



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

September 15, 2020

**GOV. MSG. NO. 1135**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

HB1676 HD1 SD2

RELATING TO HIGHWAY SAFETY.  
**Act 030 (20)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

PART I

SECTION 1. The legislature finds that the prevalence of drivers violating Hawaii's traffic laws has become intolerable, particularly drivers who run red lights. From 2015 to 2019, county police throughout Hawaii issued 20,885 red light violations to motorists, for disregarding a red light traffic signal. These violations endanger the lives of motorists, pedestrians, bicyclists, and other vulnerable road users. Between 2014 and 2018, a total of 1,312 intersection crashes occurred in Hawaii as a result of red light and other traffic signal violations; some involved serious injuries or deaths. National studies have shown that more than half of those injured and killed in red light crashes are innocent people obeying the law, not the offending driver. Red light running violations 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 struck children or the elderly.



1 Disregarding traffic signals has also been the common  
2 denominator in many recent, highly-publicized motor vehicle  
3 crashes that have claimed a number of lives.

4 The legislature further finds that in other jurisdictions  
5 in the United States, Canada, Europe, and other countries  
6 throughout the world, photo red light imaging detector systems  
7 have proven reliable, efficient, and effective in identifying  
8 and deterring those who run red lights. In New York City, for  
9 example, the average daily number of red light running  
10 violations issued at each camera location has declined by over  
11 seventy-five per cent since inception of the red light camera  
12 program more than twenty-five years ago. Moreover, right angle  
13 crashes at signalized intersections have declined by seventy-one  
14 per cent citywide, from an average of 7,221 to 2,084 annually,  
15 and severe injuries from such crashes have declined by over  
16 eighty-three per cent, from six hundred thirty-three to one  
17 hundred three annually.

18 Photo red light imaging detector systems are safe, quick,  
19 cost-effective, and efficient. No traffic stop is involved, and  
20 a police officer is not at risk from passing traffic or armed  
21 violators. With photo red light imaging detector systems, a



1 camera is positioned at intersections where red light violations  
2 and collisions are most frequent, and serves as a twenty-four-  
3 hour deterrent to running a red light. When a motor vehicle  
4 enters the intersection against a red light, the camera takes a  
5 telephoto color picture of the rear of the car, capturing the  
6 license plate. A second wide-angle photograph takes in the  
7 entire intersection, including other traffic.

8       These systems provide numerous benefits. Not only are  
9 streets safer, but police officers are also freed from the  
10 time-consuming duties of traffic enforcement and have more time  
11 to respond to priority calls. A violator is less likely to go  
12 to court because the color photograph of the violation,  
13 imprinted with the time, date, and location of the violation,  
14 and the amount of time the light had been red before the  
15 violator entered the intersection can be used as evidence in  
16 court. Few cases are contested in other jurisdictions using  
17 this system, and officers make fewer court appearances, saving  
18 court costs. In New York City, approximately five per cent of  
19 tickets were contested during the first five years of the  
20 program's start. Today, twenty-seven years later, less than two  
21 per cent of tickets are contested.



1           The system may also result in lower insurance costs for  
2 safe drivers through an overall reduction in crashes and  
3 injuries and by placing much of the system costs on the  
4 violators who have created the need for the program, less on  
5 law-abiding taxpayers. Traffic laws are impartially enforced,  
6 and safety and efficiency are increased by reducing the number  
7 of chases and personnel required for traffic collision clean-up,  
8 investigation, and court testimony.

9           The legislature further finds that the photo speed imaging  
10 detector system created by Act 234, Session Laws of Hawaii 1998,  
11 and implemented in January 2002, generated intense public  
12 opposition. As a result of this opposition, the legislature  
13 repealed Act 234 in its entirety. However, the majority of the  
14 opposition to this program resulted from the method by which the  
15 program was implemented. The public perceived that the program  
16 was operated more to maximize revenue for the vendor running the  
17 program than to improve traffic safety. In particular, vans in  
18 which the cameras were mounted were often placed at locations  
19 that did not necessarily have a history of speed-related  
20 collisions and instead were used to monitor locations with heavy  
21 traffic flow at lower speeds. This permitted the vendor to



1 issue the maximum number of citations in the shortest period of  
2 time and at the least cost, thereby maximizing the potential  
3 return to the vendor without improving traffic safety.

