewalk)**

On or about [date], in the C&C of Honolulu, State of HI, where sidewalks were not provided, as a pedestrian walking along and upon a highway, you, when practicable, failed to walk only on the left side of the roadway or its shoulder facing traffic which may have approached from the opposite direction, thereby violating section 291C-76(b) H.R.S.

**SECTION 291C-77(a) PEDESTRIAN SOLICITING RIDE**

On or about [date], in the C&C of Honolulu, State of HI, you did stand in, walk along, or otherwise occupy a portion of a highway for the purpose of soliciting a ride, employment business, or contributions from the occupants any vehicle, thereby violating section 291-77(a) H.R.S.



**SECTION 291C-77(b) GUARDING VEHICLE FOR HIRE**

On or about [date], in the C&C of Honolulu, State of HI, you did stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway, thereby violating section 291C-77(b) H.R.S.

**SECTION 291C-77(c) ROADSIDE CAMPAIGNING**

On or about [date], in the C&C of Honolulu, State of HI, you did hold or display a movable sign within the right-of-way boundaries of a public highway or on the sidewalk abutting a public highway or in an area adjacent to the highway for the purpose of carrying on political campaign activities as defined in section 19-6(7) and which sought to draw the attention of occupants of motor vehicles using the highway, thereby violating section 291C-77(c) H.R.S.

Comment: Except as otherwise provided by county ordinance. A movable sign is any portable device, display, emblem, billboard, notice, picture, painting or writing, other than official signs placed or required by the state or county.

**SECTION 291C-78 DRIVING THROUGH SAFETY ZONE**

On or about [date], in the C&C of Honolulu, State of HI, you did drive through or within a safety zone, thereby violating section 291C-78 H.R.S.

**SECTION 291C-79 PEDESTRIANS' RIGHT OF WAY ON SIDEWALKS**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle emerging from or entering an alley, building, private road, or driveway, you failed to yield the right of way to any pedestrian approaching on any sidewalk extending across the alley, building entrance, road, or driveway, thereby violating section 291C-79 H.R.S.

**SECTION 291C-81(1) TURNING AT Intersections (Right Turn)**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle intending to turn at an intersection you failed to make both the approach for a right turn and the right turn as close as practicable to the right-hand curb or edge of the roadway, thereby violating section 291C-81(1) H.R.S.

**SECTION 291C-81(2) TURNING AT INTERSECTION (Left Turn)**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle intending to turn left at an intersection, [\*\* CHOOSE ONE \*\*]

-- you failed to approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, OR

-- after entering the intersection, you failed to turn left so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered,

thereby violating section 291C-81(2) H.R.S.

Comment: Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) The director of transportation and the counties in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

**SECTION 291C-82(a) U-TURNS [View Obstructed]**

On or about [date], in the C&C of Honolulu, State of HI, you did turn your vehicle so as to proceed in the opposite direction upon a curve, or upon the approach to or near the crest of a grade, where your vehicle could not be seen by the driver of any other vehicle approaching from either direction within 500 feet, thereby violating section 291C-82(a) H.R.S.

**SECTION 291C-82(b) U-TURNS [Sign Posted]**

On or about [date], in the C&C of Honolulu, State of HI, you did turn your vehicle, at a location where the director of transportation and the counties by ordinance with respect to the highways under their respective jurisdictions placed signs which were clearly visible to an ordinarily observant person prohibiting such turning, and proceeded in the opposite direction, where such turning would have been dangerous to those using the highway or would have unduly interfered with the free movement of traffic, thereby violating section 291C-82(b) H.R.S.

SECTION 291C-84(a) SIGNALS (When Turning)

On or about [date], in the C&C of Honolulu, State of HI,  
you did [\*\* CHOOSE ONE \*\*]

- turn a vehicle at an intersection unless the vehicle was in proper position upon the roadway as required in section 291C-81, OR
- turn a vehicle to enter a private road or driveway, OR
- -- turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety

without giving an appropriate signal, thereby violating section 291C-84(a) H.R.S.

Comment: (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning; provided that for a bicycle or moped, such signal shall be given continuously during not less than the last 100 feet traveled by the bicycle or moped before turning, and shall be given when the bicycle or moped is stopped waiting to turn; and further provided that a signal by hand and arm need not be given continuously by the driver of a bicycle or moped if the hand is needed in the braking, control or operation of the bicycle or moped.

SECTION 291C-84(c) SIGNALS (When Stopped)

On or about [date], in the C&C of Honolulu, State of HI,  
you did stop or suddenly decrease the speed of your vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear of your vehicle when there was opportunity to give such signal, thereby violating section 291C-84(c) H.R.S.

SECTION 291C-84(d) SIGNALS (Improper Use)

On or about [date], in the C&C of Honolulu, State of HI,  
you did use signals for a purpose other than to indicate an intention to turn, change lanes, or start from a parked position by [\*\* CHOOSE ONE \*\*]

- flashing on one side only on a parked or disabled vehicle, OR
  - flashing as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear,
- thereby violating section 291C-84(d) H.R.S.

**SECTION 291C-94 EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle emerging from an alley, building, private road, or driveway or from any public or private property other than a highway [\*\* CHOOSE ONE \*\*]

-- that was adjacent to a bicycle lane, bicycle path, sidewalk, or sidewalk area, you failed to stop the vehicle immediately prior to driving onto the bicycle lane, bicycle path, sidewalk, or sidewalk area extending across the alley, building entrance, road, or driveway, or such public or private property, OR

-- and there being no bikeway or sidewalk area, you failed to stop at the point nearest the street to be entered where, as the driver, you had a view of approaching traffic thereon,

thereby violating section 291C-94 H.R.S.

**SECTION 291C-95(a) OVERTAKING AND PASSING SCHOOL BUS**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a motor vehicle on the same highway in the lane occupied by the school bus and the lane immediately adjacent to the lane occupied by the school bus, regardless of the direction of traffic in that lane, [\*\* CHOOSE ONE\*\*]

-- you failed to stop your vehicle before reaching the school bus when its visual signals were actuated, OR

-- you proceeded before the school bus resumed motion or the visual signals were turned off,

thereby violating section 291C-95(a) H.R.S.

Comment: no application to a vehicle when the school bus and the vehicle are on different roadways. (b).

**SECTION 291C-95(c) IMPROPER SIGNAL BY SCHOOL BUS DRIVER**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a school bus, you actuated the visual signals described in section 291C-95(g) under conditions other than when the school bus is stopped for the purpose of receiving or discharging school children, thereby violating section 291C-95(c) H.R.S.

**SECTION 291C-95(d) SCHOOL BUS MARKING**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a school bus, the front and rear of said school bus was not marked with the words "SCHOOL BUS" in plainly visible letters not less than 8 inches in height and strokes not less than 3/4 of an inch in width, thereby violating section 291C-95(d) H.R.S.

**SECTION 291C-95(e) OTHER VEHICLE MARKED SCHOOL BUS**

On or about [date], in the C&C of Honolulu, State of HI, you did display on a vehicle, other than a school bus, a "SCHOOL BUS" sign, thereby violating section 291C-95(e).

**SECTION 291C-95(f) UNCOVERED SCHOOL BUS MARKING**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a school bus upon a highway for purposes other than as an incident to the transportation of children, and you failed to cover or conceal all markings thereon indicating "SCHOOL BUS", thereby violating section 291C-95(f) H.R.S.

**SECTION 291C-101 BASIC SPEED RULE**

On or about [date], in the C&C of Honolulu, State of HI, you did drive a vehicle at a speed greater than is reasonable and prudent and have disregarded the actual and potential hazards and conditions then existing, thereby violating section 291C-101 H.R.S.

Comment: Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

**Section 291C-102(a) SPEEDING. (City and County Road)**

On or about [date,] in the City and County of Honolulu, State of Hawaii, you did drive a vehicle at a speed greater than a maximum speed limit [or at a speed less than a minimum speed limit] established by county ordinance by traveling at a speed of \_\_\_m.p.h. in a \_\_\_m.p.h. zone, thereby violating section 291C-102(a) H.R.S.

**Section 291C-102(b) SPEEDING. (State Highway)**

On or about [date,] in the City and County of Honolulu, State of Hawaii, you did drive a vehicle at a speed greater than a maximum speed limit [or at a speed less than a minimum speed limit] stated on signs placed by the director of transportation with respect to highways under the director's jurisdiction, by traveling at a speed of \_\_\_m.p.h. in a \_\_\_m.p.h. zone, thereby violating section 291C-102(b) H.R.S.

**SECTION 291C-103 RACING ON HIGHWAYS**

On or about [date], in the C&C of Honolulu, State of HI, you did drive a vehicle in a race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, OR in any manner participate in such a race, competition, contest, test, or exhibition, thereby violating section 291C-103 H.R.S.

Comment: (b) "Drag race" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) "Racing" means the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(d) "Exhibition of speed or acceleration" means the sudden acceleration of a vehicle resulting in the screeching of the vehicle's tires which is done to intentionally draw the attention of persons present toward the vehicle.

