

---

---

# A BILL FOR AN ACT

RELATING TO THE PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS  
PROGRAM.

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

1 PART I

2 SECTION 1. Section 291C-32, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "§291C-32 Traffic-control signal legend. (a) Whenever  
5 traffic is controlled by traffic-control signals exhibiting  
6 different colored lights, or colored lighted arrows,  
7 successively one at a time or in combination, only the colors  
8 green, red, and yellow shall be used, except for special  
9 pedestrian signals carrying a word or symbol legend, and the  
10 lights shall indicate and apply to drivers of vehicles and  
11 pedestrians as follows:

12 (1) Green indication:

13 (A) Vehicular traffic facing a circular green signal  
14 may proceed straight through or turn right or  
15 left unless a sign at the place prohibits either  
16 such turn. But vehicular traffic, including



1 vehicles turning right or left, shall yield the  
2 right-of-way to other vehicles and to pedestrians  
3 lawfully within the intersection or an adjacent  
4 crosswalk at the time such signal is exhibited.

5 (B) Vehicular traffic facing a green arrow signal,  
6 shown alone or in combination with another  
7 indication, may cautiously enter the intersection  
8 only to make the movement indicated by such  
9 arrow, or such other movement as is permitted by  
10 other indications shown at the same time. Such  
11 vehicular traffic shall yield the right-of-way to  
12 pedestrians lawfully within an adjacent crosswalk  
13 and to other traffic lawfully using the  
14 intersection.

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

21 (2) Steady yellow indication:



1 (A) Vehicular traffic facing a steady yellow signal  
2 is thereby warned that the related green movement  
3 is being terminated or that a red indication will  
4 be exhibited immediately thereafter when  
5 vehicular traffic shall not enter the  
6 intersection.

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

14 (3) Steady red indication:

15 (A) Vehicular traffic facing a steady red signal  
16 alone shall stop at a clearly marked stop line,  
17 but if none, before entering the crosswalk on the  
18 near side of the intersection or, if none, then  
19 before entering the intersection and shall remain  
20 standing until an indication to proceed is shown,



1           except as provided in the next succeeding  
2           paragraphs.

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

13          (C) The driver of a vehicle on a one-way street which  
14          intersects another one-way street on which  
15          traffic moves to the left shall stop in obedience  
16          to a steady red indication but may then make a  
17          left turn into said one-way street, but shall  
18          yield right-of-way to pedestrians, proceeding as  
19          directed by the signal at said intersection  
20          except that counties by ordinance may prohibit  
21          any such left turn as above described which



1 ordinance shall be effective when a sign is  
2 erected at such intersection giving notice  
3 thereof.

4 (D) Unless otherwise directed by a pedestrian-control  
5 signal as provided in section 291C-33,  
6 pedestrians facing a steady red signal alone  
7 shall not enter the roadway.

8 (b) In the event an official traffic-control signal is  
9 erected and maintained at a place other than an intersection,  
10 the provisions of this section shall be applicable except as to  
11 those provisions which by their nature can have no application.  
12 Any stop required shall be made at a sign or marking on the  
13 pavement indicating where the stop shall be made, but in the  
14 absence of any such sign or marking the stop shall be made at  
15 the signal.

16 (c) Whenever traffic is controlled by traffic-control  
17 signals exhibiting different colored lights, or colored lighted  
18 arrows, successively one at a time or in combination, [~~are~~] and  
19 actively monitored by an official photo red light imaging  
20 detector system, all registered owners of all motor vehicles in  
21 vehicular traffic at the intersection shall be held strictly



1 liable for the motor vehicle's compliance with the traffic-  
2 control signal, to the extent that registered owners may be  
3 cited and held accountable for non-compliance via civil traffic  
4 infractions pursuant to chapter 291J. The traffic-control  
5 signal lights shall apply to the registered owners [~~and~~] of  
6 motor vehicles as follows:

7 (1) Steady red indication:

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

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



1           against a steady red indication, which ordinance  
2           shall be effective when a sign is erected at such  
3           intersection giving notice thereof.

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

16          (2) To the extent a registered owner's motor vehicle fails  
17          to comply with any other law or ordinance related to  
18          traffic-control signals, including subsection (a)(1)  
19          or (2), the registered owner of a motor vehicle shall  
20          not be held strictly liable unless otherwise provided  
21          by law.