4       The legislature further finds that Act 131, Session Laws of  
5 Hawaii 2019, created the red light running committee, whose  
6 purpose was to "develop policy recommendations for red light  
7 running programs in the city and county of Honolulu, and the  
8 counties of Maui, Kauai, and Hawaii." After examining the red.  
9 light running programs of Washington, Illinois, New York, and  
10 Florida, the red light running committee found that red light  
11 photo enforcement programs are a promising tool that, when  
12 implemented properly, can save lives and reduce injuries by  
13 changing drivers' behaviors and lead to safer driving habits.  
14 Based on their findings, the red light running committee made a  
15 number of policy recommendations, which are reflected in this  
16 Act.

17       The purpose of this Act is to:

- 18       (1) Establish a photo red light imaging detector systems  
19             program to improve enforcement of the traffic signal  
20             laws;



- 1 (2) Allow the photo red light imaging detector systems
- 2 program to be implemented in the counties of Hawaii,
- 3 Maui, Kauai, and the city and county of Honolulu;
- 4 (3) Authorize the deposit of fines collected under county
- 5 programs into a special fund; and
- 6 (4) Authorize the expenditure of funds from this special
- 7 fund by the department of transportation in the county
- 8 in which the fine was collected for the establishment,
- 9 operation, management, and maintenance of the photo
- 10 red light imaging detector systems program.

PART II

12 SECTION 2. The Hawaii Revised Statutes is amended by  
13 adding a new chapter to be appropriately designated and to read  
14 as follows:

15 "CHAPTER

16 PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS

17 § -1 Definitions. As used in this chapter, unless the  
18 context otherwise requires:

19 "County" means the counties of Hawaii, Kauai, and Maui, and  
20 the city and county of Honolulu.



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

3 "Department" means the department of transportation.

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

6 "Photo red light imaging detector" means a device used for  
7 traffic enforcement that includes a vehicle sensor that works in  
8 conjunction with a traffic-control signal and a camera  
9 synchronized to automatically record one or more sequenced  
10 photographs, microphotographs, or electronic images of the rear  
11 of the motor vehicle and motor vehicle license plate at the time  
12 the motor vehicle fails to stop when facing a steady red  
13 traffic-control signal in violation of section 291C-32(c).

14 "Owner" or "registered owner" has the same meaning as used  
15 in section 286-2.

16 "State highway" has the same meaning as used in  
17 section 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 to enforce the traffic-control signal  
2 laws of the State, which may be implemented by the State or any  
3 county following completion of a pilot program in the city and  
4 county of Honolulu, on any state or county highways within the  
5 respective county. Nothing in this chapter shall be deemed to  
6 supersede or override any provision of chapter 291D.

7       § -3 Pilot program. There is established the photo red  
8 light imaging detector systems pilot program to enforce the  
9 traffic-control signal laws of the State, which may be  
10 implemented by the city and county of Honolulu, in the major  
11 arterial zones on state or county highways, within that area in  
12 the city and county of Honolulu established as Honolulu Police  
13 Department Districts 1, 5, 6 and 7, as they existed on July 1,  
14 2020. The pilot project shall operate for a minimum of two  
15 years, starting from the time the cameras become operational and  
16 summons or citations are first issued.

17       § -4 County powers and duties. (a) The State or any  
18 county may establish and implement, in accordance with this  
19 chapter, a photo red light imaging detector system imposing  
20 monetary liability on the registered owner of a motor vehicle



1 for failure to comply with traffic-control signal laws. The  
2 State or any county may provide for the:

3 (1) Procurement, location, and oversight of a photo red  
4 light imaging detector system; and

5 (2) Installation, operation, maintenance, and repair of  
6 the photo red light imaging detector system through a  
7 third party contractor.

