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# 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:**

PART I

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

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

(1) Green indication:

(A) Vehicular traffic facing a circular green signal  
may proceed straight through or turn right or  
left unless a sign at the place prohibits either  
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 relevant to section  
4 291C-32(c), that includes a vehicle sensor [~~that works~~] working  
5 in conjunction with and in synchronization with a traffic-  
6 control signal and a camera [~~synchronized~~], to automatically  
7 produce and record one or more sequenced photographs,  
8 microphotographs, video, or [~~electronic images~~] other recorded  
9 images of the rear of the motor vehicle and motor vehicle  
10 license plate at the time the motor vehicle fails to stop when  
11 facing a steady red traffic-control signal [~~in violation of~~  
12 ~~section 291C-32(e)~~]."

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

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



1       SECTION 4. Section 291J-5, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3       "(c) Proof of a violation of section 291C-32(c) shall be  
4 as evidenced by information obtained from the photo red light  
5 imaging detector system authorized pursuant to this chapter. A  
6 certificate, sworn to or affirmed by the reviewing police  
7 department, or a facsimile thereof, based upon inspection of  
8 photographs, microphotographs, [~~videotape,~~] video, or other  
9 recorded images produced by the system, shall be prima facie  
10 evidence of the facts contained therein. Any photographs,  
11 microphotographs, [~~videotape,~~] video, or other recorded images  
12 evidencing a violation shall be available for inspection in any  
13 proceeding to adjudicate the liability for that violation."

14       SECTION 5. Section 291J-6, Hawaii Revised Statutes, is  
15 amended to read as follows:

16       "~~[§]291J-6[§]~~ **Summons or citations.** (a) Notwithstanding  
17 any law to the contrary, and except for the time period allowed  
18 pursuant to ~~[§]section[§]~~ 291J-4(e), beginning January 1, 2021,  
19 whenever any motor vehicle is determined, by means of a photo  
20 red light imaging detector system, to have disregarded a steady  
21 red signal in violation of section 291C-32(c), the State's or



1 county's third party contractor shall cause a summons or  
2 citation, as described in this section, to be sent by first  
3 class mail[, ~~that is postmarked within ten calendar days after~~  
4 ~~the date of the incident,~~] to the registered owner of the motor  
5 vehicle [~~at the address on record at the vehicle licensing~~  
6 ~~division~~]. The summons or citation shall be mailed to the  
7 registered owner's address on record at the vehicle licensing  
8 division and postmarked within ten calendar days after the date  
9 of the incident. If the end of the ten calendar day period  
10 falls on a Saturday, Sunday, or holiday, then the ending period  
11 shall run until the end of the next day that is not a Saturday,  
12 Sunday, or holiday.

13 (b) The form and content of the summons or citation shall  
14 be as adopted or prescribed by the administrative judge of the  
15 district courts and shall be printed on a form commensurate with  
16 the form of other summonses or citations used in modern methods  
17 of arrest, so designed to include all necessary information to  
18 make the summons or citation valid within the laws of the State;  
19 provided that any summons or citation issued pursuant to the  
20 photo red light imaging detector systems program shall contain a  
21 clear and unobstructed [~~photographic, digital, or other visual~~]



1 image of the motor vehicle license plate, which shall be used as  
2 evidence of the violation.

3 (c) Every summons or citation shall be consecutively  
4 numbered and each copy thereof shall bear the number of its  
5 respective original.

6 (d) Prior to the mailing of the summons or citation for a  
7 traffic infraction pursuant to subsection (a), the applicable  
8 county police department shall review and verify the [validity  
9 of the] clear and unobstructed [~~photographic, digital, or other~~  
10 ~~visual~~] image of the license plate of the motor vehicle required  
11 under section 291J-6(b).

12 (e) Upon receipt of the summons or citation the registered  
13 owner shall [~~respond~~] answer as provided for in [~~chapter 291D.~~]  
14 section 291D-6. A record of the mailing of the summons or  
15 citations prepared in the ordinary course of business is prima  
16 facie evidence of notification. The registered owner shall be  
17 determined by the identification of the motor vehicle license  
18 plate.

19 (f) Procedures regarding answering, court hearings, court  
20 actions, and any applicable defenses shall be pursuant to  
21 sections 291D-6, 291D-7, 291D-8, and 291D-13."



SECTION 6. Section 291J-7, Hawaii Revised Statutes, is amended to read as follows:

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

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

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

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



1       ~~(3) Calling witnesses to testify in open court under oath~~  
2       ~~that the person named in the summons or citation was~~  
3       ~~not the registered owner of the motor vehicle at the~~  
4       ~~time of the alleged violation;~~

5       ~~(4) Submitting evidence that the motor vehicle passed~~  
6       ~~through the intersection when the traffic light was~~  
7       ~~red in order to yield the right of way to an emergency~~  
8       ~~vehicle;~~

9       ~~(5) Submitting evidence that the motor vehicle was part of~~  
10       ~~a funeral procession escorted by the police;~~

11       ~~(6) Presenting, prior to the return date established on~~  
12       ~~the citation or summons issued pursuant to this~~  
13       ~~chapter, a letter of verification of loss from the~~  
14       ~~police department indicating that the motor vehicle or~~  
15       ~~the motor vehicle license plates had been reported~~  
16       ~~stolen, to the court adjudicating the alleged~~  
17       ~~violation; or~~

18       ~~(7) Submitting evidence that the motor vehicle passed~~  
19       ~~through the intersection at the direction of a law~~  
20       ~~enforcement officer.] "~~



SECTION 7. Section 291J-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

PART II

SECTION 8. Act 30, Session Laws of Hawaii 2020, sections 9 and 10, as amended by section 1 of Act 133, Session Laws of Hawaii 2021, are amended to read as follows:

"SECTION 9. There is appropriated out of the state highway fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2020-2021; \$400,000 or so much as may be necessary for fiscal year 2021-2022; and \$400,000 or so much as may be necessary for fiscal year 2022-2023 to be deposited into the photo red light imaging detector systems program special fund."



1 SECTION 9. There is appropriated out of the photo red  
2 light imaging detector systems program special fund the sum of  
3 \$2,000,000 or so much thereof as may be necessary for fiscal  
4 year 2020-2021; \$400,000 or so much as may be necessary for  
5 fiscal year 2021-2022; and \$400,000 or so much as may be  
6 necessary for fiscal year 2022-2023 for purposes of establishing  
7 the photo red light imaging detector systems pilot program;  
8 provided that the moneys appropriated for fiscal year 2020-2021,  
9 fiscal year 2021-2022, and fiscal year 2022-2023 shall not lapse  
10 at the end of that fiscal year; provided further that all moneys  
11 appropriated for fiscal year 2020-2021, fiscal year 2021-2022,  
12 and fiscal year 2022-2023 that are unexpended or unencumbered as  
13 of June 30, ~~[2022,]~~ 2025, shall lapse to the credit of the photo  
14 red light imaging detector systems special fund.

15 The sum appropriated shall be expended by the department of  
16 transportation for the purposes of this Act; provided that the  
17 department of transportation shall ~~[expend \$112,602]~~ transfer  
18 \$125,779 in ~~[fiscal year 2021-2022,]~~ fiscal year 2022-2023,  
19 ~~[and] fiscal year 2023-2024 [for the funding of one permanent~~  
20 ~~full-time (1.0 FTE) deputy prosecuting attorney position~~  
21 ~~within],~~ and fiscal year 2024-2025 to the department of the





1 prosecuting attorney of the city and county of Honolulu. The  
2 department of the prosecuting attorney shall expend these funds  
3 exclusively for personnel costs related to the photo red light  
4 imaging detector systems program; provided that any remaining  
5 balances in any of the fiscal years shall be returned to the  
6 department of transportation."

7 PART III

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

14 SECTION 11. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 12. This Act shall take effect on July 1, 2050;  
17 provided that part II shall take effect retroactive to June 30,  
18 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. (SD2)

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

