

JAN 28 2015

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# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

PART I

1  
2 SECTION 1. The legislature finds that the prevalence of  
3 drivers violating Hawaii's traffic laws, especially on the  
4 island of Oahu, has become intolerable, particularly drivers who  
5 run red lights. These violations endanger the lives of  
6 motorists and pedestrians and compound the already hazardous  
7 conditions on Hawaii's roads and highways. It has become  
8 increasingly common to hear reports of hit-and-run drivers who  
9 have run over children or the elderly. Disregarding traffic  
10 signals has also been the common denominator in recent highly-  
11 publicized motor vehicle crashes that have claimed lives.

12 The legislature further finds that in other jurisdictions  
13 in the United States, in Canada, in Europe, and in other  
14 countries throughout the world, a technological innovation, the  
15 photo red light imaging detector system, has already  
16 demonstrated its reliability, efficiency, and effectiveness in  
17 identifying and deterring those who run red lights.



1 Photo red light imaging detector systems are safe, quick,  
2 cost-effective, and efficient. No traffic stop is involved, and  
3 a police officer is not at risk from passing traffic or  
4 violators who are armed or dangerous. Photo red light imaging  
5 detector systems use a camera positioned at intersections where  
6 red-light violations are a major cause of collisions. The  
7 system serves as a twenty-four-hour deterrent. Sensors are  
8 buried under a crosswalk and lead to a self-contained camera  
9 system mounted on a nearby structure. When a vehicle enters the  
10 intersection and the traffic light is red, the camera takes a  
11 telephoto color picture of the rear of the car, capturing an  
12 image of the license plate. A second wide-angle photograph  
13 takes in the entire intersection, including other traffic.

14 Photo red light imaging detector systems provide numerous  
15 benefits. Not only are streets safer, but police officers are  
16 freed from time-consuming traffic enforcement activities and  
17 have more time to respond to priority calls. A violator is less  
18 likely to go to court, since the color photograph of the  
19 violation, imprinted with the time, date, and location of the  
20 violation, and the number of seconds the light had been red  
21 before the violator entered the intersection, can be used as



1 evidence in court. Few cases are contested in jurisdictions  
2 using this system, and officers make fewer court appearances,  
3 saving court, overtime, and other costs.

4 The system may also result in lower insurance costs for  
5 safe drivers through an overall reduction in crashes and  
6 injuries. System costs are placed on the violators who have  
7 created the need for the program, rather than law-abiding  
8 taxpayers. Traffic laws are enforced without partiality, and  
9 safety and efficiency are increased by reducing the number of  
10 motor vehicle chases and the number of personnel required for  
11 traffic accident clean-up, investigation, and court testimony.

12 The legislature additionally finds that the photo speed  
13 imaging detector system created by Act 234, Session Laws of  
14 Hawaii 1998, and implemented in December 2001, generated intense  
15 public opposition to this program. As a result of this  
16 opposition, the legislature repealed Act 234 in its entirety by  
17 Act 58, Session Laws of Hawaii 2002. However, the majority of  
18 the opposition to this program resulted from the method in which  
19 the program was implemented. The public perceived that the  
20 program operated more to maximize revenue for the vendor  
21 administering the program, rather than to improve traffic



1 safety. In particular, vans in which the cameras were mounted  
2 were often placed at locations that did not necessarily have a  
3 history of speed-related accidents and instead were used to  
4 monitor locations with heavy traffic flow at lower speeds. This  
5 situation permitted the vendor to issue the maximum number of  
6 citations in the shortest period of time and at the least cost,  
7 thereby maximizing the potential return to the vendor without  
8 necessarily maximizing traffic safety.

9 The purpose of this Act is to:

- 10 (1) Establish a three-year pilot photo red light imaging  
11 detector system program to improve enforcement of the  
12 traffic signal laws in all counties; and  
13 (2) Make other amendments regarding highway safety.

14 PART II

15 SECTION 2. **Definitions.** As used in this Act, unless the  
16 context otherwise requires:

17 "County highway" has the same meaning as used in section  
18 264-1, Hawaii Revised Statutes.

19 "Department" means the department of transportation.

20 "Motor vehicle" has the same meaning as defined in section  
21 291C-1, Hawaii Revised Statutes.