8 Where the photo red light imaging detector system affects state  
9 property, the department shall cooperate with and assist the  
10 county as needed to install, maintain, and repair the photo red  
11 light imaging detector system established pursuant to this  
12 chapter.

13 (b) If the State or a county establishes a red light  
14 imaging detector system under this chapter, the compensation  
15 paid by the State or county to a manufacturer or vendor of the  
16 equipment used shall be based upon the value of the equipment  
17 and services provided or rendered in support of the photo red  
18 light imaging detector system, and shall not be based upon a  
19 portion of the fine or civil penalty imposed or the revenue  
20 generated by the equipment.



1 (c) Prior to the installation and operation of any photo  
2 red light imaging detector system, for each intersection  
3 considered for enforcement via the photo red light imaging  
4 detector system, the State or county shall:

5 (1) Conduct a comprehensive engineering review and study  
6 of each intersection and implement all necessary and  
7 appropriate engineering, design, and traffic-control-  
8 signal timing measures; and

9 (2) Conduct a study to acquire a baseline average of the  
10 number of motor vehicles violating section 291C-32(c)  
11 over a period of not less than one week; provided that  
12 the baseline average shall be determined prior to the  
13 installation of any signs or other official traffic-  
14 control devices that indicate that an intersection is  
15 being considered for a photo red light imaging  
16 detector system.

17 (d) At least sixty days prior to the photo red light  
18 imaging detector systems becoming operational, the department,  
19 in conjunction with any county that implements a photo red light  
20 imaging detector systems program pursuant to this chapter, shall



1 conduct a comprehensive informational and educational campaign  
2 to inform motorists and the general public about the program.

3 (e) During the first thirty days of operation of an  
4 individual photo red light imaging detector system at a  
5 particular traffic signal, a warning shall be issued for any  
6 violation of section 291C-32(c) and mailed to the registered  
7 owner of the motor vehicle at the address on record as the  
8 vehicle licensing division in lieu of a summons or citation  
9 pursuant to section -6.

10 § -5 Photo red light imaging detector system

11 requirements. (a) Photo red light imaging detector equipment  
12 may be operated from a fixed pole, post, or other fixed  
13 structure on a state or county highway.

14 (b) Signs and other official traffic-control devices  
15 indicating that traffic signal laws are enforced by a photo red  
16 light imaging detector system shall be posted on major routes  
17 entering the area in question to provide, as far as practicable,  
18 notice to drivers of the existence and operation of the system.

19 (c) Proof of a violation of section 291C-32(c) shall be as  
20 evidenced by information obtained from the photo red light  
21 imaging detector system authorized pursuant to this chapter. A



1 certificate, sworn to or affirmed by the reviewing police  
2 department, or a facsimile thereof, based upon inspection of  
3 photographs, microphotographs, videotape, or other recorded  
4 images produced by the system, shall be prima facie evidence of  
5 the facts contained therein. Any photographs, microphotographs,  
6 videotape, or other recorded images evidencing a violation shall  
7 be available for inspection in any proceeding to adjudicate the  
8 liability for that violation.

9 (d) The conditions specified in this section shall not  
10 apply when the information gathered is used for highway safety  
11 research or to issue warning citations not involving a fine or  
12 court appearance.

13 § -6 **Summons or citations.** (a) Notwithstanding any law  
14 to the contrary, and except for the time period allowed pursuant  
15 to -4(e), beginning January 1, 2021, whenever any motor  
16 vehicle is determined, by means of a photo red light imaging  
17 detector system, to have disregarded a steady red signal in  
18 violation of section 291C-32(c), the State's or county's third  
19 party contractor shall cause a summons or citation, as described  
20 in this section, to be sent by first class mail, that is  
21 postmarked within ten calendar days after the date of the



1 incident, to the registered owner of the motor vehicle at the  
2 address on record at the vehicle licensing division. If the end  
3 of the ten calendar day period falls on a Saturday, Sunday, or  
4 holiday, then the ending period shall run until the end of the  
5 next day that is not a Saturday, Sunday, or holiday.

