
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 PART I

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

12 The legislature further finds that in other jurisdictions
13 in the United States, Canada, Europe, and other countries
14 throughout the world, photo red light imaging detector systems
15 have proven reliable, efficient, and effective in identifying
16 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 armed
4 violators. With photo red light imaging detector systems, a
5 camera is positioned at intersections where red light violations
6 are a major cause of collisions and serves as a twenty-four-hour
7 deterrent to running a red light. When a vehicle enters the
8 intersection against a red light, the camera takes a telephoto
9 color picture of the rear of the car, capturing the license
10 plate. A second wide-angle photograph takes in the entire
11 intersection, including other traffic.

12 These systems provide numerous benefits. Not only are
13 streets safer, but police officers are also freed from the
14 time-consuming duties of traffic enforcement and have more time
15 to respond to priority calls. A violator is less likely to go
16 to court because the color photograph of the violation,
17 imprinted with the time, date, and location of the violation,
18 and the number of seconds the light had been red before the
19 violator entered the intersection can be used as evidence in
20 court. Few cases are contested in other jurisdictions using



1 this system, and officers make fewer court appearances, saving
2 court costs.

3 The system may also result in lower insurance costs for
4 safe drivers through an overall reduction in crashes and
5 injuries and by placing system costs on the violators who have
6 created the need for the program, not on law-abiding taxpayers.
7 Traffic laws are impartially enforced, and safety and efficiency
8 are increased by reducing the number of chases and personnel
9 required for traffic accident clean-up, investigation, and court
10 testimony.

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



1 accidents and instead were used to monitor locations with heavy
2 traffic flow at lower speeds. This permitted the vendor to
3 issue the maximum number of citations in the shortest period of
4 time and at the least cost, thereby maximizing the potential
5 return to the vendor without improving traffic safety.

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

19 The purpose of this Act is to:



- 1 (1) Establish a photo red light imaging detector systems
- 2 program to improve enforcement of the traffic signal
- 3 laws;
- 4 (2) Allow counties to implement the photo red light
- 5 imaging detector systems program;
- 6 (3) Authorize the deposit of fines collected under county
- 7 programs into a special fund; and
- 8 (4) Authorize the expenditure of funds from this special
- 9 fund by the department of transportation in the county
- 10 in which the fine was collected for the establishment,
- 11 operation, management, and maintenance of the photo
- 12 red light imaging detector systems program.

PART II

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

17 "CHAPTER

18 PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS

19 § -1 Definitions. As used in this chapter, unless the
20 context otherwise requires:



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

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

5 "Department" means the department of transportation.

6 "Motor vehicle" has the same meaning as defined in
7 section 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
11 synchronized to automatically record one or more sequenced
12 photographs, microphotographs, or electronic images of the rear
13 and front of the motor vehicle, the motor vehicle license plate,
14 and driver of the motor vehicle at the time the vehicle fails to
15 stop when facing a steady red traffic-control signal in
16 violation of section 291C-32.

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

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



1 § -2 **Photo red light imaging detector systems program;**
2 **established.** There is established the photo red light imaging
3 detector systems program, which may be implemented by any county
4 on state or county highways within the respective county, to
5 enforce the traffic-control signal laws of the State. Nothing
6 in this chapter shall be deemed to supersede or override any
7 provision of chapter 291D.

8 § -3 **County powers and duties.** (a) Each county may
9 establish and implement, in accordance with this chapter, a
10 photo red light imaging detector system 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. Where the photo red light imaging detector system
16 affects state property, the department shall cooperate with and
17 assist the county as needed to install, maintain, and repair the
18 photo red light imaging detector system established pursuant to
19 this chapter.

20 (b) The State or a county that establishes a red light
21 imaging detector system under this chapter, the compensation



1 paid by the State or a county to a manufacturer or vendor of the
2 equipment used shall be based upon the value of the equipment
3 and services provided or rendered in support of the photo red
4 light imaging detector system, and shall not be based upon a
5 portion of the fine or civil penalty imposed or the revenue
6 generated by the equipment.

7 **§ -4 Photo red light imaging detector system**

8 **requirements.** (a) Photo red light imaging detector equipment
9 may be operated from a fixed pole, post, or other fixed
10 structure on a state or county highway.

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

17 (c) Proof of a traffic-control signal violation shall be
18 as evidenced by information obtained from the photo red light
19 imaging detector system authorized pursuant to this chapter. A
20 certificate, sworn to or affirmed by the county's agent or
21 employee, or a facsimile thereof, based upon inspection of



1 photographs, microphotographs, videotape, or other recorded
2 images produced by the system, shall be prima facie evidence of
3 the facts contained therein. Any photographs, microphotographs,
4 videotape, or other recorded images evidencing a violation shall
5 be available for inspection in any proceeding to adjudicate the
6 liability for that violation.