1 "Photo red light imaging detector" means a device used for  
2 traffic enforcement that includes a vehicle sensor that works in  
3 conjunction with a traffic-control signal and a camera or  
4 similar device to automatically produce a photographic, digital,  
5 or other visual image of a motor vehicle that has disregarded a  
6 steady red traffic-control signal in violation of section  
7 291C-32(a)(3), Hawaii Revised Statutes, and a photographic,  
8 digital, or other visual image of the driver of the motor  
9 vehicle.

10 "State highway" has the same meaning as used in section  
11 264-1, Hawaii Revised Statutes.

12 "Traffic-control signal" has the same meaning as defined in  
13 section 291C-1, Hawaii Revised Statutes.

14 "Truck" means any motor vehicle with a maximum gross  
15 vehicle weight rating of no less than sixteen thousand pounds.

16 SECTION 3. **Photo red light imaging detector system**  
17 **program; established.** (a) There is established a pilot photo  
18 red light imaging detector system program, which may be  
19 implemented by any county on state or county highways within the  
20 respective county to enforce the traffic-control signal laws of  
21 the State. The program shall cease to operate on July 1, 2018.



1 (b) The photo red light imaging detector system program  
2 shall begin at the following five intersections:

- 3 (1) Fort Weaver road and Kolowaka drive;
- 4 (2) Kapiolani boulevard and Keeaumoku street;
- 5 (3) Lahainaluna road and Kuialua street;
- 6 (4) Fort Weaver road and Renton road; and
- 7 (5) Beretania street and Piikoi street.

8 SECTION 4. **County powers and duties.** Each county may  
9 establish and implement, in accordance with this Act, a photo  
10 red light imaging detector system program imposing monetary  
11 liability on the registered owner of a motor vehicle for failure  
12 to comply with traffic-control signal laws. Each county may  
13 provide for the procurement, location, installation, operation,  
14 maintenance, and repair of the photo red light imaging detector  
15 system within the program. Where the photo red light imaging  
16 detector system affects state property, the department shall  
17 cooperate with and assist the county as needed to install,  
18 maintain, and repair the photo red light imaging detector system  
19 established pursuant to this Act.

20 SECTION 5. **Photo red light imaging detector system**  
21 **program; requirements.** (a) Photo red light imaging detector



1 system program equipment shall be operated from a fixed pole,  
2 post, or other fixed structure on a state or county highway.

3 (b) Signs and other official traffic-control devices  
4 indicating that traffic-signal laws are enforced by a photo red  
5 light imaging detector system shall be posted on all major  
6 routes entering the area where the system is in operation to  
7 provide, as far as practicable, notice to drivers of the  
8 existence and operation of the system.

9 (c) Proof of a traffic-control signal violation shall be as  
10 evidenced by information obtained from the photo red light  
11 imaging detector system authorized pursuant to this Act. A  
12 certificate, sworn to or affirmed by the county's agent or  
13 employee, or a facsimile thereof, based upon inspection of  
14 photographs, microphotographs, videotape, or other recorded  
15 images produced by the system, shall be prima facie evidence of  
16 the facts contained therein. Any photographs, microphotographs,  
17 videotape, or other recorded images evidencing a violation shall  
18 be available for inspection in any proceeding to adjudicate the  
19 liability for that violation.

20 (d) No summons or citation issued pursuant to the photo  
21 red light imaging detector system program shall be issued unless



1 it contains a clear and unobstructed photographic, digital, or  
2 other visual image of the driver of the motor vehicle.

3 (e) This section shall not apply to information gathered  
4 for highway safety research or to issue warning citations not  
5 involving a fine, court appearance, or a person's driving  
6 record.

7 SECTION 6. **Summons or citations; form and content;**  
8 **issuance.** (a) Notwithstanding any law to the contrary,  
9 whenever any motor vehicle operator is determined to have  
10 disregarded a steady red traffic-control signal in violation of  
11 section 291C-32(a)(3), Hawaii Revised Statutes, by a photo red  
12 light imaging detector system, a county police officer shall  
13 issue or send a summons or citation, as described in this  
14 section, to the registered owner of the motor vehicle at the  
15 address on record at the vehicle licensing division, by  
16 certified or registered mail with a return receipt that is  
17 postmarked within seventy-two hours of the time of the incident.  
18 If the end of the seventy-two-hour period falls on a Saturday,  
19 Sunday, or holiday, then the end of the period shall run until  
20 the end of the next day that is not a Saturday, Sunday, or  
21 holiday.