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

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

20 (d) Prior to the mailing of the summons or citation for a  
21 traffic infraction pursuant to subsection (a), the applicable



1 county police department shall review and verify the validity of  
2 the clear and unobstructed photographic, digital, or other  
3 visual image of the license plate of the motor vehicle required  
4 under section -6(b).

5 (e) Upon receipt of the summons or citation the registered  
6 owner shall respond as provided for in chapter 291D. A record  
7 of the mailing of the summons or citations prepared in the  
8 ordinary course of business is prima facie evidence of  
9 notification. The registered owner shall be determined by the  
10 identification of the motor vehicle license plate.

11 **§ -7 Registered owner's responsibility for a summons or**  
12 **citation.** (a) In any proceeding for a violation of this  
13 chapter, the information contained in the summons or citation  
14 mailed in accordance with section -6 shall be deemed prima  
15 facie evidence that a violation of section 291C-32(c) occurred.  
16 If the registered owner does not rebut the evidence presented in  
17 this subsection by presenting one or more of the defenses listed  
18 in subsection (b), the registered owner shall be strictly liable  
19 for a violation of section 291C-32(c).



1 (b) The registered owner of the motor vehicle may present  
2 evidence to rebut the evidence in subsection (a) by any one of  
3 the following:

4 (1) Submitting a written statement as provided in section  
5 291D-6(b) (2);

6 (2) Testifying in open court under oath that the person  
7 named in the summons or citation was not the  
8 registered owner of the motor vehicle at the time of  
9 the alleged violation;

10 (3) Calling witnesses to testify in open court under oath  
11 that the person named in the summons or citation was  
12 not the registered owner of the motor vehicle at the  
13 time of the alleged violation;

14 (4) Submitting evidence that the motor vehicle passed  
15 through the intersection when the traffic light was  
16 red in order to yield the right-of-way to an emergency  
17 vehicle;

18 (5) Submitting evidence that the motor vehicle was part of  
19 a funeral procession escorted by the police;

20 (6) Presenting, prior to the return date established on  
21 the citation or summons issued pursuant to this





1 chapter, a letter of verification of loss from the  
2 police department indicating that the motor vehicle or  
3 the motor vehicle license plates had been reported  
4 stolen, to the court adjudicating the alleged  
5 violation; or

6 (7) Submitting evidence that the motor vehicle passed  
7 through the intersection at the direction of a law  
8 enforcement officer.

9 § -8 Failure to comply with summons or citation. If the  
10 registered owner of the motor vehicle does not return an answer  
11 in response to a summons or citation within a period of thirty  
12 days from the date of the mailing of the summons or citation,  
13 the district court shall issue, pursuant to section 291D-7(e), a  
14 notice of entry of judgment of default to the registered owner  
15 of the motor vehicle.

16 § -9 Liability for rental or U-drive motor vehicle.  
17 Notwithstanding any law to the contrary, any registered owner of  
18 record who is the lessor of a rental or U-drive motor vehicle,  
19 including those defined in section 286-2 shall be liable for any  
20 summons or citation issued pursuant to this chapter. The



1 registered owner shall not be precluded from pursuing  
2 reimbursement from any applicable renter or lessee.

3       **§ -10 Penalty.** (a) The penalties for all consequences  
4 of a violation for disregarding a steady red signal initiated by  
5 the use of a photo red light imaging detector system shall be as  
6 provided in section 291C-161.

7       (b) Any summons or citations issued or convictions  
8 resulting from this chapter shall not be recorded on a person's  
9 traffic abstract and shall not be used for insurance purposes in  
10 the provision of motor vehicle insurance coverage.

