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# A BILL FOR AN ACT

RELATING TO PEDESTRIAN SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The 2004 "Elderly Pedestrian Integration  
3 Report" prepared by SMS Research & Marketing Services, Inc., for  
4 the department of transportation indicated that there are  
5 approximately five hundred sixty pedestrian injuries in Hawaii  
6 each year, and that an average of twenty-eight pedestrians die  
7 each year after being struck by a car. Elderly pedestrians, age  
8 sixty-five and older, constituted the highest number of  
9 pedestrian fatalities when compared to all other age groups in  
10 Hawaii.

11 The length of a flashing indication (hand symbol) is  
12 calculated based on the length of the crosswalk and the  
13 nationally recognized average walking speed of pedestrians.

14 However, elderly pedestrians need more time to cross major  
15 intersections due to diminishing physical abilities.

16 Considering that an elderly pedestrian generally crosses the



1 street at a slower walking speed, limited timeframes to cross  
2 the street safely put elderly pedestrians at risk.

3 Recently, AARP Hawaii staff, volunteers, and community  
4 partners gathered at intersections across Hawaii to conduct  
5 "walkability" assessments along many of Hawaii's busiest streets  
6 and identified many intersections where the timeframes to safely  
7 cross the street were too short. Hawaii's elderly pedestrians  
8 should not have to rush to cross the street. The length of a  
9 flashing signal should be sufficient for elderly pedestrians to  
10 safely cross the street.

11 While the elderly, children, and disabled persons are the  
12 most vulnerable, ordinary citizen pedestrians are also at risk.  
13 Already in 2007, nine pedestrians have been killed. At the  
14 current rate, 2007 could be one of the most dangerous ever for  
15 pedestrians in Hawaii. Immediate action is needed even as a  
16 longer term study is conducted.

17 The purpose of this part is to appropriate funds to the  
18 department of transportation to:

19 (1) Work with nonprofits and the counties to take steps  
20 for immediate action to make crosswalks and roadways  
21 safer;



1 (2) Conduct a study to identify more intersections where  
2 the time to cross the intersection is insufficient for  
3 elderly pedestrians; and

4 (3) Develop additional plans to make crosswalks and  
5 roadways safer.

6 Making Hawaii's roadways safer for pedestrians is  
7 consistent with Kamehameha's famous law, Ke Kanawai Mamalahoe,  
8 the law of the splintered paddle, which assures that every man,  
9 woman, and child is able to travel freely and in peace. This  
10 law is established as state law in article IX, section 10, of  
11 the Hawaii State Constitution:

12 "Let every elderly person, woman and child lie by the  
13 roadside in safety - - shall be a unique and living  
14 symbol of the State's concern for public safety."

15 SECTION 2. (a) The department of transportation shall  
16 work with the counties and nonprofit organizations to identify  
17 and implement immediate improvements to high-risk crosswalks and  
18 road crossings. Examples of such immediate improvements, which  
19 do not require extensive studies, include:

20 (1) Recalibrating traffic signals to lengthen crossing  
21 times;



- 1           (2) Accelerating the schedule to replace non-timer  
2           crossing signals with traffic countdown timers;
- 3           (3) Strategically reprioritizing installation of traffic  
4           countdown timers based on how dangerous the  
5           intersection ranks based on data, including the recent  
6           AARP Hawaii study;
- 7           (4) Developing a statewide public awareness campaign;
- 8           (5) Pilot projects such as pedestrian-activated flashing  
9           signals, and portable hand-carried signs and flags;
- 10          (6) Advanced crosswalk markers; and
- 11          (7) Enforcement of crosswalk laws for cars and  
12          pedestrians.
- 13          (b) The department of transportation shall conduct a study  
14          to identify state and county intersections where the time to  
15          cross the intersection is insufficient for elderly pedestrians,  
16          and to develop additional design, funding, and installation  
17          plans to make crosswalks and road crossings safer for  
18          pedestrians.
- 19          (c) The department of transportation shall focus its study  
20          on:



- 1           (1) The principal of the law of the splintered paddle, Ke  
2           Kanawai Mamalahoe, that roadways need to be safely  
3           shared among all road users;
- 4           (2) The need to consider the capabilities and needs of the  
5           elderly, children, and disabled persons to use  
6           appropriate roads as pedestrians;
- 7           (3) Impacts on current traffic volumes when pedestrian  
8           walk times are lengthened and potential  
9           countermeasures for the effects on traffic; and
- 10          (4) Streets, intersections, and communities having  
11          insufficient timeframes for elderly persons to safely  
12          cross the street.
- 13          (d) The department of transportation may:
- 14           (1) Contract out the study to a private contractor; and  
15           (2) Involve the various county transportation departments  
16           as appropriate.
- 17          (e) The department of transportation shall submit an  
18          interim report to the legislature not later than twenty days  
19          prior to the convening of the regular session of 2008 and a  
20          final report, including accomplishments, findings, future plans,  
21          cost estimates, and any proposed legislation, to the legislature



1 no later than twenty days prior to the convening of the 2009  
2 regular session.

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ , or so  
5 much thereof as may be necessary for fiscal year 2007-2008, and  
6 the same sum, or so much thereof as may be necessary for fiscal  
7 year 2008-2009, for the department of transportation to work  
8 with the counties and nonprofit organizations to identify and  
9 implement improvements to high-risk crosswalks and road  
10 crossings, and to concurrently conduct a study to identify state  
11 and county intersections where the time to cross the  
12 intersection is insufficient for the elderly, children, and  
13 disabled pedestrians, and to develop additional plans to make  
14 crosswalks and roadways safer.

15 The sums appropriated shall be expended by the department  
16 of transportation for the purposes of this part.

17 SECTION 4. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$ , or so  
19 much thereof as may be necessary for fiscal year 2007-2008, and  
20 the same sum, or so much thereof as may be necessary for fiscal  
21 year 2008-2009, for the purchase and installation of traffic  
22 countdown timers at state-controlled intersections.



1           The sum appropriated shall be expended by the department of  
2 transportation for the purposes of this part.

3           SECTION 5. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$                   , or so  
5 much thereof as may be necessary for fiscal year 2007-2008, and  
6 the same sum, or so much thereof as may be necessary for fiscal  
7 year 2008-2009, for a public awareness campaign on pedestrian  
8 safety.

9           The sum appropriated shall be expended by the department of  
10 transportation for the purposes of this part.

11          SECTION 6. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$                   , or so  
13 much thereof as may be necessary for fiscal year 2007-2008, and  
14 the same sum, or so much thereof as may be necessary for fiscal  
15 year 2008-2009, for the purchase and installation of pedestrian-  
16 activated signals, and for pilot projects such as the painting  
17 of advanced crosswalk markings, hand-carried signs and flags,  
18 enforcement of crosswalk laws for drivers and pedestrians, among  
19 others.

20          The sum appropriated shall be expended by the department of  
21 transportation for the purposes of this part.



1 SECTION 7. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$ , or so  
 3 much thereof as may be necessary for fiscal year 2007-2008, and  
 4 the same sum, or so much thereof as may be necessary for fiscal  
 5 year 2008-2009, for grants-in aid to the counties for the  
 6 purchase and installation of traffic countdown timers; provided  
 7 that each county shall provide matching funds. The  
 8 appropriation to each county shall be as follows:

- 9 (1) City and county of Honolulu \$
- 10 (2) Hawaii county \$
- 11 (3) Kauai county \$
- 12 (4) Maui county \$

13 The sums appropriated shall be expended by the respective  
 14 counties for the purposes of this part.

15 PART II

16 SECTION 8. The legislature finds that the prevalence of  
 17 drivers violating Hawaii's traffic laws, especially on the  
 18 island of Oahu, has become intolerable, particularly drivers who  
 19 disregard red lights. These violations endanger the lives of  
 20 motorists and pedestrians alike and compound the already  
 21 hazardous conditions on Hawaii's roads and highways. It has  
 22 become increasingly common to hear reports of hit-and-run





1 drivers who have struck children or the elderly. Disregarding  
2 traffic signals has also been the common denominator in many  
3 recent, highly-publicized motor vehicle crashes that have  
4 claimed numerous lives.