1           (b) The form and content of the summons or citation shall  
2 be as adopted or prescribed by the administrative judge of the  
3 district courts and shall be printed on a form identical with  
4 the form of other summonses or citations used in modern methods  
5 of arrest, so designed to include all necessary information to  
6 make the summons or citation valid within the laws of the State;  
7 provided that any summons or citation pursuant to the photo red  
8 light imaging detector system program shall contain a clear and  
9 unobstructed photographic, digital, or other visual image of the  
10 driver of the motor vehicle that is to be used as evidence of  
11 the violation.

12           (c) Every citation shall be consecutively numbered and  
13 each copy thereof shall bear the number of its respective  
14 original.

15           (d) Upon receipt of the summons or citation, the  
16 registered owner shall respond as provided for in chapter 291D,  
17 Hawaii Revised Statutes. A mail receipt signed by the  
18 registered owner is prima facie evidence of notification. The  
19 registered owner shall be determined by the identification of  
20 the vehicle's registration plates.



1 (e) The county, or the county's agent or employee, shall  
2 be available to testify as to the authenticity of the  
3 information relating to the traffic-control signal violation  
4 that is provided pursuant to this section.

5 SECTION 7. **Summons or citation; evidence of violation.** In  
6 any proceeding for a violation of this Act, the information  
7 contained in the summons or citation mailed in accordance with  
8 section 6 shall be deemed evidence that the registered motor  
9 vehicle was operated in violation of section 291C-32(a)(3),  
10 Hawaii Revised Statutes.

11 SECTION 8. **Prima facie evidence of registered owner's**  
12 **responsibility.** (a) Whenever the photo red light imaging  
13 detector system determines a motor vehicle to have been operated  
14 in violation of section 291C-32(a)(3), Hawaii Revised Statutes,  
15 evidence that the motor vehicle described in the citation or  
16 summons issued pursuant to this Act was operated in violation of  
17 that section, together with proof that the person to whom the  
18 summons or citation was sent was the registered owner of the  
19 motor vehicle at the time of the violation, shall constitute  
20 prima facie evidence that the registered owner of the motor  
21 vehicle was the person who committed the violation.



1 (b) The registered owner of the motor vehicle may rebut  
2 the evidence in subsection (a) by:

3 (1) Submitting a written statement as provided in section  
4 291D-6(b)(2), Hawaii Revised Statutes;

5 (2) Testifying in open court under oath that the  
6 registered owner was not the person operating the  
7 motor vehicle at the time of the alleged violation;

8 (3) Calling witnesses to testify in open court under oath  
9 that the registered owner was not the person operating  
10 the motor vehicle at the time of the alleged  
11 violation;

12 (4) Submitting extrinsic evidence that the registered  
13 owner was not the person operating the motor vehicle  
14 at the time of the alleged violation; or

15 (5) Presenting to the court adjudicating the alleged  
16 violation, prior to the return date established on the  
17 citation or summons issued pursuant to this Act, a  
18 letter of verification of loss from the police  
19 department indicating the motor vehicle had been  
20 reported stolen.



1           SECTION 9. Failure to comply with summons or citation;  
2 rebuttal of identification of operator. (a) If the registered  
3 owner of the motor vehicle does not return an answer in response  
4 to a summons or citation within a period of thirty days upon  
5 receipt of the summons or citation, the district court shall  
6 issue, pursuant to section 291D-7(e), Hawaii Revised Statutes, a  
7 notice of entry of default judgment to the registered owner of  
8 the vehicle, except if the registered owner rebuts the  
9 identification of the operator of the vehicle.

10           (b) The registered owner shall be given an opportunity by  
11 the district court to rebut the identification of the operator  
12 of the motor vehicle as provided in section 8(b).