Penalty: (e) For (a)-(c), fined not more than \$500 or imprisoned not more than 6 mo, or both. For (d), fined not more than \$500 or be sentenced to perform community service or both.

**SECTION 291C-112(a) LIVING IN VEHICLE**

On or about [date], in the C&C of Honolulu, State of HI, you did use a vehicle for purposes of human habitation, whether or not the vehicle is designed or equipped for that purpose, [**\*\* CHOOSE ONE \*\***]

-- while the vehicle was parked on any roadway, street, or highway or other public property between the hours of 6:00 p.m. and 6:00 a.m. OR

-- while the vehicle was parked on private property without authorization of the owner or occupant authorizing both the parking of the vehicle there and its use for purposes of human habitation,

thereby violating section 291C-112(a) H.R.S.

Comment: (b) "Purposes of human habitation" includes use as a dwelling place, living abode, or sleeping place.

(c) This section doesn't apply to the parking of vehicles and their use for purpose of human habitation in parks, camps, and other recreational areas in compliance with law and applicable rules and regulations, or under emergency conditions in the interest of vehicular safety.

(d) The department of health shall promulgate rules and regulations, pursuant to chapter 91, necessary for the administration of this section.

**SECTION 291C-122(a) LIMITATIONS ON BACKING**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle backing up, you did back it when such movement could not be made with safety and could interfere with other traffic, thereby violating section 291C-122(a) H.R.S.

**SECTION 291C-122(b) LIMITATIONS ON BACKING [Freeways]**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle backing up, you did back it upon a shoulder or roadway of a controlled-access highway, thereby violating section 291C-122(b) H.R.S.

**SECTION 291C-125 OPENING VEHICLE DOORS**

On or about [date], in the C&C of Honolulu, State of HI, you did [\*\* CHOOSE ONE \*\*]

-- open the door of a motor vehicle on the side available to moving traffic other than when it was reasonably safe to do so, and could be done without interfering with, or causing immediate hazard to the movement of other traffic, OR

-- leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers,

thereby violating section 291C-125 H.R.S.

**SECTION 291C-127 COASTING**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a motor vehicle traveling upon a down grade, you coasted with the gears or transmission of the vehicle in neutral or with the clutch disengaged, thereby violating section 291C-127 H.R.S.

**SECTION 291C-128 FOLLOWING EMERGENCY VEHICLE**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle other than one on official business, you did [**\*\* CHOOSE ONE \*\***]

-- follow an emergency vehicle traveling in response to an emergency closer than 500 feet OR

-- drive or park a vehicle within 500 feet of where an emergency vehicle has stopped in answer to a fire alarm,

thereby violating section 291C-128 H.R.S.

**SECTION 291C-129 CROSSING FIRE HOSE**

On or about [date], in the C&C of Honolulu, State of HI, you did drive a vehicle over an unprotected hose of a fire department when laid down on a street, private road, or driveway, to be used at a fire or alarm of fire, without the consent of the fire department official in command, thereby violating section 291C-129.

**SECTION 291C-130(a) SLOW MOVING VEHICLE EMBLEM**  
**[Required]**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle or combination of vehicles designed to operate at a speed of 25 mph or less, and traveling on a public highway, you failed to display a triangular slow moving vehicle emblem meeting ASAE Standard S276.2 as developed by the American Society of Agricultural Engineers, mounted on the rear of the vehicle, base down and at a height of not less than 3 nor more than 5 feet from the ground to base, thereby violating section 291C-130(a) H.R.S.

Comment: except when guarded by a flagperson or a flare, or unless provided by ordinance.

**SECTION 291C-130(b) SLOW MOVING VEHICLE EMBLEM**  
**[Misuse]**

On or about [date], in the C&C of Honolulu, State of HI, you did use a slow moving vehicle emblem on a vehicle, other than a vehicle designed to operate at a speed of 25 mph or less, or on a stationary object on a public highway, thereby violating section 291C-130(b) H.R.S.

Penalty for (a) & (b): Fined not more than \$500. (c).



## SECTION 291C-131(a) SPILLING LOADS ON HIGHWAYS

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a vehicle being moved on a highway, which vehicle was not so constructed, covered, or loaded as to prevent any of its load from dropping, sifting, leaking, blowing, spilling, or otherwise escaping therefrom, thereby violating section 291C-131(a) H.R.S.

Comment: this section does not apply to: (1) clear water or feathers from live birds; (2) sand dropped for the purpose of securing transaction; or (3) water or other substance sprinkled in cleaning or maintaining the highway.

## SECTION 291C-131(b) LOAD PROJECTING

On or about [date], in the C&C of Honolulu, State of HI, you did [**\*\* CHOOSE ONE \*\***]

-- drive or move a vehicle on a highway when any load thereon was not entirely within the body of the vehicle; OR

-- operate on a highway a vehicle with any load thereon projecting beyond the extreme width of the vehicle,

thereby violating section 291C-131(b) H.R.S.

Comment: This prohibition does not apply if the load is securely fastened by means of clamps, ropes, straps, cargo nets, or other suitable mechanical device to prevent such load from dropping onto the highway or from shifting in any manner.

(c) Vehicles carrying agricultural produce from fields during harvesting are exempt from the requirements of this section but the owner of the vehicle must provide for the reasonable removal of all such produce spilled or dropped on the highway.

## SECTION 291C-131(d) LOADS TO BE COVERED

On or about [date], in the C&C of Honolulu, State of HI, you did drive or move a vehicle on a highway with a load when said load was not entirely covered by a cargo net, tarpaulin, canopy, or other material designed to cover the load to prevent the load from escaping from the vehicle, where the load consisted partially or entirely of loose paper, loose rubbish, plastics, and empty cartons, dirt, sand, or gravel, thereby violating section 291C-131(d) H.R.S.

Comment: (e) vehicles transporting a granular load consisting of dirt, sand, or gravel on any highway is not required to cover their granular load if the granular load does not extend, at its peak, above any point on a horizontal plane equal in height to the top of the side, front, or rear part of the cargo container area that is the least in height.

## SECTION 291C-131(f) EXCESSIVE LOAD

On or about [date], in the C&C of Honolulu, State of HI, you did drive or move a vehicle on a highway with a load consisting of rocks, stones, or boulders which at its peak, extended above any point on a horizontal plane equal in height to the top of the side, front, or rear part of the cargo container area that is the least is height, thereby violating section 291C-131(f) H.R.S.

Penalty for section 291C-131: (g) vehicle's owner or driver, or both are subject to the following penalties without possibility of probation or suspension of sentence:

(1) 1st violation: (A) suspension of vehicle registration or suspension of the license of the driver, or both, for 5 working days; (B) a fine of not less than \$250 and not more than \$500.

(2) 2d violation involving a vehicle or driver previously cited under this section, within 1 yr: (A) suspension of vehicle registration or suspension of the license of the driver, or both, for not less than 5 working days but not more than 10 working days; and (B) a fine of not less than \$500 and not more than \$750.

(3) 3rd violation or subsequent violation involving a vehicle or driver previously cited under this section within 1 yr: (A) suspension of the vehicle registration or suspension of the license of the driver, or both, for a period of 30 calendar days; and (B) a fine of not less than \$750 and not more than \$1,000.

In imposing a fine under this section, the court, in its discretion, may apportion payment of the fine between the driver of the vehicle and the owner of the vehicle according to the court's determination of the degree of fault for the violation.

For the purpose of this section, a truck-trailer combination and tractor-semi-trailer combination, as they are defined in section 286-2, shall be considered as one vehicle.

## SECTION 291C-132 LITTERING FROM VEHICLES

On or about [date], in the C&C of Honolulu, State of HI, you did throw, place, or drop litter from a vehicle on a highway, thereby violating section 291C-132 H.R.S.

Penalties: (c) the court shall sentence (1) for 1st offense, 4 hours picking up litter on public property or performing community service; (2) for subsequent offense, 8 hrs of either picking up litter on public property or performing community service.

(d) the court shall fine at least \$25, but not more than \$500.

Comment: The driver of the vehicle may be cited for any litter thrown, placed, or dropped from the vehicle.

(b) "Litter" means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.

**\*\* SECTION 291C-141 EFFECT OF REGULATIONS [BICYCLES AND PLAY VEHICLES]**

(a) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in this part [291C-141 to 149].

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate this chapter.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any bicycle path set aside for the preferential or exclusive use of bicycles subject to those exceptions stated herein.

**SECTION 291C-143(a) RIDING ON BICYCLES [Improper riding]**

On or about [date], in the C&C of Honolulu, State of HI, as a person propelling a bicycle you did ride other than upon or astride a permanent and regular seat attached thereon, thereby violating section 291C-143(a) H.R.S.

**SECTION 291C-143(b) RIDING ON BICYCLES [Packing]**

On or about [date], in the C&C of Honolulu, State of HI, you did use a bicycle to carry more persons at one time than the number for which it was designed and equipped, thereby violating section 291C-143(b) H.R.S.