5 The legislature further finds that in other jurisdictions  
6 in the United States and in Canada, Europe, and other countries  
7 throughout the world, a technological innovation, namely, the  
8 photo red light imaging detector system, has already  
9 demonstrated its reliability, efficiency, and effectiveness in  
10 identifying and deterring those who disregard red lights.

11 Photo red light imaging detector systems are safe, quick,  
12 cost-effective, and efficient. No traffic stop is involved,  
13 thus police officers are not at risk from passing traffic or  
14 armed violators. A camera is positioned at intersections where  
15 red light violations are a major cause of collisions and serves  
16 as a twenty-four-hour deterrent to running a red light. Sensors  
17 are buried under a crosswalk and lead to a self-contained camera  
18 system mounted on a nearby structure. When a vehicle enters the  
19 intersection against a red light, the camera takes a telephoto  
20 color picture of the rear of the vehicle, capturing the license  
21 plate. A second wide-angle photograph takes in the entire



1 intersection, including other traffic and takes a picture of the  
2 driver of the vehicle.

3       These systems provide numerous benefits. Not only are  
4 streets safer, but police officers are also freed from the time-  
5 consuming duties of traffic enforcement and have more time to  
6 respond to priority calls. A violator is less likely to go to  
7 court, since the color photograph of the violation, imprinted  
8 with the time, date, and location of the violation, and the  
9 number of seconds the light had been red before the violator  
10 entered the intersection, can be used as evidence in court. Few  
11 cases are contested in other jurisdictions using this system,  
12 and officers make fewer court appearances, saving court costs.

13       The system may also result in lower insurance costs for  
14 safe drivers through an overall reduction in crashes and  
15 injuries and places system costs on the violators who have  
16 created the need for the program, not on law-abiding taxpayers.  
17 Traffic laws are enforced without partiality, and safety and  
18 efficiency are increased by reducing the number of personnel  
19 required for traffic accident clean-up, investigation, and court  
20 testimony.

21       The legislature finds that the photo speed imaging detector  
22 system created by Act 234, Session Laws of Hawaii 1998, and



1 implemented in December 2001, generated intense public  
2 opposition. As a result of this opposition, the legislature  
3 repealed Act 234 in its entirety. However, the opposition to  
4 this program resulted largely from the implementation method of  
5 the program. The public perceived that the program was operated  
6 more to maximize revenue for the vendor administering the  
7 program than to improve traffic safety. In particular, camera  
8 vans were stationed at locations that did not necessarily have a  
9 history of speed-related accidents. They were used to monitor  
10 locations with heavy traffic flow at lower speeds. This  
11 situation permitted the vendor to issue the maximum number of  
12 citations in the shortest period of time and at the least cost,  
13 thereby maximizing the return to the vendor without improving  
14 traffic safety. The legislature finds that the photo red light  
15 imaging detector system program established by this part does  
16 not contain the same implementation flaws.

17 The purpose of this part is to:

- 18 (1) Establish a photo red light imaging detector system  
19 program to improve enforcement of the traffic signal  
20 laws;
- 21 (2) Allow counties to implement the photo red light  
22 imaging detector system program;



1 (3) Require fines collected under county programs to be  
2 deposited into a photo red light imaging detector  
3 system program account within the general fund;

4 (4) Require funds from this account to be expended in the  
5 county in which the fine was collected for the  
6 establishment, operation, management, and maintenance  
7 of the photo red light imaging detector system  
8 program; and

9 (5) Increase the time from forty-eight hours to seventy-  
10 two hours by which a citation must be mailed to the  
11 registered owner of a vehicle that illegally used a  
12 high occupancy lane.

13 SECTION 9. The Hawaii Revised Statutes is amended by  
14 adding a new chapter to be appropriately designated and to read  
15 as follows:

16 "CHAPTER

17 PHOTO RED LIGHT IMAGING DETECTOR SYSTEM PROGRAM

18 § -1 Definitions. As used in this chapter, unless the  
19 context otherwise requires:

20 "County highway" has the same meaning as used in section  
21 264-1.