13           SECTION 10. Liability for rental or U-drive motor vehicle.  
14 Notwithstanding any law to the contrary, if the registered owner  
15 of record is the lessor of a rental or U-drive motor vehicle, as  
16 defined in section 286-2, Hawaii Revised Statutes, pursuant to a  
17 written lease agreement, the lessee at the time of the violation  
18 shall be responsible for the summons or citation; provided:

19           (1) The lessor shall be responsible for the summons or  
20                           citation if the lessor does not provide the court  
21                           having jurisdiction over the summons or citation with



1 the name and address of the lessee within thirty days  
2 after a notice containing the date, time, and location  
3 of the violation and the license number of the motor  
4 vehicle is sent to the lessor; and

5 (2) The administrative judge of the court having  
6 jurisdiction over the summons or citation may waive  
7 the requirement of providing the name and address of  
8 the lessee and impose on the lessor an administrative  
9 fee of \$50 per citation.

10 SECTION 11. **Penalty.** The penalties for all consequences  
11 of a violation for disregarding a steady red traffic-control  
12 signal initiated by the use of a photo red light imaging  
13 detector system shall be as provided in section 291C-161, Hawaii  
14 Revised Statutes.

15 SECTION 12. **Fines for unauthorized disclosure.** (a) The  
16 information obtained by a photo red light imaging detector  
17 system, and any other information arising therefrom, shall be  
18 kept confidential and used exclusively for purposes of law  
19 enforcement, including highway safety research, and court  
20 proceedings.



1 (b) Any officer, employee, or agent of a county who  
2 intentionally discloses or provides a copy of personal and  
3 confidential information obtained from a photo red light imaging  
4 detector system to any person or agency, with actual knowledge  
5 that disclosure is prohibited by this Act or any other law,  
6 shall be fined up to \$1,000; provided that the fine shall not  
7 preclude the application of penalties or fines otherwise  
8 provided for by law.

9 SECTION 13. **Photo red light imaging detector system**  
10 **program; revenue from fines.** Revenue derived from fines  
11 pursuant to this Act shall be deposited into the general fund.

12 SECTION 14. **Rules.** The department shall adopt rules  
13 pursuant to chapter 91, Hawaii Revised Statutes, as may be  
14 necessary to implement this Act.

15 SECTION 15. **Vendor.** The pilot photo red light imaging  
16 detector system program shall be administered by a nonprofit  
17 organization that is organized and operated in accordance with  
18 section 501(c)(3) of the Internal Revenue Code of 1986, as  
19 amended.

20 PART III



1 SECTION 16. Section 249-7, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Upon an original registration the director of finance  
4 shall fix, and shall charge to the owner, a fee equal to the  
5 cost of the number plate and tag or emblem plus the  
6 administrative cost of furnishing the plate and tag or emblem  
7 and effecting the registration. Upon the issuance of a new  
8 series of number plates as determined by the directors of  
9 finance of each county through majority consent, the director of  
10 finance shall charge the owner a fee equal to the costs of the  
11 number plate plus the administrative cost of furnishing the  
12 plates. Upon issuing a tag or emblem, the director of finance  
13 shall charge the owner a fee of 50 cents. The owner shall  
14 securely fasten the number plates on the vehicle~~[7]~~ or  
15 motorcycle, one on the front and the other on the rear, at a  
16 location provided by the manufacturer or in the absence of such  
17 a location upon the bumpers of the vehicle and in conformance  
18 with section 291-31, in such a manner as to prevent the plates  
19 from swinging. Number plates shall at all times be displayed  
20 entirely unobscured and be kept reasonably clean. In the case  
21 of trailers~~[7]~~ and semitrailers~~[7-or-motorcycles]~~, one plate



1 shall be used and it shall be fastened to the rear thereof at a  
2 location provided by the manufacturer or in the absence of such  
3 a location at the rear thereof, and in the case of motorcycles  
4 in conformance with section 291-31."

5 SECTION 17. Section 291C-32, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Whenever traffic is controlled by traffic-control  
8 signals exhibiting different colored lights, or colored lighted  
9 arrows, successively one at a time or in combination, only the  
10 colors green, red, and yellow shall be used, except for special  
11 pedestrian signals carrying a word or symbol legend, and the  
12 lights shall indicate and apply to drivers of vehicles and  
13 pedestrians as follows:

14 (1) Green indication:

15 (A) Vehicular traffic facing a circular green signal  
16 may proceed straight through or turn right or  
17 left unless a sign at the place prohibits either  
18 [~~such~~] turn. But vehicular traffic, including  
19 vehicles turning right or left, shall yield the  
20 right-of-way to other vehicles and to pedestrians  
21 lawfully within the intersection or an adjacent





1 crosswalk at the time [~~such~~] the signal is  
2 exhibited[~~-~~];

3 (B) Vehicular traffic facing a green arrow signal,  
4 shown alone or in combination with another  
5 indication, may cautiously enter the intersection  
6 only to make the movement indicated by [~~such~~] the  
7 arrow, or [~~such~~] other movement as is permitted  
8 by other indications shown at the same time.