**SECTION 291C-144 CLINGING TO VEHICLES**

On or about [date], in the C&C of Honolulu, State of HI, as a person [\*\* CHOOSE ONE \*\*]

-- riding upon any coaster, roller skates, sled, or toy bicycle or other toy vehicle, you did attach it or yourself to a vehicle upon a roadway, OR

-- riding a bicycle or moped upon a roadway, you did attach the bicycle or moped or yourself to a vehicle other than the one you were riding,

thereby violating section 291C-144 H.R.S.

**SECTION 291C-146 CARRYING ARTICLES**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a bicycle, you did [**\*\* CHOOSE ONE \*\***]

-- carry a package, bundle, or article which prevented the use of both hands in the control and operation of the bicycle, OR

-- fail to keep at least one hand on the handle bars at all times,

thereby violating section 291C-146 H.R.S.

**SECTION 291C-147(a) HEADLAMPS ON BICYCLES**

On or about [date], in the C&C of Honolulu, State of HI, you did use a bicycle from 30 minutes after sunset until 30 minutes before sunrise, that was not equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front, thereby violating section 291C-147(a) H.R.S.

Comment: (b) Every bicycle shall be equipped with a red reflector at least 4 square inches in size which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

**SECTION 291C-147(c) REFLECTORS ON BICYCLES**

On or about [date], in the C&C of Honolulu, State of HI, you did use a bicycle from 30 minutes after sunset until 30 minutes before sunrise, that was not equipped with reflective material at least 4 square inches in size and of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet, thereby violating section 291C-147(c) H.R.S.

Comment: (d) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing subsections.

(e) A lamp meeting the specification of subsection (a) displayed on the left arm or left leg of the bicycle operator shall be considered to meet the requirements of subsection (a).

**SECTION 291C-147(f) BRAKES ON BICYCLES**

On or about [date], in the C&C of Honolulu, State of HI, you did use a bicycle that was not equipped with a brake or brakes which did not enable you, to stop the bicycle within 25 feet from a speed of 10 mph on dry, level, clean pavement, thereby violating section 291C-147(f).

**SECTION 291C-148(a) DRIVING ON SIDEWALK [Cars]**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a vehicle other than a bicycle, you did drive said vehicle upon a sidewalk or sidewalk area other than a permanent or authorized temporary driveway, thereby violating section 291C-148(a) H.R.S.

**SECTION 291C-148(b) DRIVING ON SIDEWALK [Bicycles]**

On or about [date], in the C&C of Honolulu, State of HI, [\*\* CHOOSE ONE \*\*]

-- you did drive a bicycle at a speed greater than 10 mph on a sidewalk or sidewalk area; OR

-- as the driver of a bicycle you failed to yield the right of way to any pedestrian, OR

-- you did ride a bicycle on a sidewalk in a business district,

thereby violating section 291C-148(b) H.R.S.

**SECTION 291C-152(a) RIDING MOTORCYCLES [Seats & Passengers]**

On or about [date], in the C&C of Honolulu, State of HI, [\*\* CHOOSE ONE \*\*]

-- as a person operating a motorcycle, you did ride on other than the permanent and regular seat attached thereto, OR

-- as a person operating a motorcycle you did carry any other person on a motorcycle that is not designed to carry more than one person, OR

-- you did ride on a motorcycle that is not designed to carry more than one person,

thereby violating section 291C-152(a) H.R.S.

Comment: a passenger may ride upon the permanent and regular seta if designed for two persons, or upon another seat firmly attached tot he motorcycle at the rear or side of the operator.

**SECTION 291C-152(b) RIDING MOTORCYCLE [Sitting Astride]**

On or about [date], in the C&C of Honolulu, State of HI, you did ride upon a motorcycle while not sitting astride the seat, facing forward, with one leg on each side of the motorcycle, thereby violating section 291C-152(b) H.R.S.

**SECTION 291C-152(c) RIDING MOTORCYCLES [Carrying Packages]**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a motorcycle while carrying a package, bundle, or other article which prevented you from keeping both hands on the handlebars, thereby violating section 291C-152(c) H.R.S.

**SECTION 291C-152(d) RIDING MOTORCYCLES [Passengers Interfere]**

On or about [date], in the C&C of Honolulu, State of HI, you did [**\*\* CHOOSE ONE \*\***]

- operate a motorcycle while carrying any person, OR
- ride on a motorcycle

in a position that interfered with the operation or control of the motorcycle or the view of the operator, thereby violating section 291C-152(d) H.R.S.

**SECTION 291C-153(b) MOTORCYCLES USE OF LANES [Passing]**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a motorcycle, you did overtake and pass in the same lane occupied by the vehicle being overtaken, thereby violating section 291C-153(b) H.R.S.

Comment: (a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(e) subsections (b) & (c) shall not apply to police officers in the performance of their official duties.

**SECTION 291C-153(c) MOTORCYCLES USE OF LANES [Between Cars]**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles, thereby violating section 291C-153(c) H.R.S.

**SECTION 291C-153(d) MOTORCYCLES USE OF LANES [Three Abreast]**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a motorcycles, you did operate your motorcycle more than two abreast in a single lane, thereby violating section 291C-153(d) H.R.S.

**SECTION 291C-154 MOTORCYCLIST CLINGING TO VEHICLES**

On or about [date], in the C&C of Honolulu, State of HI, as a person riding upon a motorcycle, you did attach yourself or the motorcycle to another vehicle on a roadway, thereby violating section 291C-154 H.R.S.

**SECTION 291C-155(a) FOOTRESTS**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a motorcycle carrying a passenger, other than in a sidecar or enclosed cab, that was not equipped with footrests for such passenger, thereby violating section 291C-155(a) H.R.S.

**SECTION 291C-155(b) HANDLEBARS**

On or about [date], in the C&C of Honolulu, State of HI, you did operate a motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator, thereby violating section 291C-155(b) H.R.S.

**\*\* SECTION 291C-192 PENALTIES--MOPEDS [291C-193 - 207]**

(a) It is a violation for any person to do any act forbidden or fail to perform any act required in this part, except as otherwise provided by law.

(b) Any negligence, misconduct, or violation of this part by a minor while driving a moped shall be imputed to the parent or guardian having custody of such minor, which person shall be jointly and severally liable with the minor for any damages caused by such negligence or misconduct and any penalty assessed by the courts for such violation.

(c) This part applies to every person driving a moped upon any roadway or highway or any other publicly owned place under the jurisdiction of the State or any county.

**\*\* SECTION 291C-193 TRAFFIC LAWS APPLY TO PERSONS DRIVING MOPEDS**

Every person driving a moped upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under this chapter, except as to the special provisions of this part and except as to those provisions of this chapter which by their nature can have no application.

**SECTION 291C-194(a) DRIVER'S LICENSE REQUIRED FOR MOPED**

On or about [date], in the C&C of Honolulu, State of HI, you did drive a moped without being validly licensed in any of the categories listed in section 286-102 or being licensed in a foreign jurisdiction pursuant to the requirements of section 286-105(3), thereby violating section 291C-194(a) H.R.S.

**SECTION 291C-194(b) DRIVER'S LICENSE TO BE SHOWN FOR MOPED**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a moped, and upon the demand of a police officer, you failed to exhibit a driver's license or instruction permit, thereby violating section 291C-194(b) H.R.S.

**SECTION 291C-195(a) DRIVING MOPEDS (15 years or older)**

On or about [date], in the C&C of Honolulu, State of HI, as a person less than 15 years of age, you did drive a moped, thereby violating section 291C-195(a) H.R.S.



**SECTION 291C-195(b) DRIVING MOPEDS (Sitting Astride)**

On or about [date], in the C&C of Honolulu, State of HI, you did drive a moped while not sitting astride the seat, facing forward, with one leg on each side of the moped, thereby violating section 291C-195(b) H.R.S.

**SECTION 291C-195(c) PACKING ON A MOPED**

On or about [date], in the C&C of Honolulu, State of HI, [\*\* CHOOSE ONE \*\*]

-- you did drive a moped which was carrying another person, OR

-- you did ride upon a moped while you were not the driver, thereby violating section 291C-195(c) H.R.S.

**SECTION 291C-196(a) DRIVING MOPEDS ON RIGHT OF ROADWAYS**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a moped moving upon a roadway at a speed less than the normal speed of traffic moving in the same direction, you failed to ride as near to the right side of the roadway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction, thereby violating section 291C-196 H.R.S.

**SECTION 291C-196(b) DRIVING MOPEDS SINGLE FILE**

On or about [date], in the C&C of Honolulu, State of HI, as a driver of a moped upon a roadway you did not drive in single file, thereby violating section 291C-196(b) H.R.S.

**SECTION 291C-196(c) DRIVING MOPEDS ON SIDEWALKS**

On or about [date], in the C&C of Honolulu, State of HI, you did [\*\* CHOOSE ONE \*\*]

-- drive a moped on a sidewalk or area intended for use as a sidewalk, OR

-- drive a moped on a path or other area intended for the exclusive use of pedestrians,

thereby violating section 291C-196(c) H.R.S.