22 "Department" means the department of transportation.



1 "Driver" has the same meaning as defined in section 291C-1.

2 "Motor vehicle" has the same meaning as defined in section  
3 291C-1.

4 "Photo red light imaging detector system" or "system" means  
5 a device used for traffic enforcement to detect failure to stop  
6 at a red light that includes a motor vehicle sensor that works  
7 in conjunction with a traffic-control signal and a camera or  
8 similar device to automatically produce a photographic, digital,  
9 or other visual image of a motor vehicle that has disregarded a  
10 steady red traffic-control signal in violation of section  
11 291C-32, and a photographic, digital, or other visual image of  
12 the driver of the motor vehicle.

13 "State highway" has the same meaning as used in section  
14 264-1.

15 "Traffic-control signal" has the same meaning as defined in  
16 section 291C-1.

17 **§ -2 Photo red light imaging detector system program;**  
18 **established.** There is established the photo red light imaging  
19 detector system program, which may be implemented by any county  
20 on state or county highways within the respective county to  
21 enforce section 291C-32(a)(3).



1           §     -3   **County powers and duties.** Each county may  
2 establish and implement, in accordance with this chapter, a  
3 photo red light imaging detector system program imposing  
4 monetary liability on the driver of a motor vehicle for failure  
5 to comply with section 291C-32(a)(3). Each county may provide  
6 for the procurement, location, installation, operation,  
7 maintenance, and repair of photo red light imaging detector  
8 systems within the program. Where a photo red light imaging  
9 detector system affects state property, the department shall  
10 cooperate with and assist the county as needed to install,  
11 maintain, and repair the system.

12           §     -4   **Photo red light imaging detector system program**  
13 **requirements.** (a) Photo red light imaging detector system  
14 program equipment shall be operated from a fixed pole, post, or  
15 other fixed structure on a state or county highway.

16           (b) Signs and other official traffic-control devices  
17 indicating that the traffic signal law is enforced by a photo  
18 red light imaging detector system shall be posted on all major  
19 routes entering the area where the system is installed to  
20 provide, as far as practicable, notice to drivers of the  
21 existence and operation of the system.



1 (c) Proof of a violation of section 291C-32(a)(3) shall be  
2 as evidenced by information obtained from a photo red light  
3 imaging detector system. A certificate, sworn to or affirmed by  
4 the county's agent or employee, or a facsimile thereof, based  
5 upon inspection of photographs, microphotographs, videotape, or  
6 other recorded images produced by the system, shall be prima  
7 facie evidence of the facts contained therein. Any photographs,  
8 microphotographs, videotape, or other recorded images evidencing  
9 a violation shall be available for inspection in any proceeding  
10 to adjudicate the liability for that violation.

11 (d) No summons or citation issued pursuant to the photo  
12 red light imaging detector system program shall be issued unless  
13 it contains a clear and unobstructed photographic, digital, or  
14 other visual image of the driver of the motor vehicle.

15 (e) The conditions specified in this section shall not  
16 apply when the information gathered is used for highway safety  
17 research or to issue warning citations that do not involve a  
18 fine or court appearance, or affect a person's driving record.

19 § -5 **Summons or citations.** (a) Notwithstanding any  
20 law to the contrary, whenever any motor vehicle is determined by  
21 means of a photo red light imaging detector system to have  
22 disregarded a steady red signal in violation of section



1 291C-32(a)(3), the county shall cause a summons or citation, as  
2 described in this section, and which is postmarked within  
3 seventy-two hours of the time of the incident, to be sent by  
4 certified or registered mail to the registered owner of the  
5 vehicle at the address on record at the vehicle licensing  
6 division. If the end of the seventy-two-hour period falls on a  
7 Saturday, Sunday, or state holiday, then the ending period shall  
8 run until the end of the next day that is not a Saturday,  
9 Sunday, or state holiday.

