

STAND. COM. REP. NO. 48

Honolulu, Hawaii

Feb 6, 2009

RE: H.B. No. 145

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 145 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 public's health, safety, and welfare by promoting traffic safety. Among other things, this bill establishes a photo red light imaging detector system program to improve enforcement of traffic-signal laws by:

- (1) Allowing county implementation of photo red light imaging detector system programs;
- (2) Authorizing fines collected under county-administered programs to be deposited into a general fund account; and
- (3) Authorizing 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 system program.



The Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaii Insurers Council, State Farm Mutual Automobile Insurance Company, and the Downtown Neighborhood Board No. 13 testified in support of this bill. The Department of Transportation and Department of Transportation Services of the City and County of Honolulu supported the intent of the measure. The Office of the Public Defender and a concerned individual opposed the bill. The Judiciary and Department of Budget and Finance submitted comments.

The prevalence of drivers violating Hawaii's traffic-signal laws, in particular the disregard of red light signals, 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. This measure will help curb such dangerous activities in Hawaii and protect the health, safety, and welfare of the people of this state.

Furthermore, your Committee finds that as the counties will be administering this program, the fines collected under these programs should be given directly to the county in which the violation occurred rather than being placed in a general fund account under the jurisdiction of the State. Your Committee also understands the concerns raised by the Prosecutor that receipt of a summons or citation for a violation by the registered owner of the vehicle must be ensured.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language establishing the photo red light imaging detector system program account;
- (2) Deleting language authorizing that fines collected under county-administered programs to be deposited into the photo red light imaging detector system program account;
- (3) Inserting language authorizing the State Director of Finance to distribute fines collected under a photo red light imaging detector system program established by a county directly to the county director of finance of the county in which the violation occurred; and



- (4) Requiring that the summons or citation sent by certified or registered mail to the registered owner of the vehicle include a return receipt to ensure the registered owner did receive the citation and notice of infraction.

Technical, nonsubstantive amendments were also made 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. 145, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 145, 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



HSCR 48

State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

Record of Votes of the Committee on Transportation

<b>Bill/Resolution No.:</b> HB 145	<b>Committee Referral:</b> TRN, JUD, FIN	<b>Date:</b> 2/2/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>TRN Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. SOUKI, Joseph M. (C)	✓			
2. AWANA, Karen Leinani (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HANOHANO, Faye P.	✓			
5. KEITH-AGARAN, Gilbert S.C.	✓			
6. LEE, Marilyn B.	✓			
7. NAKASHIMA, Mark M.	✓			
8. RHOADS, Karl	✓			
9. SAIKI, Scott K.	✓			
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos	✓			
<b>TOTAL (12)</b>	12			
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <i>Karen Awana</i>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				