**SECTION 291C-197 MOPEDS ON BIKE PATHS**

On or about [date], in the C&C of Honolulu, State of HI, where a bicycle lane was provided on the roadway, as the driver of a moped, you failed to use such bicycle lane, thereby violating section 291C-197 H.R.S.

Comment: (b) The director of transportation by rule and the counties by ordinance may with respect to bicycle paths under their respective jurisdictions restrict or prohibit the use of such bicycle paths by mopeds. Signs clearly visible to an ordinarily observant person indicating the restriction or prohibition shall be placed along bicycle paths so designated and every moped driver shall obey the directions thereof.

**SECTION 291C-198(a) SPEEDING ON MOPEDS [Unsafe Speed]**

On or about [date], in the C&C of Honolulu, State of HI, you did drive a moped at a speed other than is reasonable and prudent under the conditions and have disregarded the actual and potential hazards then existing, thereby violated section 291C-198(a) H.R.S.

**SECTION 291C-198(b) SPEEDING ON MOPEDS [Above 35 mph]**

On or about [date], in the C&C of Honolulu, State of HI, you did drive a moped at a speed greater than 35 mph (58 kmh), thereby violating section 291C-108(b) H.R.S.

**SECTION 291C-199 MOPED CLINGING TO VEHICLES**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a moped, [**\*\* CHOOSE ONE \*\***]

-- you did attach yourself or the moped to another vehicle, OR

-- you did permit the rider of a bicycle, coaster, sled, or toy vehicle or any person on roller skates to be or become attached to the moped or you, its driver,

thereby violating section 291C-199 H.R.S.

**SECTION 291C-200 HEADLAMPS ON MOPEDS**

**[Between Sunset & Sunrise]**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a moped moving upon a highway from 30 minutes after sunset until thirty minutes before sunrise and at any other time when there was insufficient ambient light to render clearly discernible persons and vehicles on the highway at a distance of 200 feet (60.9 m) ahead, you failed to display a lighted headlamp or a lighted tail lamp, thereby violating section 291C-200 H.R.S.

**[Inside a Tunnel]**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a moped moving upon a highway within a tunnel, you failed to display at all times a lighted headlamp, or a lighted tail lamp, thereby violating section 291C-200 H.R.S.

**SECTION 291C-204 DEFACING SERIAL NUMBERS OF MOPEDS**

On or about [date], in the C&C of Honolulu, State of HI, you did willfully deface, destroy or alter the serial number, a component part number, or identification mark placed on any moped by the manufacturer thereof, thereby violating section 291C-204 H.R.S.

**SECTION 291C-205 UNLAWFUL POSSESSION OF MOPEDS AND PARTS**

On or about [date], in the C&C of Honolulu, State of HI, you did possess a moped, a moped motor, or any moped part knowing that the serial or identification number placed thereon by the manufacturer had been changed, altered, erased or mutilated, thereby violating section 291C-205 H.R.S.

**SECTION 291C-206 MODIFYING MOPED MOTOR**

On or about [date], in the C&C of Honolulu, State of HI, you were in possession of a motor used to power a moped that had been modified in any manner, thereby violating section 291C-206 H.R.S.

Comment: except as authorized by the motor manufacturer and any such modification shall not increase the power capacity of the motor above one and one-half horsepower.

Penalty: Fined not more than \$500.

**\*\* SECTION 431:10C-117 PENALTIES**

(a)(1) operator, owner, or registrant of a motor vehicle in this State, or registered in this State, who violates this article, is subject to citation by any county police dept.

(2) Notwithstanding any provision of the Hawaii Penal Code:

(A) Treat each violation as a separate offense and fine not less than \$100 nor more than \$5,000 -- no suspension except per (B);

(B) If D's convicted of no No-Fault in effect at the time the citation was issued, the fine shall be \$500 for the 1st offense and a minimum of \$1,500 for reach subsequent offense that occurs w/i 5 yr pd from any prior conviction; provided that the judge:

(i) has discretion to suspend the fine for 1st offense; and per D's request, judge can grant community service in lieu of the fine, of not less than 75 hrs and not more than 100 hrs for the 1st offense; and not less than 200 hrs nor more than 275 hrs for 2d offense; and

(ii) may grant community service in lieu of the fine for subsequent offenses at the judge's discretion.

(3) In addition to (2), for 1st conviction w/i a 5 yr pd for no No-Fault, ct shall either:

(A) suspend driver's or RO's DL for 3 mo, but no need proof of financial responsibility per § 287-20, or

(B) require driver or RO to keep a nonrefundable no-fault ins policy in force for 6 mo.

**SECTION 431:10C-104(a) NO NO-FAULT INSURANCE**  
**(Driver, Autos)**

On or about [date], in the C&C of Honolulu, State of HI, you did operate or use a motor vehicle upon a public street, road or highway of this State at a time when such motor vehicle was not insured under a no-fault policy, thereby violating section 431:10C-104(a) H.R.S.

**SECTION 431:10C-104(b) NO NO-FAULT INSURANCE**  
**(Owner, Autos)**

On or about [date], in the C&C of Honolulu, State of HI, as the owner of a motor vehicle used or operated at any time upon a public street, road or highway of this State you failed to obtain or maintain a no-fault policy upon such vehicle which provides the coverage required by Article 10C of Chapter 431 H.R.S., thereby violating § 431:10C-104 H.R.S.

**SECTION 431:10C-107(b) NO NO-FAULT CARD (Autos)**

On or about [date], in the C&C of Honolulu, State of HI, you failed to keep a no-fault insurance identification card in the insured motor vehicle at all times and upon demand, failed to exhibit the same to a law enforcement officer, thereby violating section 431:10C-107(b) H.R.S.

Comment: This § should be amended to § 286-116 if D did have No-Fault insurance, or to § 431:10C-104 if D didn't have insurance.

**SECTION 431:10G-102 NO NO-FAULT INSURANCE (Motorcycles/Scooters)**

On or about [date], in the C&C of Honolulu, State of HI, you did drive a motorcycle or motor scooter upon a public street, road or highway of this State when such motorcycle or motor scooter was not insured under a liability policy as provided in section 431:10G-301, thereby violating section 431:10G-102 H.R.S.

Penalty: Subject to a citation by the police and subject to a nonsuspendable fine of not less than \$100 nor more than \$1,000, 30 days imprisonment, a 1 yr driver's license suspension, or any combination thereof, for each violation. §431:10G-108.

**HAWAII ADMINISTRATIVE RULES**

**SECTION 11-60.1-34(a) VISIBLE SMOKE EMISSIONS**  
**[Gasoline-Powered Motor Vehicle]**

On or about [date], in the C&C of Honolulu, State of HI, you operated a gasoline-powered motor vehicle which emitted visible smoke while moving upon a street, road or highway in violation of section 11-60.1-34(a) of the Hawaii Administrative Rules.

**SECTION 11-60.1-34(b) VISIBLE SMOKE EMISSIONS**  
**[Diesel-Powered Motor Vehicle]**

On or about [date], in the C&C of Honolulu, State of HI, you operated a diesel-powered motor vehicle which emitted visible smoke for a period of more than 5 consecutive seconds while moving upon streets, roads, or highways, in violation of section 11-60.1-34(b) of the Hawaii Administrative Rules.

**SECTION 11-60.1-34(c) ENGINE LEFT STANDING**

On or about [date], in the C&C of Honolulu, State of HI, you caused, suffered, or allowed to keep an engine in operation while the motor vehicle was stationary at a loading zone, parking, or serviced area, route terminal, or other off street areas in violation of section 11-60.1-34(c) of the Hawaii Administrative Rules.

**SECTION 19-15.1-8(a)(1) PARKING OUT OF DESIGNATED AREAS**

On or about [date], in the C&C of Honolulu, State of HI, you parked a vehicle on a public airport in an area other than one specifically designated for parking in violation of section 19-15.1-8(a)(1) of the Hawaii Administrative Rules.

**SECTION 19-15.1-8(a)(2) AIRPORT PARKING EXCEEDING TIME LIMIT**

On or about [date], in the C&C of Honolulu, State of HI, you parked in an area on a public airport for a period longer than was prescribed for that area by the director of the department of transportation in violation of section 19-15.1-8(a)(2) of the Hawaii Administrative Rules.

**SECTION 19-15.1-8(a)(3) METER VIOLATION AT AIRPORT**

On or about [date], in the C&C of Honolulu, State of HI, you did park a vehicle in a metered parking space on a public airport without depositing money in the parking meter controlling that place or in excess of the time indicated on the meter in violation of section 19-15.1-8(a)(3) of the Hawaii Administrative Rules.

**SECTION 19-15.1-8(a)(4) DOUBLE PARKED AT AIRPORT**

On or about [date], in the C&C of Honolulu, State of HI, you did double park a vehicle on a roadway of a public airport in violation of section 19-15.1-8(a)(4) of the Hawaii Administrative Rules.

**SECTION 19-15.1-8(a)(5) ABANDONED VEHICLE AT AIRPORT**

On or about [date], in the C&C of Honolulu, State of HI, you did abandon a vehicle on a public airport in violation of section 19-15.1-8(a)(5) of the Hawaii Administrative Rules.