9 [~~Such vehicular~~] Vehicular traffic shall yield  
10 the right-of-way to pedestrians lawfully within  
11 an adjacent crosswalk and to other traffic  
12 lawfully using the intersection[~~-~~]; and

13 (C) Unless otherwise directed by a pedestrian-control  
14 signal, as provided in section 291C-33,  
15 pedestrians facing any green signal, except when  
16 the sole green signal is a turn arrow, may  
17 proceed across the roadway within any marked or  
18 unmarked crosswalk[~~-~~];

19 (2) Steady yellow indication:

20 (A) Vehicular traffic facing a steady yellow signal  
21 is thereby warned that the related green movement



1 is being terminated or that a red indication will  
2 be exhibited immediately thereafter when  
3 vehicular traffic shall not enter the  
4 intersection[-]; provided that the length of the  
5 steady yellow indication shall be sufficient to  
6 allow any truck to pass through the intersection  
7 in a reasonable amount of time before a steady  
8 red indication commences; and

9 (B) Pedestrians facing a steady yellow signal, unless  
10 otherwise directed by a pedestrian-control signal  
11 as provided in section 291C-33, are thereby  
12 advised that there is insufficient time to cross  
13 the roadway before a red indication is shown and  
14 no pedestrian shall then start to cross the  
15 roadway[-];

16 (3) Steady red indication:

17 (A) Vehicular traffic facing a steady red signal  
18 alone shall stop at a clearly marked stop line,  
19 but if none, before entering the crosswalk on the  
20 near side of the intersection or, if none, then  
21 before entering the intersection and shall remain



1 standing until an indication to proceed is shown,  
2 except as provided in the next succeeding  
3 paragraphs[-]; provided that the steady red  
4 indication shall not commence until any truck has  
5 had sufficient time to pass through the  
6 intersection on a steady yellow indication;

7 (B) The driver of a vehicle [~~which~~] that is stopped  
8 in obedience to a steady red indication may make  
9 a right turn but shall yield the right-of-way to  
10 pedestrians and other traffic proceeding as  
11 directed by the signal at [~~said~~] the  
12 intersection, except that counties by ordinance  
13 may prohibit [~~any such~~] a right turn against a  
14 steady red indication, which ordinance shall be  
15 effective when a sign is erected at [~~such~~] the  
16 intersection giving notice thereof[-];

17 (C) The driver of a vehicle on a one-way street  
18 [~~which~~] intersects another one-way street on  
19 which traffic moves to the left shall stop in  
20 obedience to a steady red indication but may then  
21 make a left turn into [~~said~~] the one-way street,



1 but shall yield right-of-way to pedestrians,  
2 proceeding as directed by the signal at [said]  
3 the intersection except that counties by  
4 ordinance may prohibit any [such] left turn as  
5 above described which ordinance shall be  
6 effective when a sign is erected at [such] the  
7 intersection giving notice thereof[-]; and

8 (D) Unless otherwise directed by a pedestrian-control  
9 signal as provided in section 291C-33,  
10 pedestrians facing a steady red signal alone  
11 shall not enter the roadway."

12 SECTION 18. Section 291C-161, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§291C-161 Penalties[-]; photo red light imaging detector  
15 system fine. (a) It is a violation for any person to violate  
16 any of the provisions of this chapter, except as otherwise  
17 specified in subsections (c) and (d) and unless the violation is  
18 by other law of this State declared to be a felony, misdemeanor,  
19 or petty misdemeanor.

20 (b) Except as provided in subsections (c) and (d), every  
21 person who is determined to have violated any provision of this



1 chapter for which another penalty is not provided shall be  
2 fined:

3 (1) Not more than \$200 for a first violation thereof;

4 (2) Not more than \$300 for a second violation committed  
5 within one year after the date of the first violation;  
6 and

7 (3) Not more than \$500 for a third or subsequent violation  
8 committed within one year after the date of the first  
9 violation.