10 (b) The form and content of the summons or citation shall  
11 be as adopted or prescribed by the administrative judge of the  
12 district courts and shall be printed on a form commensurate with  
13 the form of other summonses or citations used in modern methods  
14 of arrest, so designed to include all necessary information to  
15 make the summons or citation valid within the laws of the State;  
16 provided that any summons or citation issued under this chapter  
17 shall contain a clear and unobstructed photographic, digital, or  
18 other visual image of the driver of the motor vehicle that is to  
19 be used as evidence of the violation.

20 (c) Every citation shall be consecutively numbered and  
21 each copy thereof shall bear the number of its respective  
22 original.





1 (d) Upon receipt of the summons or citation, the  
2 registered owner shall respond as provided for in chapter 291D.  
3 A mail receipt from the post office is prima facie evidence of  
4 the registered owner's receipt of notification. The registered  
5 owner shall be identified through the motor vehicle's  
6 registration plates.

7 (e) The county, or the county's agent or employee, shall  
8 be available to testify as to the authenticity of the  
9 information provided pursuant to this section.

10 **§ -6 Registered owner's responsibility for a summons or**  
11 **citation.** In any proceeding for a violation of this chapter,  
12 the information contained in the summons or citation mailed in  
13 accordance with section -5 shall be deemed prima facie  
14 evidence that the registered owner of the vehicle violated  
15 section 291C-32(a)(3).

16 **§ -7 Prima facie evidence.** (a) Whenever the photo red  
17 light imaging detector system determines a motor vehicle to be  
18 in violation of section 291C-32(a)(3), evidence that the motor  
19 vehicle described in the citations or summons issued pursuant to  
20 this chapter was operated in violation of section 291C-32(a)(3),  
21 together with proof that the person to whom the summons or  
22 citation was sent was the registered owner of the motor vehicle



1 at the time of the violation, shall constitute prima facie  
2 evidence that the registered owner of the motor vehicle was the  
3 person who committed the violation.

4 (b) The registered owner of the vehicle may rebut the  
5 evidence in subsection (a) by any one of the following ways,  
6 including:

- 7 (1) Submitting a written statement as provided in section  
8 291D-6 (b) (2);
- 9 (2) Testifying in open court under oath that the person  
10 was not the driver of the motor vehicle at the time of  
11 the alleged violation;
- 12 (3) Calling witnesses to testify in open court under oath  
13 that the person was not the driver of the motor  
14 vehicle at the time of the alleged violation;
- 15 (4) Submitting extrinsic evidence that the person was not  
16 the driver of the motor vehicle at the time of the  
17 alleged violation;
- 18 (5) Presenting, prior to the return date established on  
19 the citation or summons issued pursuant to this  
20 chapter, a letter of verification of loss from the  
21 police department indicating that the motor vehicle



1 had been reported stolen, to the court adjudicating  
2 the alleged violation; or

3 (6) Identifying the driver of the vehicle at the time of  
4 the offense.

5 § -8 Failure to comply with summons or citation. If  
6 the registered owner of the motor vehicle does not return an  
7 answer in response to a summons or citation within a period of  
8 twenty-one days upon receipt of the summons or citation, the  
9 district court shall issue, pursuant to section 291D-7(e), a  
10 notice of entry of judgment of default to the registered owner  
11 of the motor vehicle.

12 § -9 Liability for rental or U-drive vehicle.

13 Notwithstanding any law to the contrary, if the registered owner  
14 of record is the lessor of a rental or U-drive motor vehicle, as  
15 defined in section 286-2, pursuant to a written lease agreement,  
16 the lessee at the time of the violation shall be responsible for  
17 the summons or citation; provided that:

18 (1) The lessor shall be responsible for the summons or  
19 citation if the lessor does not provide the court  
20 having jurisdiction over the summons or citation with  
21 the name and address of the lessee within thirty days  
22 after a notice containing the date, time, and location



1 of the violation and the license number of the vehicle  
2 is sent to the lessor; or

3 (2) If requested by the lessor in writing within thirty  
4 days of such notice of violation, the administrative  
5 judge of the court having jurisdiction over the  
6 summons or citation shall waive the requirement of  
7 providing the name and address of the lessee and  
8 impose on the lessor an administrative fee of \$5 per  
9 citation plus costs and fees not to exceed \$10 in  
10 total per violation notwithstanding any such law to  
11 the contrary.