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

11 **§ -5 Summons or citations.** (a) Notwithstanding any law
12 to the contrary, whenever any motor vehicle is determined, by
13 means of a photo red light imaging detector system, to have
14 disregarded a steady red signal in violation of section
15 291C-32(a)(3), the county's vendor shall cause a summons or
16 citation, as described in this section, to be sent by first
17 class mail, which is postmarked within ten calendar days of the
18 date of the incident, to the registered owner of the vehicle at
19 the address on record at the vehicle licensing division. If the
20 end of the ten calendar day period falls on a Saturday, Sunday,



1 or holiday, then the ending period shall run until the end of
2 the next day that is not a Saturday, Sunday, or holiday.

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

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

17 (d) Upon receipt of the summons or citation, the
18 registered owner shall respond as provided for in chapter 291D.
19 A record of the mailing of the summons or citations prepared in
20 the ordinary course of business is prima facie evidence of



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

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

6 **§ -6 Registered owner's responsibility for a summons or**
7 **citation.** (a) In any proceeding for a violation of this
8 chapter, the information contained in the summons or citation
9 mailed in accordance with section -5 shall be deemed prima
10 facie evidence that the registered owner of the motor vehicle
11 violated section 291C-32(a)(3). If the registered owner does
12 not rebut the evidence presented in this subsection by
13 presenting one or more of the defenses listed in subsection (b),
14 the registered owner shall be strictly liable for a violation of
15 section 291C-32(c)(3).

16 (b) The registered owner of the vehicle may present
17 evidence to rebut the evidence in subsection (a) by any one of
18 the following:

19 (1) Submitting a written statement as provided in section
20 291D-6(b)(2) and a photocopy of the registered owner's
21 driver's license;



- 1 (2) Testifying in open court under oath that the person
2 was not the registered owner of the vehicle at the
3 time of the alleged violation;
- 4 (3) Calling witnesses to testify in open court under oath
5 that the person was not the registered owner of the
6 vehicle at the time of the alleged violation;
- 7 (4) Submitting evidence that the driver passed through the
8 intersection when the traffic light was red in order
9 to yield the right-of-way to an emergency vehicle;
- 10 (5) Submitting evidence that the motor vehicle was part of
11 a funeral procession escorted by the police;
- 12 (6) Presenting, prior to the return date established on
13 the citation or summons issued pursuant to this
14 chapter, a letter of verification of loss from the
15 police department indicating that the vehicle or the
16 vehicle license plates had been reported stolen, to
17 the court adjudicating the alleged violation; or
- 18 (7) Submitting evidence that the driver passed through the
19 intersection at the direction of a law enforcement
20 officer.



1 **§ -7 Failure to comply with summons or citation.** If the
2 registered owner of the vehicle does not return an answer in
3 response to a summons or citation within a period of thirty days
4 from the date of the mailing of the summons or citation, the
5 district court shall issue, pursuant to section 291D-7(e), a
6 notice of entry of judgment of default to the registered owner
7 of the vehicle.

8 **§ -8 Reissuance of summons or citation.** A summons or
9 citation will be reissued to the person a lessor identifies as
10 the lessee of the vehicle at the time of the infraction.

11 **§ -9 Penalty.** (a) The penalties for all consequences
12 of a violation for disregarding a steady red signal initiated by
13 the use of a photo red light imaging detector system shall be as
14 provided in section 291C-161.

15 (b) Any summons or citations issues, or convictions
16 resulting from this chapter, shall not be recorded on a person's
17 traffic abstract.

18 **§ -10 Fines for unauthorized disclosure.** All personal
19 and confidential information made available by any government
20 agency to an agent of any county for the photo red light imaging
21 detector systems program shall be kept confidential and shall be



1 used only for the purposes for which the information was
2 furnished. Any officer, employee, or agent of a county who
3 intentionally discloses or provides a copy of personal and
4 confidential information obtained from a photo red light imaging
5 detector system to any person or agency without authorization
6 shall be fined not more than \$97; provided that the fine shall
7 not preclude the application of penalties or fines otherwise
8 provided for by law.

9 **§ -11 Photo red light imaging detector systems program**
10 **special fund established.** (a) There is established a photo red
11 light imaging detector systems special fund to be administered
12 by the department, into which shall be paid revenues collected
13 pursuant to this chapter.

14 (b) All fines collected under this chapter shall be
15 deposited into the photo red light imaging detector systems
16 program special fund. Moneys in the fund shall be expended by
17 the department in the county in which the fine was imposed, for
18 purposes that include the establishment, operation, management,
19 and maintenance of a photo red light imaging detector system.

20 **§ -12 Rules.** The department shall adopt rules pursuant
21 to chapter 91, as may be necessary to implement this chapter."