1           (d) Whenever traffic is controlled by traffic-control  
2 signals exhibiting different colored lights, or colored lighted  
3 arrows, successively one at a time or in combination, the steady  
4 yellow indication shall be displayed for not less than a  
5 duration of three seconds. Whenever traffic is controlled by  
6 traffic-control signals exhibiting different colored lights, or  
7 colored lighted arrows, successively one at a time or in  
8 combination, and actively monitored by an official photo red  
9 light imaging detector system, the steady yellow indication  
10 shall be displayed for not less than a duration of \_\_\_\_\_  
11 seconds.

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

18           SECTION 2. Section 291J-1, Hawaii Revised Statutes, is  
19 amended by amending the definition of "photo red light imaging  
20 detector" to read as follows:





1           "Photo red light imaging detector" or "photo red light  
2 imaging detector system" means a device, or combination of  
3 devices, used for traffic enforcement pursuant to section  
4 291C-32(c), that includes a vehicle sensor [~~that works~~] working  
5 in conjunction and synchronization with a traffic-control signal  
6 and a camera [~~synchronized~~] to automatically record one or more  
7 sequenced photographs, microphotographs, or electronic images of  
8 the rear of the motor vehicle and motor vehicle license plate at  
9 the time the motor vehicle fails to stop when facing a steady  
10 red traffic-control signal [~~in violation of section~~  
11 ~~291C-32(e)~~]."

12           SECTION 3. Section 291J-4, Hawaii Revised Statutes, is  
13 amended by amending subsection (e) to read as follows:

14           "(e) During the first thirty days of operation of an  
15 individual photo red light imaging detector system at a  
16 particular traffic signal, a warning shall be issued for any  
17 violation of section 291C-32(c), and mailed to the registered  
18 owner of the motor vehicle at the address on record [~~as~~] at the  
19 vehicle licensing division, in lieu of a summons or citation  
20 pursuant to section 291J-6."



1 SECTION 4. Section 291J-6, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Notwithstanding any law to the contrary, and except  
4 for the time period allowed pursuant to [†]section[†] 291J-4(e),  
5 beginning January 1, 2021, whenever any motor vehicle is  
6 determined, by means of a photo red light imaging detector  
7 system, to have disregarded a steady red signal in violation of  
8 section 291C-32(c), the State's or county's third party  
9 contractor shall cause a summons or citation, as described in  
10 this section, to be sent by first class mail[, ~~that is~~  
11 ~~postmarked within ten calendar days after the date of the~~  
12 ~~incident,~~] to the registered owner of the motor vehicle [~~at the~~  
13 ~~address on record at the vehicle licensing division~~]. The  
14 summons or citation shall be mailed to the registered owner's  
15 address on record at the vehicle licensing division and  
16 postmarked within ten calendar days after the date of the  
17 incident. If the end of the ten calendar day period falls on a  
18 Saturday, Sunday, or holiday, then the ending period shall run  
19 until the end of the next day that is not a Saturday, Sunday, or  
20 holiday."



1 SECTION 5. Section 291J-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~{}~~§291J-7~~{}~~ Registered owner's responsibility for a  
4 summons or citation. (a) In any proceeding for a violation of  
5 this chapter, the information contained in the summons or  
6 citation, mailed in accordance with section 291J-6, shall be  
7 deemed prima facie evidence that a violation of section  
8 291C-32(c) occurred. ~~[If the registered owner does not rebut~~  
9 ~~the evidence presented in this subsection by presenting one or~~  
10 ~~more of the defenses listed in subsection (b), the] The  
11 registered owner shall be strictly liable for a violation of  
12 section 291C-32(c) ~~[-]~~, unless the registered owner presents one  
13 or more of the defenses listed in subsection (b) by a  
14 preponderance of the evidence.~~

15 (b) The registered owner of the motor vehicle may present  
16 ~~[evidene]~~ the following to rebut the evidence in subsection (a)  
17 ~~[by any one of the following]:~~

18 ~~[-(1) Submitting a written statement as provided in section~~  
19 ~~291D-6(b)(2)-;~~

20 ~~-(2)]~~ (1) [Testifying in open court under oath] Evidence  
21 that the person named in the summons or citation was



1 not the registered owner of the motor vehicle at the  
2 time of the alleged violation;

3 [~~3~~] ~~Calling witnesses to testify in open court under oath~~  
4 ~~that the person named in the summons or citation was~~  
5 ~~not the registered owner of the motor vehicle at the~~  
6 ~~time of the alleged violation;~~

7 ~~(4)~~ (2) [~~Submitting evidence~~] Evidence that the motor  
8 vehicle passed through the intersection [~~when the~~  
9 ~~traffic light was red in order~~] to yield the right-of-  
10 way to an emergency vehicle;

11 [~~5~~] (3) [~~Submitting evidence~~] Evidence that the motor  
12 vehicle [~~was~~] passed through the intersection as part  
13 of a funeral procession escorted by the police;

14 [~~6~~] (4) [~~Presenting, prior to the return date established~~  
15 ~~on the citation or summons issued pursuant to this~~  
16 ~~chapter, a letter of verification of loss from the~~  
17 ~~police department indicating~~] Evidence that the motor  
18 vehicle or the motor vehicle license plates [~~had been~~]  
19 were reported to the police department as stolen, [~~to~~  
20 ~~the court adjudicating~~] prior to the alleged  
21 violation; or





1 as may be necessary for fiscal year 2022-2023 to be deposited  
2 into the photo red light imaging detector systems program  
3 special fund.

4 SECTION 10. There is appropriated out of the photo red  
5 light imaging detector systems program special fund the sum of  
6 \$2,000,000 or so much thereof as may be necessary for fiscal  
7 year 2020-2021; \$400,000 or so much as may be necessary for  
8 fiscal year 2021-2022; and \$400,000 or so much as may be  
9 necessary for fiscal year 2022-2023 for purposes of establishing  
10 the photo red light imaging detector systems pilot program;  
11 provided that the moneys appropriated for fiscal year 2020-2021,  
12 fiscal year 2021-2022, and fiscal year 2022-2023 shall not lapse  
13 at the end of that fiscal year; provided further that all moneys  
14 appropriated for fiscal year 2020-2021, fiscal year 2021-2022,  
15 and fiscal year 2022-2023 that are unexpended or unencumbered as  
16 of June 30, [~~2022~~] 2025, shall lapse to the credit of the photo  
17 red light imaging detector systems special fund.

18 The sum appropriated shall be expended by the department of  
19 transportation for the purposes of this Act; provided that the  
20 department of transportation shall [~~expend \$112,602~~] transfer  
21 \$125,779 in [~~fiscal year 2021-2022~~] fiscal year 2022-2023,



1 ~~[and] fiscal year 2023-2024 [for the funding of one permanent~~  
2 ~~full-time (1.0 FTE) deputy prosecuting attorney position~~  
3 ~~within], and fiscal year 2024-2025 to the department of the~~  
4 ~~prosecuting attorney of the city and county of Honolulu. The~~  
5 ~~department of the prosecuting attorney shall expend these funds~~  
6 ~~exclusively for personnel costs related to the photo red light~~  
7 ~~imaging detector systems program; provided that any remaining~~  
8 ~~balances in any of the fiscal years shall be returned to the~~  
9 ~~department of transportation."~~

10 PART III

11 SECTION 8. If any provision of this Act, or the  
12 application thereof to any person or circumstance, is held  
13 invalid, the invalidity does not affect other provisions or  
14 applications of the Act that can be given effect without the  
15 invalid provision or application, and to this end the provisions  
16 of this Act are severable.

17 SECTION 9. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 10. This Act shall take effect on July 1, 2050;  
20 provided that part II shall take effect retroactive to June 30,  
21 2021.



**Report Title:**

Photo Red Light Imaging Detector Systems Program

**Description:**

Clarifies certain provisions in chapter 291J, Hawaii Revised Statutes, to better reflect the legislative intent of the photo red light imaging detector systems program. Establishes minimum display times for yellow lights on traffic-control signals. Amends Act 30, Session Laws of Hawaii 2020, as amended, to account for the current timetable of the photo red light imaging detector systems program. Effective 7/1/2050. (SD1)

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