12 § -10 **Fines for unauthorized disclosure.** Any officer,  
13 employee, or agent of a county who intentionally discloses or  
14 provides a copy of personal and confidential information  
15 obtained from a photo red light imaging detector system to any  
16 unauthorized person or agency shall be fined not more than  
17 \$ ; provided that the fine shall not preclude the  
18 application of penalties or fines otherwise provided for by law.

19 § -11 **Photo red light imaging detector system program**  
20 **account established.** (a) There is established as a special  
21 account within the general fund, a photo red light imaging



1 detector system program account, into which shall be paid  
2 revenues collected pursuant to this chapter.

3 (b) All fines collected under this chapter shall be  
4 deposited into the photo red light imaging detector system  
5 program account. Moneys in the account shall be expended by and  
6 in the county in which the fine was imposed, for purposes that  
7 include the establishment, operation, management, and  
8 maintenance of the photo red light imaging detector system  
9 program.

10 § -12 Rules. The department shall adopt rules pursuant  
11 to chapter 91 as may be necessary to implement this chapter."

12 SECTION 10. Section 291C-163, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) This chapter shall not be deemed to prevent counties  
15 with respect to streets and highways under their jurisdiction  
16 from:

- 17 (1) Regulating or prohibiting stopping, standing, or
- 18 parking except as provided in section 291C-111;
- 19 (2) Regulating traffic by means of police officers or
- 20 official traffic-control devices;
- 21 (3) Regulating or prohibiting processions or assemblages
- 22 on the highways;



- 1 (4) Designating particular highways or roadways for use by
- 2 traffic moving in one direction;
- 3 (5) Establishing speed limits for vehicles in public
- 4 parks;
- 5 (6) Designating any highway as a through highway or
- 6 designating any intersection as a stop or yield
- 7 intersection;
- 8 (7) Restricting the use of highways;
- 9 (8) Regulating the operation and equipment of and
- 10 requiring the registration and inspection of bicycles,
- 11 including the requirement of a registration fee;
- 12 (9) Regulating or prohibiting the turning of vehicles or
- 13 specified types of vehicles;
- 14 (10) Altering or establishing speed limits;
- 15 (11) Requiring written accident reports;
- 16 (12) Designating no-passing zones;
- 17 (13) Prohibiting or regulating the use of controlled-access
- 18 roadways by any class or kind of traffic;
- 19 (14) Prohibiting or regulating the use of heavily traveled
- 20 streets by any class or kind of traffic found to be
- 21 incompatible with the normal and safe movement of
- 22 traffic;



- 1 (15) Establishing minimum speed limits;
- 2 (16) Designating hazardous railroad grade crossing;
- 3 (17) Designating and regulating traffic on play streets;
- 4 (18) Prohibiting pedestrians from crossing a roadway in a
- 5 business district or any designated highway except in
- 6 a crosswalk;
- 7 (19) Restricting pedestrian crossing at unmarked
- 8 crosswalks;
- 9 (20) Regulating persons propelling push carts;
- 10 (21) Regulating persons upon skates, coasters, sleds, and
- 11 other toy vehicles;
- 12 (22) Adopting and enforcing such temporary or experimental
- 13 regulations as may be necessary to cover emergencies
- 14 or special conditions;
- 15 (23) Adopting maximum and minimum speed limits on streets
- 16 and highways within their respective jurisdictions;
- 17 (24) Adopting requirements on stopping, standing, and
- 18 parking on streets and highways within their
- 19 respective jurisdictions except as provided in section
- 20 291C-111;
- 21 (25) Implementing a photo red light imaging detector system
- 22 program pursuant to chapter \_\_\_\_\_ ; or



1       [-25+] (26) Adopting such other traffic regulations as are  
2                   specifically authorized by this chapter."