1 PART III

2 SECTION 3. Section 291C-161, Hawaii Revised Statutes, is
3 amended to read as follows:

4 **"§291C-161 Penalties[-]; photo red light imaging detector**
5 **system fines.** (a) It [~~is~~] shall be a violation for any person
6 to violate any of the provisions of this chapter, except as
7 otherwise specified in subsections (c) and (d) and unless the
8 violation is by other law of this State declared to be a felony,
9 misdemeanor, or petty misdemeanor.

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

- 14 (1) Not more than \$200 for a first violation thereof;
- 15 (2) Not more than \$300 for a second violation committed
- 16 within one year after the date of the first violation;
- 17 and
- 18 (3) Not more than \$500 for a third or subsequent violation
- 19 committed within one year after the date of the first
- 20 violation.



1 (c) Every person convicted under or found in violation of
2 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14,
3 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,
4 291C-104, or 291C-105 shall be sentenced or fined in accordance
5 with those sections.

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

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

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

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

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



1 (f) Fines collected for a violation of section 291C-32
2 pursuant to the photo red light imaging detector system
3 established pursuant to chapter shall be deposited into
4 the photo red light imaging detector systems program special
5 fund established under section -11 and shall be expended in
6 the county in which the fine was imposed, for purposes that
7 include the establishment, operation, management, and
8 maintenance of a photo red light imaging detector system.

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

13 SECTION 4. Section 291C-163, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) This chapter shall not be deemed to prevent counties
16 with respect to streets and highways under their jurisdiction
17 from:

- 18 (1) Regulating or prohibiting stopping, standing, or
19 parking except as provided in section 291C-111;
20 (2) Regulating traffic by means of police officers or
21 official traffic-control devices;



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



- 1 (14) Prohibiting or regulating the use of heavily traveled
2 streets by any class or kind of traffic found to be
3 incompatible with the normal and safe movement of
4 traffic;
- 5 (15) Establishing minimum speed limits;
- 6 (16) Designating hazardous railroad grade crossing;
- 7 (17) Designating and regulating traffic on play streets;
- 8 (18) Prohibiting pedestrians from crossing a roadway in a
9 business district or any designated highway except in
10 a crosswalk;
- 11 (19) Restricting pedestrian crossing at unmarked
12 crosswalks;
- 13 (20) Regulating persons propelling push carts;
- 14 (21) Regulating persons upon skates, coasters, sleds, and
15 other toy vehicles;
- 16 (22) Adopting and enforcing such temporary or experimental
17 regulations as may be necessary to cover emergencies
18 or special conditions;
- 19 (23) Adopting maximum and minimum speed limits on streets
20 and highways within their respective jurisdictions;



- 1 (24) Adopting requirements on stopping, standing, and
2 parking on streets and highways within their
3 respective jurisdictions except as provided in section
4 291C-111;
- 5 (25) Prohibiting or regulating electric personal assistive
6 mobility devices on sidewalks and bicycle paths; [~~and~~]
- 7 (26) Implementing a photo red light imaging detector system
8 pursuant to chapter _____ ; and
- 9 [~~(26)~~] (27) Adopting such other traffic regulations as are
10 specifically authorized by this chapter."

11 SECTION 5. Section 291C-165, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§291C-165 Summons or citation.** (a) There shall be
14 provided for use by authorized police officers, a form of
15 summons or citation for use in citing violators of those traffic
16 laws which do not mandate the physical arrest of such violators.
17 The form and content of such summons or citation shall be as
18 adopted or prescribed by the administrative judge of the
19 district courts and shall be printed on a form commensurate with
20 the form of other summonses or citations used in modern methods
21 of arrest, so designed to include all necessary information to



1 make the same valid within the laws and regulations of the
2 State.

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

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

8 (2) In the case of:

9 (A) A vehicle utilizing the high occupancy vehicle
10 lane illegally; or

11 (B) A vehicle illegally utilizing a parking space
12 reserved for persons with disabilities, where the
13 violator refuses the citation;

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



1 division. If the end of the applicable forty-eight or seventy-
 2 two hour period falls on a Saturday, Sunday, or holiday, then
 3 the ending period shall run until the end of the next day which
 4 is not a Saturday, Sunday, or holiday; provided that the
 5 administrative judge of the district courts may allow a carbon
 6 copy of the citation to be given to the violator or affixed to
 7 the vehicle and provide for the disposition of the original and
 8 any other copies of the citation.

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



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 9. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 10. This Act shall take effect upon its approval.



Report Title:

Highway Safety; Photo Red Light Imaging

Description:

Establishes the Photo Red Light Imaging Detector Systems Program (Program). Authorizes counties to administer the Program. Requires proceeds of fines to be expended in the county from which they were collected for operation of the Program. (SD1)

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

