



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

15           The legislature finds that these systems provide numerous  
16 benefits. Not only are streets safer, but police officers,  
17 freed from the time-consuming duties of traffic enforcement,  
18 have more time to respond to priority calls. A violator is less  
19 likely to go to court because the color photograph of the  
20 violation, imprinted with the time, date, and location of the  
21 violation, and the number of seconds the light had been red



1 before the violator entered the intersection, can be used as  
2 evidence in court. Few cases are contested in other  
3 jurisdictions using this system, and officers make fewer court  
4 appearances, thus saving court costs.

5 The system may also result in lower insurance costs for  
6 safe drivers through an overall reduction in crashes and  
7 injuries and by placing system costs on violators instead of  
8 law-abiding taxpayers. This system ensures that traffic laws  
9 are impartially enforced, and safety and efficiency are  
10 increased by reducing the number of chases and personnel  
11 required for traffic accident clean-up, investigation, and court  
12 testimony.

13 While the legislature established photo speed imaging  
14 detector and photo red light imaging detector systems to improve  
15 traffic safety and enforcement through the passage of Act 234,  
16 Session Laws of Hawaii 1998, implementation of these systems as  
17 traffic enforcement tools in January 2002 generated intense  
18 public opposition. As a result of this opposition, the  
19 legislature repealed Act 234 in its entirety. However, the  
20 majority of the opposition to these programs was directed toward  
21 the photo speed imaging detector system and the method by which



1 the program was implemented. The public perceived that the  
2 program was operated to maximize revenue for the vendor running  
3 the program rather than improve traffic safety.

4       Though many of the concerns raised regarding photo speed  
5 imaging detector systems were and continue to be valid, the use  
6 of photo red light imaging detector systems appears to be a more  
7 acceptable method of traffic enforcement, as a motorist's  
8 disregard of a steady red traffic signal is evident. The  
9 legislature finds that establishing a photo red light imaging  
10 detector systems program will serve as a useful traffic  
11 enforcement tool and is in the best interest of public safety on  
12 Hawaii's roadways.

13       Accordingly, the purpose of this Act is to:

- 14       (1) Establish a red light violation task force to make  
15            recommendations relating to the implementation of a  
16            photo red light imaging detector systems program;
- 17       (2) Establish a photo red light imaging detector systems  
18            program to improve enforcement of the State's traffic  
19            signal laws;
- 20       (3) Establish the photo red light imaging detector systems  
21            program special fund and authorize expenditures from



1 the fund for the establishment, operation, management,  
2 and maintenance of the photo red light imaging  
3 detector systems program;

4 (4) Authorize counties to implement the photo red light  
5 imaging detector systems program;

6 (5) Amend the amounts of the fines for various violations  
7 of the statewide traffic code; and

8 (6) Appropriate funds for the establishment of a photo red  
9 light imaging detector systems program in the counties  
10 of Hawaii, Kauai, and Maui, and in the city and county  
11 of Honolulu

12 PART II

13 SECTION 2. (a) The department of transportation shall  
14 establish a red light violation task force to review this Act  
15 and recommend any necessary amendments, including any proposed  
16 legislation, for consideration by the legislature during the  
17 regular session of 2020.

18 (b) The department of transportation shall invite the  
19 following to participate on the red light violation task force:

20 (1) The deputy administrative director of the courts, or  
21 the deputy administrative director's designee;





1 "County" means one of the counties of Hawaii, Kauai, or  
2 Maui, or the city and county of Honolulu.

3 "County highway" has the same meaning as used in section  
4 264-1.

5 "Department" means the department of transportation.

6 "Motor vehicle" has the same meaning as used in section  
7 291C-1.

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

16 "State highway" has the same meaning as used in section  
17 264-1.

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

20 **§ -2 Photo red light imaging detector systems program;**  
21 **established.** There is established the photo red light imaging



1 detector systems program that may be implemented by any county  
2 on state or county highways within the respective county to  
3 enforce the traffic-control signal laws of the State.

4       **§ -3 County powers and duties.** (a) In accordance with  
5 this chapter, each county may establish and implement a photo  
6 red light imaging detector system that imposes monetary  
7 liability on the operator of a motor vehicle for failure to  
8 comply with traffic-control signal laws. Each county may  
9 provide for the procurement, location, installation, operation,  
10 maintenance, and repair of the photo red light imaging detector  
11 system. Where the photo red light imaging detector system  
12 affects state property, the department shall cooperate with and  
13 assist the county as needed to install, maintain, and repair the  
14 photo red light imaging detector system established pursuant to  
15 this chapter.

16       (b) Each county shall pay the vendor that installs a photo  
17 red light imaging detector system a negotiated lump sum  
18 regardless of the number of citations issued or expected to be  
19 issued through the use of the installed photo red light imaging  
20 detector system.





1           **§ -4 Photo red light imaging detector system**

2 **requirements.** (a) Photo red light imaging detector equipment  
3 shall be operated from a fixed pole, post, or other fixed  
4 structure on a state or county highway.