**SECTION 19-15.1-8(a)(6) BLOCK ACCESS OR EGRESS FROM OTHER STALL**

On or about [date], in the C&C of Honolulu, State of HI, you did park or place a vehicle in such a manner so as to occupy a part or deny access or egress from any other marked space in an area marked for the parking of vehicles in violation of section 19-15.1-8(a)(6) of the Hawaii Administrative Rules.

**SECTION 19-15.1-8(a)(7) UNATTENDED VEHICLES**

On or about [date], in the C&C of Honolulu, State of HI, you left a vehicle unattended in either an operational or parked condition on a public airport except in an authorized parking area in violation of section 19-15.1-8(a)(7) of the Hawaii Administrative Rules.

**SECTION 19-15.1-8(a)(8) PARKING NEAR FIRE HYDRANT**

On or about [date], in the C&C of Honolulu, State of HI, you parked a vehicle within 15 feet of a fire hydrant on a public airport in violation of section 19-15.1-8(a)(8) of the Hawaii Administrative Rules.

**SECTION 19-15.1-9 NONPAYMENT OF FEES: PARKING AT AIRPORT**

On or about [date], in the C&C of Honolulu, State of HI, you did use a controlled, pay vehicular parking area at a public airport without the payment of such parking fees in violation of section 19-15.1-9 of the Hawaii Administrative Rules.

**SECTION 19-15.1-13 ENGINE LEFT STANDING**

On or about [date], in the C&C of Honolulu, State of HI, at a public airport you caused, or allowed an engine of a motor vehicle to remain in operation while the vehicle was stationary at a loading zone, parking, or servicing area, route terminal, or other off-street areas in violation of section 19-15.1-13 of the Hawaii Administrative Rules.

**SECTION 19-43-41(3) HARBORS OUT OF STALL PARKING**

On or about [date], in the C&C of Honolulu, State of HI, on a state pier or within a harbor area as the owner or operator of a motor vehicle, you parked the vehicle across a line or marking of a parking stall or in such a position that the vehicle was not entirely within the area designated by such lines or markings in violation of section 19-43-41(3) of the Hawaii Administrative Rules.

**SECTION 19-43-41(6) HARBORS METER PARKING**

On or about [date], in the C&C of Honolulu, State of HI, on a state pier or within a harbor area as the owner or operator of a motor vehicle, you parked said vehicle in a metered state harbor division parking area and failed to pay the charges as required for parking meters or reserved parking areas, and your vehicle occupying the parking stall did not display a valid parking permit issued by the appropriate department in violation of section 19-43-41(6) of the Hawaii Administrative Rules.

**SECTION 19-43-41(8) DISOBEYING TO HARBORS DIVISION SIGNS**

On or about [date], in the C&C of Honolulu, State of HI, on a state pier or within a harbor area you disregarded an official direction, instruction or restriction indicated by or on official signs posted therein in violation of section 19-43-41(8) of the Hawaii Administrative Rules.



**PUBLIC UTILITIES COMMISSION**

**SECTION 393.94 MUD FLAPS**

On or about [date], in the C&C of Honolulu, State of HI, you allowed a motor vehicle to operate without mud flaps to effectively minimize the spray of splash of water or mud to the rear of the vehicle in violation of section 393.94 of Public Utilities Commission Order Number 2.

**SECTION 400.16 OVERWEIGHT VEHICLES**

On or about [date], in the C&C of Honolulu, State of HI, you permitted the operation of a vehicle which was determined by an inspector or investigation to be unlawfully overweight in violation of section 400.16 of Public Utilities Commission Order Number 2.

**DEPARTMENT OF TRANSPORTATION**

**SECTION 391-41 TAXI DRIVER'S MEDICAL CERTIFICATES**

On or about [date], in the C&C of Honolulu, State of HI, as the driver of a motor vehicle used for the transportation of passengers, you failed to have on your person a medical examiner's certificate establishing that you were physically qualified to drive a motor vehicle in violation of section 391-41 of the Department of Transportation Rules and Regulations for the State of Hawaii.

## REVISED ORDINANCES OF HONOLULU

### SECTION 10-1.2(g)(1) DISOBEDIENCE TO PUBLIC PARK SIGNS

On or about [date], in the C&C of Honolulu, State of HI, you operated, parked or stood a vehicle within the limits of a public park, where signs were posted prohibiting or restricting such activities, thereby violating section 10-1.2(g)(1) R.O.H.

### SECTION 12-1.4(a) BACKING INTO TAXI STAND

On or about [date], in the C&C of Honolulu, State of HI, while operating a taxicab, you backed the taxicab from a taxi stand onto a public highway, thereby violating section 12-1.4(a) R.O.H.

### SECTION 12-1.9 TAXI DRIVER'S CERTIFICATE

On or about [date], in the C&C of Honolulu, State of HI, you used or caused to be used, for the purpose of hire, a taxicab which did not have a taxicab driver's certificate mounted within 12 inches of the taximeter so that it was readily visible to all passengers, thereby violating section 12-1.9 R.O.H.

Comment: 12-1.1(6) defines taxicab as a vehicle, operated by a taxicab driver, which is used in the movement of passengers for hire on the public highways and which is directed to a destination by the passenger for hire and on passenger's behalf, and which operates on call or demand.

### SECTION 12-4.4(b) TAXI PARKED AWAITING FARE

On or about [date], in the C&C of Honolulu, State of HI, you owned or had the control of a licensed vehicle for hire allowing the vehicle to stand or park, or permit the standing or parking of such vehicle on a public highway while waiting for fare to hire such vehicle, thereby violating section 12-4.4(b) R.O.H.

### SECTION 12-5.3 PEDICAB BUSINESS DECAL

On or about [date], in the C&C of Honolulu, State of HI, while operating a pedicab on a public roadway, you failed to keep the pedicab business license decal on the rear of the vehicle, legible from a reasonable distance or keep it reasonably clean and display it entirely unobscured, thereby violating section 12-5.3 R.O.H.

**SECTION 12-5.6(a) PEDICAB OPERATOR'S CERTIFICATE**

On or about [date], in the C&C of Honolulu, State of HI, as the operator of a pedicab, you used or caused to be used for the purposes of hire, a pedicab which did not have an operator's certificate visible from within and from the outside of the cab, thereby violating section 12-5.6(a) R.O.H.

**SECTION 12-5.7 TRAFFIC LAWS APPLICABLE TO PEDICABS**

On or about [date], in the C&C of Honolulu, State of HI, you failed to operate your pedicab in accordance with the traffic code applicable to the driver of any vehicle, thereby violating section 12-5.7 R.O.H.

Comment: read the substance of the particular charge.

**SECTION 12-5.7 PEDICAB IMPEDING TRAFFIC**

On or about [date], in the C&C of Honolulu, State of HI, while operating or using a pedicab, you impeded or blocked the normal and reasonable movement of vehicular traffic, thereby violating section 12-5.7 R.O.H.

**SECTION 12-5.7 PEDICAB TAIL LIGHT**

On or about [date], in the C&C of Honolulu, State of HI, you operated or used a pedicab without an operating tail light, thereby violating section 12-5.7 R.O.H.

Comment: §15-19.3 is a general ordinance which authorizes and specifies that lamps and lights be used.

**SECTION 12-5.7 PEDICAB HEADLAMPS**

On or about [date], in the C&C of Honolulu, State of HI, you owned or operated a pedicab upon a public roadway between 30 minutes after sunset to 30 minutes before sunrise and at any other time when there is insufficient light to render clearly discernible persons or vehicles upon the roadway without displaying lighted lamps and illuminating devices, thereby violating section 12-5.7 R.O.H.

Comment: § 291-29 H.R.S require all vehicles other than those specified in § 291-25 to carry a lighted light on the extreme width of each side of a vehicle so arranged as to be visible from at least 200 feet in every direction.

**SECTION 12-5.8(a) DRIVING A PEDICAB ON SIDEWALK**

On or about [date], in the C&C of Honolulu, State of HI, you operated or allowed a pedicab on a sidewalk, thereby violating section 12-5.8(a) R.O.H.

Exceptions: to park at authorized sidewalk pedicab stands; entering or exiting a public roadway but must be the shortest time and distance possible; as provided in other sections of the R.O.H.

**SECTION 12-5.8(c) MORE THAN 2 PASSENGERS IN A PEDICAB**

On or about [date], in the C&C of Honolulu, State of HI, you operated a pedicab taking more than 2 passengers at one time or those passengers didn't remain seated throughout the ride, thereby violating section 12-5.8(c) R.O.H.

**SECTION 12-5.8(e) PEDICAB: UNAUTHORIZED PARKING**

On or about [date], in the C&C of Honolulu, State of HI, you parked a pedicab on public property other than in a location specifically designated as a "road pedicab stand" or in another location designated for the parking of vehicles, or when in a metered stall you did not pay the fees, thereby violating section 12-5.8(e) R.O.H.