11       **§ -11 Fines for unauthorized disclosure.** All personal  
12 and confidential information made available by a photo red light  
13 imaging detector system to an officer, employee, or agent of the  
14 State or any county, including third party contractors, shall be  
15 kept confidential and shall be used only for the purposes for  
16 which the information was furnished. Any officer, employee, or  
17 agent of the State or any county, including a third party  
18 contractor, who intentionally discloses or provides a copy of  
19 personal and confidential information obtained from a photo red  
20 light imaging detector system to any person or agency without  
21 authorization shall be fined not more than \$500; provided that



1 the fine shall not preclude the application of penalties or  
2 fines otherwise provided for by law.

3 § -12 Photo red light imaging detector systems program  
4 special fund established. (a) There is established a photo red  
5 light imaging detector systems special fund to be administered  
6 by the department, into which shall be paid revenues collected  
7 pursuant to this chapter.

8 (b) All fines collected under this chapter shall be  
9 deposited into the photo red light imaging detector systems  
10 program special fund. Moneys in the fund shall be expended by  
11 the department in the county in which the fine was imposed, for  
12 purposes that include the establishment, implementation,  
13 operation, oversight, repair and maintenance of a photo red  
14 light imaging detector system.

15 § -13 Rules. The department shall adopt rules pursuant  
16 to chapter 91, as may be necessary to implement this chapter."

17 PART III

18 SECTION 3. Section 291C-32, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§291C-32 Traffic-control signal legend. (a) Whenever  
21 traffic is controlled by traffic-control signals exhibiting



1 different colored lights, or colored lighted arrows,  
2 successively one at a time or in combination, only the colors  
3 green, red, and yellow shall be used, except for special  
4 pedestrian signals carrying a word or symbol legend, and the  
5 lights shall indicate and apply to drivers of vehicles and  
6 pedestrians as follows:

7 (1) Green indication:

8 (A) Vehicular traffic facing a circular green signal  
9 may proceed straight through or turn right or  
10 left unless a sign at the place prohibits either  
11 such turn. But vehicular traffic, including  
12 vehicles turning right or left, shall yield the  
13 right-of-way to other vehicles and to pedestrians  
14 lawfully within the intersection or an adjacent  
15 crosswalk at the time such signal is exhibited.

16 (B) Vehicular traffic facing a green arrow signal,  
17 shown alone or in combination with another  
18 indication, may cautiously enter the intersection  
19 only to make the movement indicated by such  
20 arrow, or such other movement as is permitted by  
21 other indications shown at the same time. Such



1 vehicular traffic shall yield the right-of-way to  
2 pedestrians lawfully within an adjacent crosswalk  
3 and to other traffic lawfully using the  
4 intersection.

5 (C) Unless otherwise directed by a pedestrian-control  
6 signal, as provided in section 291C-33,  
7 pedestrians facing any green signal, except when  
8 the sole green signal is a turn arrow, may  
9 proceed across the roadway within any marked or  
10 unmarked crosswalk.

11 (2) Steady yellow indication:

12 (A) Vehicular traffic facing a steady yellow signal  
13 is thereby warned that the related green movement  
14 is being terminated or that a red indication will  
15 be exhibited immediately thereafter when  
16 vehicular traffic shall not enter the  
17 intersection.

18 (B) Pedestrians facing a steady yellow signal, unless  
19 otherwise directed by a pedestrian-control signal  
20 as provided in section 291C-33, are thereby  
21 advised that there is insufficient time to cross



1 the roadway before a red indication is shown and  
2 no pedestrian shall then start to cross the  
3 roadway.

4 (3) Steady red indication:

5 (A) Vehicular traffic facing a steady red signal  
6 alone shall stop at a clearly marked stop line,  
7 but if none, before entering the crosswalk on the  
8 near side of the intersection or, if none, then  
9 before entering the intersection and shall remain  
10 standing until an indication to proceed is shown,  
11 except as provided in the next succeeding  
12 paragraphs.

13 (B) The driver of a vehicle which is stopped in  
14 obedience to a steady red indication may make a  
15 right turn but shall yield the right-of-way to  
16 pedestrians and other traffic proceeding as  
17 directed by the signal at said intersection,  
18 except that counties by ordinance may prohibit  
19 any such right turn against a steady red  
20 indication, which ordinance shall be effective



1 when a sign is erected at such intersection  
2 giving notice thereof.

