

EMERSON RIMANDO
CLERK APPELLATE COURTS
STATE OF HAWAII

2009 SEP 15 AM 9:50

FILED

In the Matter of the Amendment
of the
Hawai'i Civil Traffic Rules

ORDER AMENDING RULE 19(c) OF THE
HAWAII CIVIL TRAFFIC RULES

(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

IT IS HEREBY ORDERED that Rule 19(c) of the Hawai'i Civil Traffic Rules, is amended, effective as of the filing of this order, as follows (deleted material is bracketed and stricken):

Rule 19. TRIAL.

* * *

(c) Procedure. Trial shall be held pursuant to HRS § 291D-13, the Hawai'i Rules of Penal Procedure, Rules of the District Court, and Hawai'i Rules of Evidence. The prosecutor shall be present at trial. Prior to the commencement of trial, the prosecutor shall formally state the infraction(s) and the defendant shall contest commission of the infraction(s). ~~[The prosecutor must prove the infraction(s) by proof beyond a reasonable doubt.]~~

* * *

DATED: Honolulu, Hawai'i, September 15, 2009.

Hana A. Nakayama

James E. Duffy, Jr.

Mark E. Recktenwald