**SECTION 12-5.8(f) VIOLATING A PEDESTRIANS RIGHT OF WAY**

On or about [date], in the C&C of Honolulu, State of HI, while operating a pedicab, you violated a pedestrian's right-of-way, thereby violating section 12-5.8(f) R.O.H.

**SECTION 12-5.9 PEDICAB FARES POSTED**

On or about [date], in the C&C of Honolulu, State of HI, you operated a pedicab and failed to provide signs indicating the current fare to be charged per minute in English and Japanese and failed to post such signs so as to be visible from within and from outside the cab, thereby violating section 12-5.9 R.O.H.

**SECTION 15-6.7(b) BUS LANE**

On or about [date], in the C&C of Honolulu, State of HI, when a lane was designated as a "City Transit Bus Only," you did, as the driver of a vehicle which was not an official C&C of Honolulu vehicle on official duty, traverse, enroach, park, stop, stand, load or unload the vehicle in the designated bus lane, thereby violating section 15-6.7(b) R.O.H.

**SECTION 15-6.7(e) CARPOOL LANE**

On or about [date], in the C&C of Honolulu, State of HI, when a lane was designated as an "Express Bus Lane" or "Express Bus and Car Pool Lane," you did, as the driver of a vehicle with less than 3 passengers, enter and/or use the designated lane, thereby violating section 15-6.7(e) R.O.H.

**SECTION 15-7.4 (b) IMPEDING TRAFFIC**

On or about [date], in the C&C of Honolulu, State of HI, you drove a motor vehicle at such a low speed as to impede or block normal and reasonable movement of traffic, you were neither directed to do so by a police officer or other authorized person nor was a reduced speed necessary for safe operation or compliance with the lane, thereby violating section 15-7.4(b) R.O.H.

**SECTION 15-8.1(c) DIRECTION ARROWS ON PAVEMENT**

On or about [date], in the C&C of Honolulu, State of HI, you as the driver of a vehicle failed to execute a movement at an intersection as was directed and required by official C&C of Honolulu marks, buttons, signs or directional arrows painted on the pavement and placed within or adjacent to the intersection, thereby violating section 15-8.1(c)

**SECTION 15-8.3 TURNS AGAINST SIGNS**

On or about [date], in the C&C of Honolulu, State of HI, despite authorized signs that were erected indicating that no right or left or "U" turn is permitted, you as the operator of a vehicle disobeyed the directions of such signs and made a prohibited turn, and you were not directed by a police officer or other authorized persons to do so, thereby violating section 15-8.3 R.O.H.

**SECTION 15-8.4 U-TURNS IN A BUSINESS DISTRICT**

On or about [date], in the C&C of Honolulu, State of HI, you drove and turned a vehicle so as to proceed in the opposite direction upon a street in a business district, upon a highway with 3 or more lanes, or at an intersection where traffic is controlled by traffic signal lights and where such actions were not authorized by official signs or markings thereby violating section 15-8.4 R.O.H.

**SECTION 15-8.6 CUTTING CORNERS**

On or about [date], in the C&C of Honolulu, State of HI, you drove a vehicle across a sidewalk or through a driveway, parking lot or a business entrance for the purpose of making a right or left turn from one street to another by avoiding the intersection or as a means of traveling from one street to another, thereby violating section 15-8.6 R.O.H.

**SECTION 15-12.2 BLOCKING INTERSECTION**

On or about [date], in the C&C of Honolulu, State of HI, while driving a vehicle, you entered an intersection or a marked or unmarked crosswalk in spite of the lack of sufficient space on the other side of the intersection or crosswalk to accommodate your vehicle, which vehicle did obstruct the passage of other vehicles or pedestrians which had a traffic control signal indicating they could proceed, thereby violating section 15-12.2 R.O.H.

**SECTION 15-13.3 PARKING OUT OF STALL**

On or about [date], in the C&C of Honolulu, State of HI, you failed to park a vehicle completely within a designated stall, where such stalls were so established, marked off, and designated, thereby violating section 15-13.3 R.O.H.

**SECTION 15-13.4(b) UNATTENDED TAXI OR PEDICABS**

On or about [date], in the C&C of Honolulu, State of HI, you left a taxicab or a pedicab unattended in a road taxi stand or road pedicab stand, thereby violating section 15-13.4(b)(4) R.O.H.

**SECTION 15-13.5 PARALLEL PARKING**

On or about [date], in the C&C of Honolulu, State of HI, you did stand or park a vehicle, on a roadway within a business or residential district, other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicles within 2 inches of the edge of the roadway except while parked wholly within stall marked or designated, thereby violating section 15-13.5 R.O.H.

**SECTION 15-13.8 ABANDONED VEHICLES**

On or about [date], in the C&C of Honolulu, State of HI, you abandoned a vehicle on a public highway by leaving the vehicle unattended for more than 24 hrs thereby violating section 15-13.8 H.R.S.

Comment: RO is liable for all reasonable expenses incurred for removal.  
Penalty: see § 290-45 H.R.S.

**SECTION 15-14.1(a)(1) PARKING PROHIBITED ON SIDEWALK**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle on a sidewalk, thereby violating section 15-14.1(a)(1) R.O.H.

**SECTION 15-14.1(a)(2) PARKING TOO CLOSE TO A DRIVEWAY**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle within 4 feet of either side of a public or private driveway, thereby violating section 15-14.1(a)(2) R.O.H.

**SECTION 15-14.1(a)(3) PARKING TOO CLOSE TO INTERSECTION**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle within an intersection, along the edges or curbsides around corners or in a channelized area of two intersecting streets, thereby violating section 15-14.1(a)(3) R.O.H.

**SECTION 15-14.1(a)(4) PARKING WITHIN 10 FEET OF FIRE HYDRANT**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle within 10 feet of a fire hydrant, thereby violating section 15-14.1(a)(4) R.O.H.

**SECTION 15-14.1(a)(5) PARKING ON A CROSSWALK**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle on a crosswalk, thereby violating section 15-14.1(a)(5) R.O.H.

**SECTION 15-14.1(a)(6) PARKING 20 FEET FROM A CROSSWALK**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle within 20 feet of a crosswalk at an intersection or within 20 feet upon the approach to any mid-block crosswalk, thereby violating section 15-14.1(a)(6) R.O.H.

**SECTION 15-14.1(a)(7) PARKING 30 FEET FROM STOP SIGN**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle within 30 feet upon the approach to a flashing beacon or stop sign located at the side of a roadway, thereby violating section 15-14.1(a)(7) R.O.H.

**SECTION 15-14.1(a)(8) PARKING 75 FEET FROM TRAFFIC LIGHT**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle within 75 feet upon the approach to a traffic control signal, thereby violating section 15-14.1(a)(8) R.O.H.

**SECTION 15-14.1(a)(9) PARKING 30 FEET FROM AN INTERSECTION**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle on the far side of the street at any signalized intersection within 30 feet of the curb line of the intersecting street, thereby violating section 15-14.1(a)(9) R.O.H.



**SECTION 15-14.1(a)(14) DOUBLE PARKING**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway, thereby violating section 15-14.1(a)(14) R.O.H.

**SECTION 15-14.2 PARKED ON SIDEWALK**

On or about [date], in the C&C of Honolulu, State of HI, you stood or parked a vehicle in such a manner that a portion of your vehicle obstructed a sidewalk or portion thereof, thereby violating section 15-14.2 R.O.H.

**SECTION 15-14.5 NO PARKING SIGN**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle within an area designated by an authorized sign prohibiting parking, thereby violating section 15-14.5 R.O.H.

**SECTION 15-14.8 PARKING IN TOW ZONE**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle even if momentarily, in a zone designated by official signs as tow or tow away zone, thereby violating section 15-14.8 R.O.H.

**SECTION 15-15.1(a) PASSENGER LOADING ZONE**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle in a place marked as a passenger curb loading zone for a period exceeding 3 minutes or for a purpose or period of time other than for the expeditious loading or unloading of passengers, thereby violating section 15-15.1(a) R.O.H.

**SECTION 15-15.1(b) FREIGHT LOADING ZONE**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle in a space marked as a freight curb loading zone during the posted times, thereby violating section 15-15.1(b) R.O.H.

**SECTION 15-15.4 PARKING IN BUS STOP**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle other than a bus, in a bus stop that has been officially designated and appropriately signed as such, thereby violating section 15-15.4 R.O.H.

**SECTION 15-16.1 PARKING EXCEEDING PRESCRIBED TIME**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, stood or parked a vehicle for a period of time longer than the periods indicated on an official sign erected and giving notice thereof between the hours of 7:00 a.m. and 6:00 p.m., and the date of offense was not a Sunday or public holiday, thereby violating section 15-16.1 R.O.H.

**\*\* SECTION 15-16.3 (a)-(g) PARKING: PARKS & SCHOOLS**

**SECTION 15-16.3(a) BLOCKING VEHICULAR TRAFFIC**

On or about [date], in the C&C of Honolulu, State of HI, you parked a vehicle on a roadway within public parks and public school grounds in such a manner as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, thereby violating section 15-16.3(a) R.O.H.