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

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



1 (d) A summons or citation based on the photo red light  
2 imaging detector systems program shall not be issued unless it  
3 contains a clear and unobstructed photographic, digital, or  
4 other visual image of the driver of the motor vehicle.

5 (e) The conditions specified in this section shall not  
6 apply when the information gathered is used for highway safety  
7 research or to issue warning citations not involving a fine,  
8 court appearance, or a person's driving record.

9 **§ -5 Summons or citations.** (a) Notwithstanding any law  
10 to the contrary, whenever any motor vehicle is determined, by  
11 means of a photo red light imaging detector system, to have  
12 disregarded a steady red signal in violation of section  
13 291C-32(a)(3), the county shall issue a summons or citation to  
14 the registered owner of the vehicle at the address on record at  
15 the vehicle licensing division. The summons or citation shall  
16 be:

- 17 (1) Sent by certified or registered mail;  
18 (2) Sent with a return receipt; and  
19 (3) Postmarked within seventy-two hours of the time of the  
20 incident.



1 If the end of the seventy-two hour period falls on a Saturday,  
2 Sunday, or state holiday, then the ending period shall run until  
3 the end of the next day that is not a Saturday, Sunday, or state  
4 holiday.

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

16 (c) Every summons or citation shall be consecutively  
17 numbered and each copy thereof shall bear the number of its  
18 respective original.

19 (d) Upon receipt of the summons or citation, the  
20 registered owner shall respond as provided for in chapter 291D.  
21 A mail receipt signed by the registered owner is prima facie



1 evidence of notification. The registered owner shall be  
2 determined by the identification of the vehicle's registration  
3 plates.

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

7 **§ -6 Registered owner's responsibility for a summons or**  
8 **citation.** In any proceeding for a violation of this chapter,  
9 the information contained in the summons or citation mailed in  
10 accordance with section -5 shall be deemed prima facie  
11 evidence that the registered vehicle violated section  
12 291C-32(a)(3).

13 **§ -7 Prima facie evidence.** (a) Whenever a photo red  
14 light imaging detector system determines a motor vehicle to be  
15 in violation of section 291C-32(a)(3), evidence that the motor  
16 vehicle described in the summons or citation issued pursuant to  
17 this chapter was operated in violation of that section, together  
18 with proof that the person to whom the summons or citation was  
19 sent was the registered owner of the motor vehicle at the time  
20 of the violation, shall constitute prima facie evidence that the



1 registered owner of the motor vehicle was the person who  
2 committed the violation.

3 (b) The registered owner of the vehicle may rebut the  
4 evidence of a violation in subsection (a) by any one of the  
5 following:

6 (1) Submitting a written statement as provided in section  
7 291D-6(b)(2);

8 (2) Testifying in open court under oath that the person  
9 was not the operator of the vehicle at the time of the  
10 alleged violation;

11 (3) Calling witnesses to testify in open court under oath  
12 that the person was not the operator of the vehicle at  
13 the time of the alleged violation;

14 (4) Extrinsic evidence that the person was not the  
15 operator of the vehicle at the time of the alleged  
16 violation;

17 (5) Presenting to the court adjudicating the alleged  
18 violation, prior to the return date established on the  
19 citation or summons issued pursuant to this chapter, a  
20 letter of verification of loss from the police



1 department indicating that the vehicle had been  
2 reported stolen; or

3 (6) Identifying the person who was the actual driver of  
4 the vehicle at the time of the alleged violation.

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

11 **§ -9 Liability for rental or U-drive motor vehicle.**  
12 Notwithstanding any law to the contrary, if the registered owner  
13 of record is the lessor of a rental or U-drive motor vehicle, as  
14 defined in section 286-2, pursuant to a written lease agreement,  
15 the lessee at the time of the violation shall be responsible for  
16 the summons or citation; provided that:

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



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

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

8 § -10 **Penalty; disposition of fines.** The penalties for  
9 a steady red signal violation determined by a photo red light  
10 imaging detector system shall be as provided in section  
11 291C-161.

12 § -11 **Fines for unauthorized disclosure.** All personal  
13 and confidential information made available by any government  
14 agency to an agent of any county for the photo red light imaging  
15 detector systems program shall be kept confidential and shall be  
16 used only for the purposes for which the information was  
17 furnished. Any officer, employee, or agent of a county who  
18 intentionally discloses or provides a copy of personal and  
19 confidential information obtained from a photo red light imaging  
20 detector system to any person or agency without authorization  
21 shall be fined not more than \$ ; provided that the fine







1 specified in subsections (c) and (d) and unless the violation is  
2 by other law of this State declared to be a felony, misdemeanor,  
3 or petty misdemeanor.

4 (b) Except as provided in subsections (c) and (d), every  
5 person who is determined to have violated any provision of this  
6 chapter for which another penalty is not provided shall be  
7 fined:

8 (1) Not more than [~~\$200~~] \$\_\_\_\_\_ for a first violation  
9 thereof;

10 (2) Not more than [~~\$300~~] \$\_\_\_\_\_ for a second violation  
11 committed within one year after the date of the first  
12 violation; and

13 (3) Not more than [~~\$500~~] \$\_\_\_\_\_ for a third or  
14 subsequent violation committed within one year after  
15 the date of the first violation.

