

STAND. COM. REP. NO.

162

Honolulu, Hawaii

FEB 12 2007

RE: S.B. No. 830  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committees on Transportation and International Affairs and Intergovernmental and Military Affairs, to which was referred S.B. No. 830 entitled:

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

beg leave to report as follows:

The purpose of this measure is to establish a photo red light imaging detector program.

This measure also:

- (1) Allows counties to implement the photo red light imaging detector systems program;
- (2) Authorizes fines collected under county programs to be deposited into a general fund account; and
- (3) Authorizes counties to expend funds from this general fund account for the establishment, operation, management, and maintenance of the photo red light imaging detector systems program.

Your Committees received testimony in support of this measure from the Department of Transportation (DOT), Honolulu Prosecuting Attorney, Honolulu Department of Transportation Services (DTS), Mothers Against Drunk Driving Hawaii, State Farm Mutual Automobile Insurance Company, Hawaii Insurers Council, and one individual.



Testimony in opposition was received from the Public Defender and two individuals. Comments were received from the Judiciary.

Your Committees find that the prevalence of drivers violating Hawaii's traffic laws, especially on the island of Oahu, has become intolerable, particularly drivers who run red lights. These violations endanger the lives of motorists and pedestrians and compound the already hazardous conditions on Hawaii's roads and highways. It has become increasingly common to hear reports of hit-and-run drivers who have run over children or the elderly. Disregarding traffic signals has also been the common denominator in many recent, highly-publicized motor vehicle crashes that have claimed a number of lives. Testimony indicated that the Insurance Institute for Highway Safety reports that red light cameras reduce red light running by about forty per cent.

Your Committees have amended this measure by:

- (1) Making the program a pilot program for three years for any county with a population in excess of 500,000;
- (2) Clarifying upon the recommendation of the Prosecuting Attorney of the City and County of Honolulu, the measure to mitigate legal challenges by:
  - (A) Changing the term "operator" to "registered owner";
  - (B) Changing the time period to answer the summons from forty-eight hours to seventy-two hours;
  - (C) Prohibiting unauthorized disclosure of information obtained from the program; and
  - (D) Allowing the registered owner an opportunity in court to rebut the identification by the cameras;
- (3) Make an appropriation to the county for implementation and operation of the pilot program; and
- (4) Changing the effective date to July 1, 2050.

Your Committees note the concerns of the Chair of the Committee on Transportation and International Affairs to the effect that the Chair has great reservations about this measure and would prefer that more planning be done to facilitate the



adoption of a photo red light imaging detector program. Specifically, there are issues involving changes to statutes, ordinances, and rules, as well as whether federal funding would be available. The DOT and DTS should have undertaken appropriate plans and studies prior to the enactment of any measure in order to estimate the effects of any legislation, including assessment of similar systems in other jurisdictions.

As affirmed by the records of votes of the members of your Committees on Transportation and International Affairs and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 830, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 830, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Transportation and International Affairs and Intergovernmental and Military Affairs,

  
LORRAINE R. INOUE, Chair


  
J. KALANI ENGLISH, Chair





The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Intergovernmental and Military Affairs**  
**IGM**

Bill / Resolution No.:* <b>SB 830</b>	Committee Referral: <b>TIA/IGM, WAM</b>	Date: <b>2/5/07</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)		/		
HEMMINGS, Fred	/			
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink File with Committee Report     Clerk's Office     Drafting Agency				

\*Only one measure per Record of Votes