

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT OPERATIONS

September 17, 2019

Policy Number 4.27

FRAUDULENT USE OF LICENSE PLATES

POLICY

Officers shall follow standardized procedures when handling cases of the fraudulent use of license plates.

PROCEDURE

I. AUTHORITY

- A. Persons are in violation of Section 249-11, Hawaii Revised Statutes (HRS), when they:
 - 1. Knowingly attach to and use on any vehicle, plates not furnished in accordance with Sections 249-1 through 249-13 or 286-53, HRS; or
 - 2. Fraudulently use such number plates upon any vehicle other than the one for which the number plates were issued; or
 - 3. Molest or disturb any vehicle which has been seized pursuant to Sections 249-1 through 249-13, HRS; or
 - 4. Knowingly use a motor vehicle, the tax upon which is delinquent, upon public highways of this state.
- B. In accordance with Section 249-11, HRS, a director of finance shall not issue a certificate of registration and/or license number plates to any person who has not paid the tax required by Sections 249-1 through 249-13, HRS.
- C. The penalty for violation of any of the provisions of the above shall be a fine of not more than \$500.

II. PROCEDURES

A. Parked Vehicles With Fraudulent License Plates

1. Upon discovery that a parked vehicle is on public property in violation of Section 249-11, HRS, the responsible officer will recover the license plates and submit them into evidence. The officer will initiate a Miscellaneous Crime Report.
2. The vehicle will be marked on the front windshield with "Plates Recovered" and include the date, officer's initials, and officer's identification number.
3. The initiating officer shall make an attempt to locate the registered owner of the parked vehicle that is in violation of Section 249-11, HRS.
 - a. If the registered owner or person having custody and control of the vehicle is located or can be identified, and has knowingly furnished plates not in accordance with this law, then the owner or person having custody and control of the vehicle is to be cited pursuant to Section 249-11, HRS.
 - b. If the registered owner or person having custody and control of the vehicle cannot be located and the elements of Section 249-11, HRS, have not been established, do not cite. Leave the case pending follow-up by the Traffic Division.
4. The officer will check the plates and vehicle to determine if they are stolen and also check for a registration update. Initiate an appropriate case, if necessary. If the vehicle is in violation of other sections of the HRS, cite for the appropriate section.

5. The officer will mark the vehicle as abandoned (if appropriate) and complete the abandoned vehicle complaint e-form for forwarding to the Motor Vehicle Control Section, Department of Customer Services, for investigation and disposition.
6. Section 15-13.9, Traffic Code of the City and County of Honolulu, authorizes officers and employees of the Honolulu Police Department and the Department of Customer Services to remove or cause to be removed any vehicle which has been left unattended or parked on a public street, road, or highway; and the vehicle has one or more of the following:
 - a. No valid vehicle registration emblem or an expired vehicle registration emblem;
 - b. No valid sticker affixed certifying a certificate of inspection as required in Section 286-26, HRS, or an expired certificate of inspection sticker; or
 - c. No valid license plates.

For purposes of this paragraph: "Public street, roadway, or highway" includes the entire width (including berm or shoulder) of every road, alley, street, way, lane, trail, highway, bikeway, or bridge when any part thereof is open for use by the public.

B. Moving Vehicles

If a moving vehicle is in violation of Section 249-11, HRS, the officer shall ensure that the vehicle is legally parked and take the following additional actions:

1. Check the vehicle registration. If the driver is unable to produce the vehicle registration, radio dispatch for the information. Check the license plates and vehicle identification number to determine if the vehicle or plates have been reported stolen.

2. Attempt to determine if the driver has knowledge of the fraudulent license plates. If it is determined that the driver has knowledge of the fraudulent license plates and the elements of Section 249-11, HRS, can be shown:
 - a. Recover the fraudulent license plates and submit into evidence;
 - b. Mark the vehicle on the front windshield with "Plates Recovered" and include the date, officer's initials, and officer's identification number;
 - c. Cite the driver for Fraudulent Use of License Plates and any other applicable violation of the HRS;
 - d. Submit a Miscellaneous Crime Report. If the driver being cited is not the registered owner, information on the last registered owner must be included in the report;
 - e. If other facts are present, such as stolen plates, initiate the appropriate case;
 - f. Advise the operator that if the vehicle is not removed within 24 hours from the public highway, it shall be subject to removal as an abandoned vehicle in accordance with Section 15-13.9, Traffic Code of the City and County of Honolulu; and
 - g. Mark the vehicle as abandoned if left over 24 hours and follow the prescribed procedure.

3. The driver of the vehicle shall not be arrested for a traffic infraction violating Section 249-11, HRS. When unable to adequately identify the registered owner of the vehicle, the driver may be arrested for Section 286-102, HRS, if unable to produce adequate identification to establish that he or she is a licensed driver.

When the driver is arrested for the above offense, the traffic infraction violating Section 249-11, HRS, shall be included in the arrest report with its own police report number. Disposition of this infraction shall be left pending action by the Department of the Prosecuting Attorney.



SUSAN BALLARD
Chief of Police

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Policy first issued
June 4, 1999