

Honolulu, Hawaii

Feb 10, 2006

RE: H.B. No. 1812  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1812 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this bill is to protect the health, safety, and welfare of the general public. Among other things, this bill:

- (1) Establishes a photo red light imaging detector systems program to improve enforcement of traffic-signal laws;
- (2) Allows county implementation of photo red light imaging detector systems programs;
- (3) Authorizes fines collected under county-administered programs to be deposited into a general fund account; and
- (4) Authorizes funds from this general fund account to be expended in the county in which the fine was collected for the establishment, operation, management, and maintenance of a photo red light imaging detector systems program.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Hawaii Insurers Council, State Farm Mutual Automobile Insurance Company, and a



concerned individual testified in support of this bill. The Office of the Public Defender and a concerned individual opposed this measure. The Judiciary and Catrala-Hawaii commented on this bill.

Your Committee finds that the prevalence of drivers violating Hawaii's traffic-signal laws, especially on the island of Oahu, has become intolerable. These violations endanger the lives of motorists and pedestrians and compound the already hazardous conditions on Hawaii's roads and highways. Many senseless tragedies occur nationwide and on Hawaii's roadways because of drivers running red lights. In fact, according to the Insurance Institute for Highway Safety, more than 900 people were killed and an estimated 168,000 injuries occurred nationwide in crashes involving red light running in 2004. This measure will help curb such dangerous activities in Hawaii and protect the health, safety, and welfare of the people of this state.

Your Committee realizes that HPD needs time to study possible systems for implementation and that funding is necessary for this program to be implemented. Moreover, your Committee notes that concerns with language regarding the presumption that the registered owner of the motor vehicle is the driver of the motor vehicle is beyond the purview of your Committee on Transportation and thus your Committee respectfully requests that the Committee on Judiciary scrutinize this language.

Your Committee has amended this measure by:

- (1) Clarifying that information contained in the summons or citation mailed in accordance with provisions of the photo red light imaging detector system program constitutes prima facie evidence that the registered owner of the motor vehicle was the person who committed the violation;
- (2) Clarifying that intentional disclosure or provision of personal and confidential information obtained from a photo red light imaging detector system to any unauthorized person or agency shall be subject to a fine;
- (3) Deleting the requirement of a return receipt when a summons or citation is sent by certified or registered mail by the county;



- (4) Specifying that a receipt from the post office that the summons or citation was mailed is prima facie evidence of notification to the registered owner;
- (5) Inserting language allowing a registered owner to rebut evidence presented against the registered owner by identifying the driver of the vehicle at the time of the offense;
- (6) Appropriating an unspecified amount of funds for the implementation of the photo red light imaging detector systems program;
- (7) Changing the effective date to July 1, 2008, to facilitate further discussion; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1812, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1812, H.D. 1, and be referred to the Committee on Judiciary.

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

  
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JOSEPH M. SOUKI, Chair