16 (c) Every person convicted under or found in violation of  
17 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14,  
18 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,  
19 291C-104, or 291C-105 shall be sentenced or fined in accordance  
20 with those sections.



1 (d) Every person who violates section 291C-13 or 291C-18  
2 shall:

3 (1) Be fined not more than [~~\$200~~] \$\_\_\_\_\_ or imprisoned  
4 not more than ten days for a first conviction thereof;

5 (2) Be fined not more than [~~\$300~~] \$\_\_\_\_\_ or imprisoned  
6 not more than twenty days or both for conviction of a  
7 second offense committed within one year after the  
8 date of the first offense; and

9 (3) Be fined not more than [~~\$500~~] \$\_\_\_\_\_ or imprisoned  
10 not more than six months or both for conviction of a  
11 third or subsequent offense committed within one year  
12 after the date of the first offense.

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

17 (f) All revenues from fines collected for a violation of  
18 section 291C-32 pursuant to a photo red light imaging detector  
19 system established by chapter \_\_\_\_\_ shall be deposited into the  
20 photo red light imaging detector systems program special fund  
21 established under section \_\_\_\_\_ -12 and shall be expended in the



1 county in which the fine was imposed, for purposes that include  
2 the establishment, operation, management, and maintenance of a  
3 photo red light imaging detector system in that county.

4 [~~f~~] (g) The court may require a person who violates any  
5 of the provisions of this chapter to attend a course of  
6 instruction in driver retraining as deemed appropriate by the  
7 court, in addition to any other penalties imposed."

8 SECTION 5. Section 291C-163, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) This chapter shall not be deemed to prevent counties  
11 with respect to streets and highways under their jurisdiction  
12 from:

- 13 (1) Regulating or prohibiting stopping, standing, or  
14 parking except as provided in section 291C-111;  
15 (2) Regulating traffic by means of police officers or  
16 official traffic-control devices;  
17 (3) Regulating or prohibiting processions or assemblages  
18 on the highways;  
19 (4) Designating particular highways or roadways for use by  
20 traffic moving in one direction;



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



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



1        (26) Implementing a photo red light imaging detector system  
 2                    pursuant to chapter        ; and  
 3        [~~26~~] (27) Adopting [~~such~~] other traffic regulations [as  
 4                    are] specifically authorized by this chapter."

5            SECTION 6. Section 291C-165, Hawaii Revised Statutes, is  
 6 amended by amending subsection (b) to read as follows:

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

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

12            (2) In the case of:

13            (A) A vehicle utilizing the high occupancy vehicle  
 14 lane illegally; [~~or~~]

15            (B) A vehicle illegally utilizing a parking space  
 16 reserved for persons with disabilities, where the  
 17 violator refuses the citation; or

18            (C) A motor vehicle determined by a photo red light  
 19 imaging detector system established pursuant to  
 20 chapter        to have disregarded a steady red  
 21 signal in violation of section 291C-32(a)(3);



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

20 SECTION 7. Section 291C-194, Hawaii Revised Statutes, is  
21 amended by amending subsection (c) to read as follows:







1 PART VI

2 SECTION 9. It is the intent of this Act not to jeopardize  
3 the receipt of any federal aid nor to impair the obligation of  
4 the State or any agency thereof to the holders of any bond  
5 issued by the State or by any such agency, and the governor may  
6 modify the strict provisions of this Act only to the extent  
7 necessary to effectuate this intent; provided that the governor  
8 shall promptly report any modification with reasons therefor to  
9 the legislature at its next regular session thereafter.

10 SECTION 10. If any provision of this Act, or the  
11 application thereof to any person or circumstance, is held  
12 invalid, the invalidity does not affect other provisions or  
13 applications of the Act that can be given effect without the  
14 invalid provision or application, and to this end the provisions  
15 of this Act are severable.

16 SECTION 11. This Act does not affect rights and duties  
17 that matured, penalties that were incurred, and proceedings that  
18 were begun before its effective date.

19 SECTION 12. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



1 SECTION 13. This Act shall take effect on July 1, 2019;  
2 provided that section 3 through section 7 shall take effect on  
3 July 1, 2020.

4

INTRODUCED BY:

  
\_\_\_\_\_  
JAN 23 2019



# H.B. NO. 1092

**Report Title:**

Highway Safety; Photo Red Light Imaging; Counties; Special Fund; Established; Appropriation

**Description:**

Establishes the photo red light imaging detector systems program, effective 7/1/2020. Authorizes counties to administer the program. Establishes the photo red light imaging detector systems program special fund. Requires fines collected for violations on a county highway to be expended for the establishment, operation, management, and maintenance of the program in the county from which the fines were collected. Appropriates funds.

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