**SECTION 15-16.3(b) ANGLE PARKING**

On or about [date], in the C&C of Honolulu, State of HI, you stopped, parked or left standing a vehicle on a roadway within public parks and public school grounds other than parallel with the edge of the roadway heading in the direction of traffic and with the righthand wheels of the vehicle within 12 inches of the curb line or edge of the roadway, and the roadway had not been marked or signed for angle parking, thereby violating section 15-16.3(b) R.O.H.

**SECTION 15-16.3(c) OUT-OF-STALL PARKING**

On or about [date], in the C&C of Honolulu, State of HI, you did not park a vehicle completely within a parking stall for the parallel or angle parking of motor vehicles which were marked off and designated on a roadway or in a parking area within public parks and public school grounds, each such parking stall extending in width 8 feet and extending in length approximately 22 feet, thereby violating section 15-16.3(c) R.O.H.

**SECTION 15-16.3(d) SALE, WASH, GREASE OR REPAIR**

On or about [date], in the C&C of Honolulu, State of HI, you parked a vehicle on a roadway or in a parking area within public parks and public school grounds for the purpose of displaying such vehicle for sale or washing, greasing or repairing such vehicle when there was no emergency requiring minor repairs, thereby violating section 15-16.3(d) R.O.H.

**SECTION 15-16.3(e) PARKING OVER 60 MIN BETWEEN THE HOURS OF 2 A.M. AND 6 A.M.**

On or about [date], in the C&C of Honolulu, State of HI, you parked a vehicle on a roadway or parking area within public parks and public school grounds kept open for vehicular use for a period of time longer than 60 minutes between the hours of 2 a.m. and 6 a.m. of any day, thereby violating section 15-16.3(e) R.O.H.

**SECTION 15-16.3(f) DRIVING ON IMPROVED/PAVED ROAD**

On or about [date], in the C&C of Honolulu, State of HI, you operated or drove off a vehicle on an improved or paved portion of a roadway within public parks and public school grounds, and you were not going to and from a parking area maintained therein, thereby violating section 15-16.3(f) R.O.H.

Comment: Disabled vehicles may be driven off the paved portion so as to prevent obstruction of traffic, until temporary repairs are made or until power is obtained to remove them.

**SECTION 15-16.3(g) AFTER SCHOOL HOURS**

On or about [date], in the C&C of Honolulu, State of HI, when official signs were erected giving notice thereof, you, after school hours, stopped, stood or parked a vehicle in a parking facility maintained on public school grounds, thereby violating section 15-16.3 R.O.H.

Comment: not applicable to a person who is, after school hours, a guest or patron of or an invitee to a function or activity approved by the proper school authorities.

**SECTION 15-16.5 PARKING AT CITY HALL & OFF STREET PARKING**

On or about [date], in the C&C of Honolulu, State of HI, you parked a vehicle in an unmetered parking stall provided for C&C officials and employees, and your vehicle had no decal affixed thereon evidencing the issuance of a parking permit by an authorized person, thereby violating section 15-16.5 R.O.H.

**SECTION 15-18.6 PARKING: BICYCLES**

On or about [date], in the C&C of Honolulu, State of HI, you parked a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building; and did not park in a manner as to afford the least obstruction to pedestrian traffic, thereby violating section 15-18.6 R.O.H.

**SECTION 15-18.7(a) BICYCLES ON SIDEWALK**

On or about [date], in the C&C of Honolulu, State of HI, you rode a bicycle upon a sidewalk within a business district, thereby violating section 15-18.7(a) R.O.H.

**SECTION 15-19.31 MISSING WINDOW, FENDER, BUMPER**

On or about [date], in the C&C of Honolulu, State of HI, you operated a motor vehicle upon a highway without being equipped with a windshield, fenders for all wheels, or front and rear bumpers, thereby violating section 15-19.31 R.O.H.

Comment: doesn't apply to motorcycles and motor scooters.

**SECTION 15-22.11(b) EXPIRED STREET METER**

On or about [date], in the C&C of Honolulu, State of HI, you permitted a vehicle to remain or be placed in a parking space adjacent to a parking meter while such meter was displaying a signal indicating that the vehicle occupying such parking space had already been parked beyond the period prescribed for such parking space, thereby violating section 15-22.11(b) R.O.H.

Comment: a special transit service vehicle shall not be deemed in violation when loading or unloading a mobility handicapped passenger as long as the parking space is not occupied for more than 15 minutes.

**SECTION 15-22.11(c) PARKING OUT OF STALL**

On or about [date], in the C&C of Honolulu, State of HI, you parked a vehicle across a line or marking of a parking meter space or in such position that the vehicle is not entirely within the area designated by such lines or markings, thereby violating section 15-22.11(c) R.O.H.

**SECTION 15-23.6 EXPIRED METER (Off Street)**

On or about [date], in the C&C of Honolulu, State of HI, you parked a vehicle in a public off-street metered parking facility and refused or failed to pay the parking charges for the metered space occupied by said vehicle, thereby violating section 15-23.6 R.O.H.

**SECTION 15-24.5 UNLAWFUL RIDING**

On or about [date], in the C&C of Honolulu, State of HI, you rode or permitted a person to ride in a vehicle or a portion of a vehicle not designated or intended for the use of passengers, thereby violating section 15-24.5 R.O.H.

**SECTION 15-24.10 HANDICAPPED PARKING**

On or about [date], in the C&C of Honolulu, State of HI, you did park a vehicle or caused it to stand or be parked in a parking space reserved for disabled persons,  
[\*\* CHOOSE ONE \*\*]

-- without displaying special license plates or a placard upon the vehicle, OR

-- and left the vehicle unattended for more than 24 hours, OR

-- and used an identification card, placard or special license plates knowing that you are not entitled to such privileges, OR

-- and as a disabled person, you knowingly permitted another to use the your identification card, placard or special plates,

thereby violating section 15-24.10 R.O.H.

Comment: (1) doesn't apply to transportation of a disabled person holding a valid placard or special license plates. (2) Metered parking free to bona fide disabled with placard but not good for no parking zones or zone reserved for special types of vehicles or non-city parking controlled areas.

Penalty: Using disabled stall fine \$50-\$150. Knowing false use of placard fine \$50-\$250.

**SECTION 15-25.1 PARKING ON PEDESTRIAN MALL**

On or about [date], in the C&C of Honolulu, State of HI, you parked, or caused to be parked, a vehicle upon an area closed to vehicular traffic and established as a pedestrian mall, thereby violating section 15-25.1 R.O.H.

**SECTION 40-2.3 POSSESSION OF OBNOXIOUS SUBSTANCE**

On or about [date], in the C&C of Honolulu, State of HI, you possessed, discharged, used, transported or offered to sell a shell, cartridge, bomb, gun, or other device capable of emitting chloracetophenone (CN) or chlorobenzalmalonitrite (CS) or any derivative thereof, thereby violating section 40-2.3 R.O.H.

**SECTION 41-31.1(a)(1) PROHIBITED NOISE [Portable Radio]**

On or about [date], in the C&C of Honolulu, State of HI, you played, used, operated or permitted to be played, used or operated, any radio, tape recorder, cassette player or other machine or device for reproducing sound, and it was located in or on a public property, including a public street, highway, building, sidewalk, park or thoroughfare and the sound generated was audible at a distance of 30 feet from the device producing the sound, thereby violating section 41-31.1(a)(1) R.O.H.

**SECTION 41-31.1(a)(2) PROHIBITED NOISE [Motor Vehicle]**

On or about [date], in the C&C of Honolulu, State of HI, you played, used, operated or permitted to be played, used or operated, any radio, tape recorder, cassette player or other machine or device for reproducing sound, and it was located in or on a motor vehicle on a public street, highway or public space and the sound generated was audible at a distance of 30 feet from the device producing the sound, thereby violating section 41-31.1(a)(2) R.O.H.

Comment: Possession by a person or persons of any of the machines or devices enumerated in subsection (a) shall be prima facie evidence that that person operates, or those persons operate, the machine or device.

**New Charging Language (Jan. 2009) for**

286-102(enhanced), DRIVING WITHOUT LICENSE

431: 10C- 104(a) (enhanced), DRIVING WITHOUT MOTOR VEHICLE INSURANCE (driver; auto) and (owner; auto)

291C-102(a) NONCOMPLIANCE WITH SPEED LIMIT - (Effective 1/1/07)

291C-105 (various), EXCESSIVE SPEEDING

**Section 286-102(enhanced), H.R.S.**

**DRIVING WITHOUT LICENSE**

Petty Misdemeanor/Misdemeanor

On or about (Offense Date), in the City and County of Honolulu, State of Hawaii, (Defendant) did operate a motor vehicle without first being appropriately examined and duly licensed as a qualified driver of that category of motor vehicle, thereby committing the offense of Driving Without License, in violation of Section 286-102 of the Hawaii Revised Statutes.