3           SECTION 11. Section 291C-165, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5           "(b) In every case when a citation is issued, the original  
6 of the citation shall be given to the violator; provided that:

7           (1) In the case of an unattended vehicle, the original of  
8                   the citation shall be affixed to the vehicle as  
9                   provided for in section 291C-167; [~~or~~]

10          (2) In the case of:

11           (A) A vehicle [~~utilizing~~] using the high occupancy  
12                   vehicle lane illegally; or

13           (B) A vehicle illegally [~~utilizing~~] using a parking  
14                   space reserved for persons with disabilities,  
15                   where the violator refuses the citation[+], the  
16                   original of the citation shall be sent to the  
17                   registered owner of the vehicle at the address on  
18                   record at the vehicle licensing division within  
19                   seventy-two hours of the time of the incident;

20                   or

21          (3) In the case of a motor vehicle determined by means of  
22                   a photo red light imaging detector system established





1           pursuant to chapter           , to have disregarded a  
2           steady red signal in violation of section 291C-  
3           32(a)(3), the original of the citation shall be sent  
4           to the registered owner of the vehicle at the address  
5           on record at the vehicle licensing division within  
6           seventy-two hours of the time of the incident.  
7   ~~[the original of the citation shall be sent by certified or~~  
8   ~~registered mail, with a return receipt that is postmarked within~~  
9   ~~forty eight hours of the time of the incident, as provided in~~  
10 ~~section 291C 223 for vehicles illegally utilizing the high~~  
11 ~~occupancy vehicle lane, or within seventy two hours of the time~~  
12 ~~of the incident for vehicles illegally utilizing a parking space~~  
13 ~~reserved for persons with disabilities, to the registered owner~~  
14 ~~of the vehicle at the address on record at the vehicle licensing~~  
15 ~~division.]~~ If the end of the applicable [~~forty eight or~~  
16 ~~seventy two hour]~~ seventy-two-hour period falls on a Saturday,  
17 Sunday, or state holiday, then the ending period shall run until  
18 the end of the next day which is not a Saturday, Sunday, or  
19 state holiday; provided that the administrative judge of the  
20 district courts may allow a carbon copy of the citation to be  
21 given to the violator or affixed to the vehicle and provide for



1 the disposition of the original and any other copies of the  
2 citation."

3 SECTION 12. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2007-2008 for the  
6 purposes of establishing the photo red light imaging detector  
7 system program to be allocated as follows:

8 \$ to the city and county of Honolulu;  
9 \$ to the county of Maui;  
10 \$ to the county of Hawaii; and  
11 \$ to the county of Kauai.

12 The sum appropriated shall be expended by the counties for  
13 the purposes of this part.

14 SECTION 13. It is the intent of this part neither to  
15 jeopardize the receipt of any federal aid nor to impair the  
16 obligation of the State or any agency thereof to the holders of  
17 any bond issued by the State or by any such agency, and to the  
18 extent, and only to the extent, necessary to effectuate this  
19 intent, the governor may modify the strict provisions of this  
20 part, but shall promptly report any such modification with  
21 reasons therefor to the legislature at its next session  
22 thereafter for review by the legislature.



1 SECTION 14. If any provision of this part, or the  
2 application thereof to any person or circumstance is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of the part which can be given effect without the  
5 invalid provision or application, and to this end, the  
6 provisions of this part are severable.

7 SECTION 15. This part does not affect rights and duties  
8 that matured, penalties that were incurred, and proceedings that  
9 were begun, before the effective date of this Act.

10 PART III

11 SECTION 16. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 17. This Act shall take effect on July 1, 2007.



**Report Title:**

Pedestrian Safety; Pilot Study; Appropriation

**Description:**

Appropriates funds to the department of transportation for a pilot study to identify state and county intersections where the time to cross the intersection is insufficient for elderly pedestrians. Appropriates funds for traffic countdown timers, signals, painting of crosswalks, a public awareness campaign, and grants-in-aid for counties for pedestrian safety. Establishes the photo red light imaging detector system program. Authorizes counties to implement the program. Increases the time to mail a citation to the owner of the vehicle that used a high occupancy lane illegally. (SB1191 HD1)