10 (c) [~~Every~~] A person convicted under or found in violation  
11 of section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14,  
12 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,  
13 291C-104, or 291C-105 shall be sentenced or fined in accordance  
14 with those sections.

15 (d) [~~Every~~] A person who violates section 291C-13 or 291C-  
16 18 shall:

17 (1) Be fined not more than \$200 or imprisoned not more  
18 than ten days for a first conviction thereof;

19 (2) Be fined not more than \$300 or imprisoned not more  
20 than twenty days or both for conviction of a second



1 offense committed within one year after the date of  
2 the first offense; and

3 (3) Be fined not more than \$500 or imprisoned not more  
4 than six months or both for conviction of a third or  
5 subsequent offense committed within one year after the  
6 date of the first offense.

7 (e) The court may assess a sum not to exceed \$50 for the  
8 cost of issuing a penal summons upon any person who fails to  
9 appear at the place within the time specified in the citation  
10 issued to the person for any traffic violation.

11 (f) The court may require a person who violates any of the  
12 provisions of this chapter to attend a course of instruction in  
13 driver retraining as deemed appropriate by the court, in  
14 addition to any other penalties imposed.

15 (g) Fines collected for violations of section  
16 291C-32(a)(3) pursuant to the photo red light imaging detector  
17 system program established pursuant to Act \_\_\_\_\_, Session Laws of  
18 Hawaii 2015, shall be deposited into the general fund."

19 SECTION 19. Section 291C-163, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1           "(a) This chapter shall not be deemed to prevent counties  
2 with respect to streets and highways under their jurisdiction  
3 from:

- 4           (1) Regulating or prohibiting stopping, standing, or  
5           parking except as provided in section 291C-111;
- 6           (2) Regulating traffic by means of police officers or  
7           official traffic-control devices;
- 8           (3) Regulating or prohibiting processions or assemblages  
9           on the highways;
- 10          (4) Designating particular highways or roadways for use by  
11          traffic moving in one direction;
- 12          (5) Establishing speed limits for vehicles in public  
13          parks;
- 14          (6) Designating any highway as a through highway or  
15          designating any intersection as a stop or yield  
16          intersection;
- 17          (7) Restricting the use of highways;
- 18          (8) Regulating the operation and equipment of and  
19          requiring the registration and inspection of bicycles,  
20          including the requirement of a registration fee;



- 1           (9)   Regulating or prohibiting the turning of vehicles or
- 2                   specified types of vehicles;
- 3           (10)  Altering or establishing speed limits;
- 4           (11)  Requiring written accident reports;
- 5           (12)  Designating no-passing zones;
- 6           (13)  Prohibiting or regulating the use of controlled-access
- 7                   roadways by any class or kind of traffic;
- 8           (14)  Prohibiting or regulating the use of heavily traveled
- 9                   streets by any class or kind of traffic found to be
- 10                  incompatible with the normal and safe movement of
- 11                  traffic;
- 12           (15)  Establishing minimum speed limits;
- 13           (16)  Designating hazardous railroad grade crossing;
- 14           (17)  Designating and regulating traffic on play streets;
- 15           (18)  Prohibiting pedestrians from crossing a roadway in a
- 16                   business district or any designated highway except in
- 17                   a crosswalk;
- 18           (19)  Restricting pedestrian crossing at unmarked
- 19                   crosswalks;
- 20           (20)  Regulating persons propelling push carts;





- 1 (21) Regulating persons upon skates, coasters, sleds, and  
2 other toy vehicles;
- 3 (22) Adopting and enforcing [sueh] temporary or  
4 experimental regulations as may be necessary to cover  
5 emergencies or special conditions;
- 6 (23) Adopting maximum and minimum speed limits on streets  
7 and highways within their respective jurisdictions;
- 8 (24) Adopting requirements on stopping, standing, and  
9 parking on streets and highways within their  
10 respective jurisdictions except as provided in section  
11 291C-111;
- 12 (25) Prohibiting or regulating electric personal assistive  
13 mobility devices on sidewalks and bicycle paths; [and]
- 14 (26) Implementing a photo red light imaging detector system  
15 pursuant to Act \_\_\_\_\_, Session Laws of Hawaii 2015; or  
16 ~~[(+26)]~~ (27) Adopting [sueh] other traffic regulations as  
17 [are] specifically authorized by this chapter."