3 (C) The driver of a vehicle on a one-way street which  
4 intersects another one-way street on which  
5 traffic moves to the left shall stop in obedience  
6 to a steady red indication but may then make a  
7 left turn into said one-way street, but shall  
8 yield right-of-way to pedestrians, proceeding as  
9 directed by the signal at said intersection  
10 except that counties by ordinance may prohibit  
11 any such left turn as above described which  
12 ordinance shall be effective when a sign is  
13 erected at such intersection giving notice  
14 thereof.

15 (D) Unless otherwise directed by a pedestrian-control  
16 signal as provided in section 291C-33,  
17 pedestrians facing a steady red signal alone  
18 shall not enter the roadway.

19 (b) In the event an official traffic-control signal is  
20 erected and maintained at a place other than an intersection,  
21 the provisions of this section shall be applicable except as to



1 those provisions which by their nature can have no application.  
2 Any stop required shall be made at a sign or marking on the  
3 pavement indicating where the stop shall be made, but in the  
4 absence of any such sign or marking the stop shall be made at  
5 the signal.

6 (c) Whenever traffic is controlled by traffic-control  
7 signals exhibiting different colored lights, or colored lighted  
8 arrows, successively one at a time or in combination, are  
9 actively monitored by an official photo red light imaging  
10 detector system, all registered owners of all motor vehicles in  
11 vehicular traffic at the intersection shall be held strictly  
12 liable for the motor vehicle's compliance with the traffic-  
13 control signal, to the extent that registered owners may be  
14 cited and held accountable for non-compliance via civil traffic  
15 infractions pursuant to chapter . The traffic-control  
16 signal lights shall apply to registered owners and motor  
17 vehicles as follows:

18 (1) Steady red indication:

19 (A) Vehicular traffic facing a steady red signal  
20 alone shall stop at a clearly marked stop line,  
21 but if none, before entering the crosswalk on the





1 near side of the intersection or, if none, then  
2 before entering the intersection and shall remain  
3 standing until an indication to proceed is shown,  
4 except as provided in the next succeeding  
5 paragraphs.

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

15 (C) Vehicular traffic on a one-way street that  
16 intersects another one-way street on which  
17 traffic moves to the left shall stop in obedience  
18 to a steady red indication but may then make a  
19 left turn into said one-way street, but shall  
20 yield right-of-way to pedestrians, proceeding as  
21 directed by the signal at said intersection



1           except that counties by ordinance may prohibit  
2           any such left turn as above described which  
3           ordinance shall be effective when a sign is  
4           erected at such intersection giving notice  
5           thereof.

6           (2) To the extent a registered owner's motor vehicle fails  
7           to comply with any other law or ordinance related to  
8           traffic-control signals, the registered owner of a  
9           motor vehicle shall not be held strictly liable unless  
10           otherwise provided by law.

11           ~~(e)~~ (d) For purposes of this section, a pedestrian is  
12 lawfully within an intersection or adjacent crosswalk when any  
13 part or extension of the pedestrian, including any part of the  
14 pedestrian's body, wheelchair, cane, crutch, or bicycle, is  
15 beyond the curb or the edges of the traversable roadway or moves  
16 onto the roadway within an intersection or crosswalk."

17           SECTION 4. Section 291C-161, Hawaii Revised Statutes, is  
18 amended to read as follows:

19           "§291C-161 Penalties[-]; photo red light imaging detector  
20 system fines. (a) It ~~is~~ shall be a violation for any person  
21 to violate any of the provisions of this chapter, except as



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

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

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

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

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



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

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

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

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

15 (f) Fines collected for a violation of section 291C-32(c)  
16 pursuant to the photo red light imaging detector system  
17 established pursuant to chapter                    shall be deposited into  
18 the photo red light imaging detector systems program special  
19 fund established under section                    -12 and shall be expended in  
20 the county in which the fine was imposed, for purposes that  
21 include the establishment, implementation, operation, oversight,



1 management, repair and maintenance of a photo red light imaging  
2 detector system.