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**If 3rd or subsequent offense::**

286-136(b) (Defendant) is subject to sentencing in accordance with Section 286-136(b) of the Hawaii Revised Statutes where (Defendant) had two or more prior convictions for the same offense in the five-year period preceding the instant offense.

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NOTE: § 286-136 Penalty. (a) Except as provided in subsection (b), any person who violates section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134 shall be fined not more than \$ 1,000 or **imprisoned not more than thirty days**, or both. Any person who violates any other section in this part shall be fined not more than \$1,000.

(b) Any person who is convicted of violating section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134 shall be subject to a maximum fine of \$1000 or **imprisoned not more than one year**, or both, if the person has **two or more prior convictions for the same offense in the preceding five-year period**.

Amended: 2005, Drafted by: R. Stacey

**Section 43 1: 1 OC- I 04(a) (enhanced), H.R.S.  
DRIVING WITHOUT MOTOR VEHICLE INSURANCE  
(driver; auto)  
Violation/Petty Misdemeanor**

On or about (Offense Date), in the City and County of Honolulu, State of Hawaii, (Defendant) did operate or use a motor vehicle upon a public street, road, or highway of the State of Hawaii at a time when such motor vehicle was not insured under a motor vehicle insurance policy, thereby committing the offense of Driving Without Motor Vehicle Insurance, in violation of Section 43 1: 1 OC- I 04(a) of the Hawaii Revised Statutes.

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**If 1st offense w/in 5 yrs:**

431: 10C- 117(a) (Defendant) is subject to sentencing as a first offender in accordance with Section 431: 10C-117 (a) of the Hawaii Revised Statutes.

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**If 2nd or subsequent offense:**

431: 10C-117 (a) (Defendant) is subject to sentencing in accordance with of the 431: 10C-117 (a) Hawaii Revised Statutes, where (Defendant) committed the instant offense(s) within a five-year period from a prior offense of driving without a valid motor vehicle insurance policy.

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**NOTE: §431:10C-117(a)(6), H.R.S.:** As of 6/14/06, any violation as provided in 431: 10C-117 (a) (2)(B) shall not be deemed to be a traffic infraction as defined by Chapter 29 1 D.

**See § 431:10C-117, H.R.S., for penalty.**

Amended: 6/14/2006, Drafted by: R. Stacey



Section 291C-102(a)(1)or(2), HRS Violation – (1/1/07) [COUNTY ROADS]  
NONCOMPLIANCE WITH SPEED LIMIT PROHIBITED

On or about the [date] in the City and County of Honolulu, State of Hawaii, you did drive a motor vehicle at a speed greater than the maximum speed limit other than provided in Section 291C-105,

[OR a speed less than the minimum speed limit]  
where the maximum [OR minimum] speed limit was established by county ordinance thereby committing the offense of Noncompliance with Speed Limit, in violation of Section 291C-102(a)(1) or (2) of the Hawaii Revised Statutes. [Note (1) is for exceeding the maximum; (2) is for going under the minimum]

Section 291C-102(a)(1)or(2), HRS Violation – (1/1/07) [STATE ROADS]  
NONCOMPLIANCE WITH SPEED LIMIT PROHIBITED

On or about the [date] in the City and County of Honolulu, State of Hawaii, you did drive a motor vehicle at a speed greater than the maximum speed limit other than provided in Section 291C-105,

[OR a speed less than the minimum speed limit]  
where the maximum [OR minimum] speed limit was established by official signs placed by the Director of Transportation on highways under the Director's jurisdiction, thereby committing the offense of Noncompliance with Speed Limit, in violation of Section 291C-102(a)(1) or (2) of the Hawaii Revised Statutes. [Note (1) is for exceeding the maximum; (2) is for going under the minimum]

For a list of State Roads, see, <http://www.state.hi.us/dot/highways/oahu/oahuroad.htm>

Rich Stacy's original language is below. It is the same language as above, but set out in a defferent format.

NONCOMPLIANCE WITH SPEED LIMIT – (Effective 1/1/07)

Section 291C-102(a)(1) or (2), HRS Violation

On or about the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, in the City and County of Honolulu, State of Hawaii, Defendant

(a)(1) did drive a motor vehicle at a speed greater than the maximum speed limit other than provided in Section

291C-105, where the maximum speed limit was established by

OR

(a)(2) did drive a motor vehicle at a speed less than the minimum speed limit where the minimum speed limit was established by

county ordinance,

OR

official signs placed by the Director of Transportation on highways under the Director's jurisdiction,

thereby committing the offense of Noncompliance with Speed Limit, in violation of Section 291C-102(a)(1) or (2) of the Hawaii Revised Statutes.

**Section 291C-105(Various), H.R.S.**  
**EXCESSIVE SPEEDING - (On or after 1/1/2007)**  
Petty Misdemeanor

On or about (Offense Date), in the City and County of Honolulu, State of Hawaii,  
(Defendant) did drive a motor vehicle at a speed exceeding

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(a)(1) the applicable State of Hawaii or county speed limit by thirty miles per hour or more,

OR

(a)(2) eighty miles per hour or more irrespective of the applicable State of Hawaii or county speed limit,

OR

(a)(1) and/or (a)(2) the applicable State of Hawaii or county speed limit by thirty miles per hour or more and/or eighty miles per hour or more irrespective of the applicable State of Hawaii or county speed limit,

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thereby committing the offense of Excessive Speeding, in violation of Section 291C-105(Subsection) of the Hawaii Revised Statutes.

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**If 1st offense Win 5 yrs:**

(c)(1) (Defendant) is subject to sentencing as a first offender in accordance with Section 291C-105(c)(1) of the Hawaii Revised Statutes, where the instant offense was not preceded by a prior conviction under Section 291C-105 of the Hawaii Revised Statutes in the preceding five years.

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**If 2nd offense Win 5 yrs:**

(c)(2) (Defendant) is subject to sentencing in accordance with Section 291C-105(c)(2) of the Hawaii Revised Statutes, where (Defendant) committed the instant offense within five years of a prior conviction for an offense under Section 291C-105 of the Hawaii Revised Statutes.

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**If 3rd or subsequent offense w/in 5 yrs:**

(c)(3) (Defendant) is subject to sentencing in accordance with Section 291C-105(c)(3) of the Hawaii Revised Statutes, where (Defend) committed the instant offense

within five years of two prior convictions for offenses under Section 291C-105 of the Hawaii Revised Statutes.

**NOTE: 'The applicable state or county speed limit' means:**

- (1) The maximum speed limit established by county ordinance;
- (2) The maximum speed limit established by official signs placed by the director of transportation on highways under the director's jurisdiction; or
- (3) The maximum speed limit established pursuant to section 29 1 C- 104 by the director of transportation or the counties for school zones and construction areas in their respective jurisdiction. See Section 291C-105(b), H.R.S.

See Section 291C-105(c), H.R.S., for **graduated penalties for multiple convictions within five years.**

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# Highways Division

## Department of Transportation

*Aloha!*

### Oahu State Roads and Highways

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
OAHU DISTRICT

1. Interstate Route H-1, Connection with Kalaniana'ole Highway in Wai'alae to connection with Farrington Highway in Makakilo
2. Interstate Route H-2, Intersection with Interstate Route H-1 at Waiawa Interchange to Wahiawa
3. Interstate Route H-3, Marine Corps Base Hawaii to Intersection with Interstate Route H-1 at Halawa Interchange
4. Route 61, Pali Highway, Honolulu to Kailua
5. Route 63, Likelike Highway, Kalihi to Intersection with Kamehameha Highway (Route 83) in Kaneohe
6. Route 64, Sand Island Access Road
7. Route 65, Kaneohe Bay Drive, Intersection with Kamehameha Highway (Route 83) in Kaneohe to Kailua
8. Route 72, Kalaniana'ole Highway, Intersection with Interstate Route H-1 to Intersection with Pali Highway (Route 61)
9. Route 76, Fort Weaver Road, Intersection with Interstate Route H-1 to Ewa Beach
10. Route H201, Moanalua Freeway, Middle Street to Halawa Interchange
11. Route 80, Kamehameha Highway, Wahiawa to Intersection with Kamehameha Highway (Route 99)
12. Route 83, Kamehameha Highway, Intersection with Pali Highway (Route 61) to Intersection with Kaneohe Bay Drive (Route 65)
13. Route 83, Kahekili Highway, Intersection with Likelike Highway (Route 63) to Kahaluu
14. Route 83, Kamehameha Highway, Kahaluu to Haleiwa
15. Route 92, Nimitz Highway, Pearl Harbor to Honolulu Harbor
16. Route 92, Ala Moana Boulevard, Honolulu Harbor to Waikiki
17. Route 93, Farrington Highway, Waiawa Interchange to Makua
18. Route 95, Kalaeloa Boulevard, Intersection with Interstate Route H-1, Makakilo Interchange to Barbers Point Harbor
19. Route 99, Kamehameha Highway, Schofield Barracks to Wai'alua
20. Route 750, Kunia Road, Intersection with Interstate Route H-1 to Schofield Barracks
21. Route 930, Farrington Highway Wai'alua to Dillingham Airfield