18 SECTION 20. Section 291C-165, Hawaii Revised Statutes, is  
19 amended by amending subsection (b) to read as follows:

20 "(b) In every case when a citation is issued, the original  
21 of the citation shall be given to the violator; provided that[+]



1        ~~(1)~~ ~~In~~ in the case of an unattended vehicle, the original  
2 of the citation shall be affixed to the vehicle as provided for  
3 in section 291C-167; ~~[æ]~~ and provided further that:

4        ~~[(2)]~~ (1) In the case of:

5            (A) A vehicle utilizing the high occupancy vehicle  
6            lane illegally; or

7            (B) A vehicle illegally utilizing a parking space  
8            reserved for persons with disabilities, where the  
9            violator refuses the citation~~[+]~~ or

10        (2) In the case of a motor vehicle operator determined by  
11        a photo red light imaging detector system established  
12        pursuant to Act \_\_\_\_\_, Session Laws of Hawaii 2015, to  
13        have disregarded a steady red signal in violation of  
14        section 291C-32(a)(3);

15 the original of the citation shall be sent by certified or  
16 registered mail, with a return receipt that is postmarked within  
17 forty-eight hours of the time of the incident, as provided in  
18 section 291C-223 for vehicles illegally utilizing the high  
19 occupancy vehicle lane~~[+]~~ ; or within seventy-two hours of the  
20 time of the incident for vehicles illegally utilizing a parking  
21 space reserved for persons with disabilities, to the registered



1 owner of the vehicle at the address on record at the vehicle  
 2 licensing division[-]; or within seventy-two hours of the time  
 3 of the incident to the registered owner of the vehicle at the  
 4 address on record at the vehicle licensing division for vehicle  
 5 operators disregarding a steady red signal in violation of  
 6 section 291C-32(a)(3), as determined by means of a photo red  
 7 light imaging detector system. If the end of the applicable  
 8 forty-eight or seventy-two hour period falls on a Saturday,  
 9 Sunday, or holiday, then the [~~ending~~] end of the period shall  
 10 run until the end of the next day which is not a Saturday,  
 11 Sunday, or holiday; provided that the administrative judge of  
 12 the district courts may allow a carbon copy of the citation to  
 13 be given to the violator or affixed to the vehicle and provide  
 14 for the disposition of the original and any other copies of the  
 15 citation."

PART IV

17 SECTION 21. It is the intent of this Act not to jeopardize  
 18 the receipt of any federal aid nor to impair the obligation of  
 19 the State or any agency thereof to the holders of any bond  
 20 issued by the State or by any such agency, and to the extent  
 21 necessary to effectuate this intent, the governor may modify the



1 strict provisions of this Act, but shall promptly report any  
2 modification with reasons therefor to the legislature at its  
3 next session for review.

4 SECTION 22. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 23. This Act does not affect rights and duties  
11 that matured, penalties that were incurred, and proceedings that  
12 were begun before its effective date.

13 SECTION 24. Upon enactment, the revisor of statutes shall  
14 insert the number of this Act into sections 291C-161, 291C-163,  
15 and 291C-165, Hawaii Revised Statutes, where indicated in  
16 sections 18, 19, and 20 of this Act, respectively.

17 SECTION 25. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 26. This Act shall take effect on July 1, 2015;  
20 provided that on July 1, 2018, this Act shall be repealed and  
21 sections 249-7(b), 291C-32(a), 291C-161, 291C-163(a), and 291C-



# S.B. NO. 1160

1 165(b), Hawaii Revised Statutes, shall be reenacted in the form  
2 in which they read on the day before the effective date of this  
3 Act.

4

INTRODUCED BY:

Will Espero

Clarence W. Uchida  
Lorraine L. Jones  
Breene Hunt



# S.B. NO. 1160

**Report Title:**

Highway Safety; Pilot Program; Photo Red Light Imaging Detector System Program

**Description:**

Establishes a three-year pilot photo red light imaging detector system program. Authorizes counties to administer the program. Makes other amendments regarding highway safety. Repeals July 1, 2018.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