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

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

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

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



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



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







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



1        (c) In the case of a motor vehicle determined by means of  
2 a photo red light imaging detector system established pursuant  
3 to chapter            to have disregarded a steady red signal in  
4 violation of section 291C-32(c); the original of the citation  
5 shall be sent by first class mail within ten calendar days from  
6 the time of the incident for motor vehicles disregarding a  
7 steady red light signal in violation of section 291C-32(c), as  
8 determined by means of a photo red light imaging system, to the  
9 registered owner of the motor vehicle at the address on record  
10 at the vehicle licensing division. If the end of the applicable  
11 ten calendar day period falls on a Saturday, Sunday, or holiday,  
12 then the ending period shall run until the end of the next day  
13 which is not a Saturday, Sunday, or holiday.

14        [~~e~~] (d) Every citation shall be consecutively numbered  
15 and each carbon copy shall bear the number of its respective  
16 original."

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

19        "(c) Any person who is convicted of violating this section  
20 shall be subject to penalties as provided under section  
21 291C-161(b) and [~~f~~] (g)."



## 1 PART IV

2 SECTION 8. The department of transportation, in  
3 consultation with any county that implements a photo red light  
4 imaging detector system pilot program pursuant to this Act,  
5 shall annually submit a report to the legislature no later than  
6 twenty days prior to the convening of the regular sessions of  
7 2021, 2022, 2023, and 2024. The reports shall include, at a  
8 minimum, information on whether the implementation of the pilot  
9 program has resulted in any statistically significant reduction  
10 in motor vehicle collisions, traffic infractions, and other  
11 traffic-related incidents. The reports shall also include  
12 recommendations on how to improve the pilot program, if it  
13 should be made permanent, and funding estimates.

14 SECTION 9. There is appropriated out of the state highway  
15 fund the sum of \$800,000 or so much thereof as may be necessary  
16 for fiscal year 2021-2022 to be deposited into the photo red  
17 light imaging detector systems special fund.

18 SECTION 10. There is appropriated out of the photo red  
19 light imaging detector systems special fund the sum of \$800,000  
20 or so much thereof as may be necessary for fiscal year 2021-2022



1 for purposes of establishing the photo red light imaging  
2 detector systems pilot program.

3 The sum appropriated shall be expended by the department of  
4 transportation for the purposes of this Act; provided that the  
5 department of transportation shall expend \$112,602 in fiscal  
6 year 2020-2021 and fiscal year 2021-2022 for the funding of one  
7 permanent full-time (1.0 FTE) deputy prosecuting attorney  
8 position within the department of the prosecuting attorney of  
9 the city and county of Honolulu.

10 SECTION 11. It is the intent of this Act not to jeopardize  
11 the receipt of any federal aid nor to impair the obligation of  
12 the State or any agency thereof to the holders of any bond  
13 issued by the State or by any such agency, and to the extent,  
14 and only to the extent, necessary to effectuate this intent, the  
15 governor may modify the strict provisions of this Act, but shall  
16 promptly report any such modification with reasons therefor to  
17 the legislature at its next session thereafter for review by the  
18 legislature.

19 SECTION 12. If any provision of this Act, or the  
20 application thereof to any person or circumstance is held  
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act which can be given effect without the  
2 invalid provision or application, and to this end the provisions  
3 of this Act are severable.

4 SECTION 13. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 14. This Act shall take effect upon its approval;  
7 provided that sections 9 and 10 shall take effect retroactive to  
8 July 1, 2020.

APPROVED this 15 day of SEP , 2020



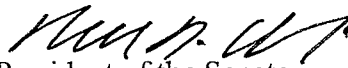
GOVERNOR OF THE STATE OF HAWAII




**THE SENATE OF THE STATE OF HAWAI'I**

Date: July 6, 2020  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.

  
President of the Senate

  
Clerk of the Senate

HB No. 1676, HD 1, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives