



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second State Legislature, 2024 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Friday, February 9, 2024, 2:00 p.m.
Conference Room 325 & Via Videoconference

By:
Michelle D. Acosta
Deputy Chief Court Administrator
Court Operations and Court Services, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2267, H.D. 1 – Relating to Highway Safety

Purpose: Establishes the Automated Speed Enforcement Systems Program. Authorizes the state or counties to administer the Automated Speed Enforcement Systems Program. Requires fines collected beginning 1/1/2025 for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program. Creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System. Appropriates funds. Effective 7/1/3000. (HD1)

Judiciary's Position:

The Judiciary respectfully provides the following comments but takes no position as to the intent of this measure.

The Judiciary is concerned that a commencement date of January 1, 2025 would be challenging based on the scope of the program. The Judiciary will need ample time to coordinate with the Department of Transportation and the selected vendor to ensure that the vendor is able to provide the necessary infrastructure and support for a program of this size. The Judiciary would request a commencement date in 2026.

As the measure would allow the automated speed cameras to be installed statewide, the Judiciary will need to increase staffing to the courts in the counties that opt to install speed cameras on their respective highways. Many of the district courts are understaffed and an increase in staffing will be necessary to process the citations, payments, written statements, and scheduling of trial dates for those motorists wanting a trial.

The Judiciary anticipates funding will be needed for the Judiciary Information Management System (JIMS) for the creation of new codes, testing, and additional software licensing.

Thank you for the opportunity to testify on this measure.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-8129

February 9, 2024

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFIARS

House Bill 2267 HD1 – Relating to Highway Safety

The Disability and Communication Access Board (DCAB) supports House Bill 2267 HD1 – Relating to Highway Safety.

This bill would establish the Automated Speed Enforcement Program and authorize the State or counties to administer it.

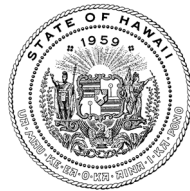
Vehicles that speed pose a danger for all pedestrians, but especially for pedestrians with certain disabilities. Persons who use wheelchairs and other mobility devices and persons of short stature are lower to the ground and are therefore less visible to drivers looking over the hood of their vehicles. Blind pedestrians rely on audio cues from traffic control devices and are unlikely to be able to take actions to avoid a car. In addition, pedestrians with a mobility disability – such as persons with arthritis, vascular and orthopedic conditions – may not have the agility or reflexive speed to get out of the way of an approaching vehicle.

Thank you for considering our position.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kirby L. Shaw".

KIRBY L. SHAW
Executive Director



JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
Ka 'Oihana Mālama Mo'ohelu a Kālā
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

WRITTEN ONLY

TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
ON
HOUSE BILL NO. 2267, H.D. 1

February 9, 2024
2:00 p.m.
Room 325 and Videoconference

RELATING TO HIGHWAY SAFETY

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 2267, H.D. 1, adds a new chapter to Title 17, HRS, entitled “Automated Speed Enforcement Systems” to establish an automated speed enforcement program to help improve the enforcement of speeding laws.

The automated speed enforcement program may be implemented by the State or county, on State or county highways within each respective county. The State shall establish and implement an automated speed enforcement program imposing monetary liability on the registered owner of a motor vehicle for failure to comply with the speed limit. The State or any county may provide for the: 1) procurement, location, and oversight of an automated speed enforcement system; and 2) installation, operation, maintenance, and repair of the automated speed enforcement system through a third-party contractor. The automated speed enforcement system equipment shall be operated from a fixed pole, post, or other fixed structure on a State or county highway.

Beginning on January 1, 2025, any motor vehicle in violation of the posted speed limit determined by the automated speed enforcement system, shall be issued a summons or citation to be sent by first class mail that is postmarked within ten calendar days after the date of the incident to the registered owner of the motor vehicle.

This bill creates a new offense of noncompliance with the posted speed limit under the automated speed enforcement system and imposes fines based on the amount of speed exceeding the speed limit. All fines collected under the automated speed enforcement system shall be deposited into the automated speed enforcement system program special fund (ASESPSF).

This bill establishes the ASESPSF, to be administered by the Department of Transportation (DOT), into which shall be deposited all fines collected pursuant to this chapter. All proceeds of fines shall be expended by DOT in the county from which the fine was imposed for the establishment, implementation, operation, oversight, management, repair, and maintenance of an automated speed enforcement system. This bill appropriates an unspecified amount of general funds to be deposited into the ASESPSF for FY 25; and appropriates an unspecified amount of special funds from the ASESPSF for FY 25 for the establishment and implementation of the automated speed enforcement program.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should:

- 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process;
- 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue;

- 3) provide an appropriate means of financing for the program or activity; and
- 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 2267, H.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



TESTIMONY BY:

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 9, 2024
2:00 p.m.
State Capitol, RM 325

**H.B. 2267, H.D. 1
RELATING TO HIGHWAY SAFETY**

House Committee on Judiciary & Hawaiian Affairs

The Hawaii Department of Transportation (HDOT) **supports S.B. 2267, H.D. 1**, which establishes the Automated Speed Enforcement Systems Program. Authorizes the state or counties to administer the Automated Speed Enforcement Systems Program. Requires fines collected beginning 1/1/2025 for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program. Creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System. Appropriates funds.

Speeding has always been one of the top contributing factors in motor vehicle fatalities for the past decade. This program is necessary to reduce these senseless deaths and injuries on Hawaii's roadways. In 2023, there were 95 motor vehicle fatalities, speeding was a major contributing factor in half of those fatalities.

As the red-light photo imaging pilot project has shown, automated enforcement cameras are a powerful tool that can bring about positive change driving behaviors.

Suggest to include language:

- Section 7 - To extend the lapse date of the FY 25 appropriation to June 30, 2026.
- Section 1, Section XX - To provide a FY 24 emergency appropriation of \$230,000 for the 10 radar devices and consultant.

To provide the Department of Transportation (DOT) funding flexibility in establishing and implementing the program, recommend amending the bill to include the following as underscored:

PART I

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of the article VII of the Constitution of the State of Hawaii.

The legislature finds that the prevalence of drivers who violate Hawaii's traffic laws is intolerable, particularly drivers who speed. This dangerous behavior puts the lives of all of Hawaii's roadway users at risk. According to state traffic data, speeding continues to

Name
Number
Date
Page

Letter

be the most common contributing factor in motor vehicle fatalities. Data from the department of transportation shows that speeding contributed to almost fifty per cent of all motor vehicle fatalities.

Automated speed enforcement cameras are powerful tools that can reduce motor vehicle crashes and fatalities by augmenting traditional enforcement efforts or enforcing in locations where traffic stops are impractical or unsafe.

The purpose of this Act is to establish an automated speed enforcement program to improve enforcement of speeding laws.

PART IV

SECTION 7. There is appropriated out of the automated speed enforcement systems program special fund the sum of \$ _____ or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment and implementation of the automated speed enforcement systems program; provided further that the funds appropriated shall not lapse at the end of the fiscal year for which it was appropriated, but any unencumbered funds remaining shall lapse on June 30, 2026. The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION XX. There is appropriated out of the general revenues of the State of Hawaii the sum of \$230,000 or so much thereof as may be necessary for fiscal year 2023-2024 to be deposited into the automated speed enforcement systems program special fund.

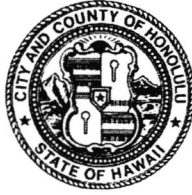
SECTION XX. There is appropriated out of the automated speed enforcement systems program special fund the sum of \$230,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the establishment and implementation of the automated speed enforcement systems program; provided further that the funds appropriated shall not lapse at the end of the fiscal year for which it was appropriated, but any unencumbered funds remaining shall lapse on June 30, 2025. The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

Thank you for the opportunity to provide testimony.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: honolulu.police.org

RICK BLANGIARDI
MAYOR
MEIA



ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE ST-TK

February 9, 2024

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary
and Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: House Bill No. 2267, H.D. 1, Relating Highway Safety

I am Stason Tanaka, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.


The HPD supports House Bill No. 2267, H.D. 1, Relating Highway Safety.

The HPD supports measures that address the enforcement of speeding vehicles. Higher vehicle speeds equate to less reactionary time, as well as a higher propensity for property damages and injuries. In addition, speeding is a major contributing factor to many motor vehicle collisions resulting in critical injuries and fatalities.

The HPD urges you to support House Bill No. 2267, H.D. 1, Relating Highway Safety. Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Stason Tanaka, Major
Traffic Division

State of Hawai‘i
The Office of the Public Defender

H.B. No. 2267, H.D.1: RELATING TO HIGHWAY SAFETY

Chair David Tarnas
Vice Chair Gregg Takayama
Honorable Committee Members

The Office of the Public Defender **opposes** this bill.

Replacing officers with discretion to cite speeding motorists with an automated system that will cite every driver going over the speed limit no matter how slight and without exception is detrimental to the general public. While ensuring motorists are going at a safe speed in compliance with the law, the “flow of traffic” sometimes allows them to travel over the speed limit in a safe way. For example, a police officer stationed in a 35-mile-per-hour zone may decide not to pull over a driver going 38 m.p.h. but may issue a citation for someone going 50 m.p.h. In another scenario, a driver going 38 m.p.h. with a lot of other vehicles on the road may warrant the same type of citation.

Moreover, by making the “motor vehicle” strictly liable as opposed to the offending motorist, registered owners who let family members or friends use the vehicle become liable. This is unfair to the motorist—especially for families with limited incomes who have to share a vehicle to go to work, commute to school, or run errands.

HB-2267-HD-1

Submitted on: 2/7/2024 6:51:36 PM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this Bill.

HB-2267-HD-1

Submitted on: 2/8/2024 11:01:59 AM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Luke Wassermann	Individual	Comments	Written Testimony Only

Comments:

As a daily driver, I have observed a proliferation of tinted license plate covers since Act 131 was introduced as Senate Bill 663 in the 2019 Legislature. These covers make it difficult or impossible to read license plate numbers with the naked eye, so unless there is data proving otherwise, I must assume that they are unreadable from camera images. I have made two inquiries. First, with the Honolulu Police Department to find out how many citations were issued drivers illegally obscuring their license plates since the Hawaii DOT Red Light Safety program began. Second, with the DOT public affairs office to find out how many drivers could not be issued a citation for running a red light due to an unreadable plate number in the camera image. Neither inquiry received a response.

I implore legislators to obtain these statistics before moving forward with this bill, because observationally it would seem that the law against obscuring a license plate is rarely, if ever, enforced. Expanding camera enforcement will create an unfair system whereby drivers with obscured license plates will not be subject to fines for violations, and possibly encourage more drivers to install tinted license plate covers.

Having the statistics mentioned would inform legislators as to whether any amendments need to be added to the bill to ensure equitable impacts on the driving public. For example, I propose an amendment whereby the fine for an obscured license plate is triple the amount of the fine for running a red light, and funds appropriated to the county police departments for enforcement, including on-the-spot confiscation of the license plate covers during the traffic stop.

TO: Members of the Committee on Judiciary & Hawaiian Affairs

FROM: Natalie Iwasa
808-395-3233

HEARING: 2 p.m. Friday, February 9, 2024

SUBJECT: HB2267, HD1, Cameras for Speeding - **OPPOSED**

Aloha Chair Representative Tarnas and Committee Members,

Thank you for allowing the opportunity to provide testimony on HB2267, HD1, which would allow for speed enforcement via cameras and set up a special fund. I oppose this bill and ask you to vote “no.”

This bill holds the registered owner – not the driver – of a vehicle responsible if the vehicle is recorded as speeding. Citations would potentially be sent to people who were not driving the vehicle or have had their vehicle or license plates stolen.

Our legal system was built on the premise that people are innocent until proven guilty. Not the other way around. As this bill is written, people are presumed guilty until they prove themselves innocent. That goes against the foundation of our legal system.

This bill also includes a special fund to be used as specified. Special funds add to the cost of government, usually without equivalent benefits.

One way to get more enforcement is to take police off duty from special jobs that really do not add value and put them on traffic enforcement. For example, there is no need to have police officers escorting trucks or street sweepers.

Please vote “**no**” on HB2267, HD1.



HB-2267-HD-1

Submitted on: 2/8/2024 2:03:05 PM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chad K Taniguchi	Individual	Support	Written Testimony Only

Comments:

Speed cameras are another practical tool to get drivers to comply with the speed law. The laws are designed to protect all road users. The streets are not for the personal convenience of individual car drivers who choose to violate the speeding laws. Speeders must be held accountable and deterred.

Please pass this bill out of committee.

Automated enforcement via red light cameras has proven to work in Honolulu to change driver behavior, and have been accepted by the public.

Speed humps have also proven to slow speeders and have been requested at neighborhoods by the public.

Speed cameras implemented correctly work. Please see examples from New York and Washington.

<https://www.nyc.gov/html/dot/downloads/pdf/speed-camera-report.pdf>

[New York Vehicle & Traffic Law Section 1180-B – Owner liability for failure of operator to comply with certain posted maximum speed limits \(public.law\)](#)

https://wtsc.wa.gov/wp-content/uploads/dlm_uploads/2023/02/Speed-Safety-Camera-Readiness-Guide-02-2023.pdf

I am writing to express support for HB2267 in implementing an automated speed enforcement system. There have been too many crashes involving drivers who have been speeding well above the posted speed limit on both surface streets and highways. These crashes have claimed the lives of other drivers and innocent pedestrians. Hawaii needs another form of speed enforcement besides a police officer witnessing a speeding motorist. Our law enforcement members can't be everywhere and a system of speed cameras can supplement the police department's efforts to catch speeders and save lives.

Too many innocent lives have already been lost to excessive speeding. These irresponsible drivers have a blatant disregard for human lives. Speeders have rear-ended other drivers, sideswiped other drivers, hit pedestrians, and plowed into houses or utility poles. According to the Hawaii Department of Transportation's website, only 1 out of 10 pedestrians hit by a vehicle travelling at 40 mph survives. These drivers have used the freeways as their own personal racetrack to have illegal races with other drivers. These drivers are recklessly speeding through school zones and putting our children at risk of being killed before our keiki have a chance to make it to adulthood. Many of the speeders on our roads are travelling at speeds greater than 40 mph. This in effect lowers the odds of survival to zero. And this doesn't take into account life-changing injuries that a person is left with if they survive being hit. The cost to each victim as well as society is too great.

We need to cite these chronic speeders and jail them if they fail to pay their citations. There should be a limit as to how many citations a driver receives in a year before licenses are revoked and the driver locked up. Hawaii needs to be bold and we need to be proactive to stop these drivers who blatantly disregard traffic laws and put our entire community in danger. Approve HB2267 and let's put a necessary safeguard in place to reduce injuries and deaths associated with speeding.

HB-2267-HD-1

Submitted on: 2/8/2024 7:27:49 PM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this measure. Automatic traffic enforcement should not replace the person in the loop requirement for issuing fines or enforcement of enfracctions. This is a challenge to our right to privacy and due process.

HB-2267-HD-1

Submitted on: 2/9/2024 7:20:36 AM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Gould	Individual	Oppose	Written Testimony Only

Comments:

1. HB2267 and the companion Senate bill are another attempt to resurrect the hated Van Cams that were so vehemently opposed by the citizenry that they had to be canceled. **The bills are a violation of due process as the presumption of guilt is imposed on the owner of the vehicle rather than the operator of the vehicle.**

2. The installation of any camera enforcement system operated by an independent contractor is an invitation to that operator to tweak its settings to increase revenue even if that revenue does not go to the operator directly. That is because insufficient revenue will incentivize the contractor to ask for more money upon contract renewal even if they don't receive a portion of the fines directly or **it will incentivize the governmental agency to change the settings to increase revenue and/or offset contract costs.**

3. ALL Hawaii speed limits are at least 10 to 15 miles an hour lower than comparable speed limits on the mainland. That is the major reason that there are so many speeders in Hawaii even though the vast majority of those 'speeders' are traveling at a safe rate of speed. Interstate highways on the mainland have speed limits of 70 to 85mph. In Hawaii they are 35 to 60mph. Until speed limits are raised on all Hawaii roadways to match those on the mainland, no automatic enforcement should be allowed. **Prior to any automatic camera system going into operation, all speed limits in Hawaii must be set to the national standard of the speed of 85% of the general traffic on the roadway. None of Hawaii's speed limits meet that standard.**

4. HPD and other Police Departments in Hawaii recognize this and normally will not issue a ticket unless the car is traveling at 10 to 15mph over the speed limit. **Therefore any camera enforcement system should have a ticketing threshold that is 15mph over the speed limit or higher. Instead, this bill envisions fines increasing for speeds more than 10mph over the artificially low speed limit and applying the initial exorbitant fine for even 1mph speed over the speed limit!**

5. There is nothing I can find in the bill that discusses drivers moving with the general speed of surrounding traffic. **No ticket should be issued for any driver that is moving with the general flow of traffic, and that stipulation should be clearly stated in the bill.**

6. **There is no provision in the bill for a driver who temporarily exceeds the speed limit in order to complete a passing maneuver.** This is often a necessary action that can be caused by

a slow driver in the right lane who is driving much slower than in the left lane, requiring a passing driver to either speed up to the speed of left lane traffic or to impeded that traffic if the driver does not increase speed to complete the pass.

7. Presumption of guilt of the owner of the vehicle is bad enough if there are only monetary penalties imposed, but the bill envisions criminal penalties as well. **That is a violation of due process that can be overcome by a good lawyer if the vehicle owner can afford such a lawyer. As a result, the penalties will be disproportionately imposed on less affluent drivers.** “It’s not about safety. It’s a money grab,” in the words of Pat McPherson, a local attorney who successfully defended drivers who were ticketed under the 2002 program and describes the pending legislation as a flawed attempt to make driving safer.

8. This flawed bill should be aborted before birth!