

STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony for SUPPORT on HB2338, HD1			
RELATING TO THE STATE DRUG AND ALCOHOL TOXICOLOGY TESTING LABORATORY			
SENATOR DONOVAN M. DELA CRUZ, CHAIR SENATE COMMITTEE ON WAYS AND MEANS			
Hearing Date:	4/7/2022	Room Number:	Videoconference

1 **Fiscal Implications:** This measure will appropriate funds from the state highway fund to the
2 laboratory special fund for fiscal year 2022-2023, and authorizes the department of health to
3 expend funds from the state drug and alcohol toxicology testing laboratory special fund for the
4 establishment of the state drug and alcohol toxicology testing laboratory.

5 **Department Testimony:** The Department supports this measure. The funds will be expended
6 for laboratory instrumentation, facility renovation, and security upgrades.

7 **Offered Amendments:** None.

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9 Thank you for the opportunity to testify on this measure.



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MONY BY:

T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION**
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

April 7, 2022
9:45 A.M.

State Capitol, Conference Room 211/Teleconference

**H.B. 2336, H.D. 2, S.D. 1
RELATING TO THE PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS
PROGRAM**

Senate Committee(s) on Ways and Means and Judiciary

The Department of Transportation (DOT) **supports with amendments** H.B. 2336, H.D. 2, S. 1, which clarifies certain provisions in Chapter 291J, Hawaii Revised Statutes, to better reflect the legislative intent of the photo red light imaging detector systems program.

The DOT suggests that Section 291C-32(d), Hawaii Revised Statutes, be amended to read as follows:

SECTION 1. Section 291C-32, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, ~~[are]~~ and actively monitored by an official photo red light imaging detector system, all registered owners of all motor vehicles in vehicular traffic at the intersection shall be held strictly liable for the motor vehicle's compliance with the traffic-control signal, to the extent that registered owners may be cited and held accountable for non-compliance via civil traffic infractions pursuant to chapter 291J. The traffic-control signal lights shall apply to the registered owners ~~[and]~~ of motor vehicles as follows:

- (1) Steady red indication:

- (A) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided in the next succeeding paragraphs.
- (B) Vehicular traffic that is stopped in obedience to a steady red indication may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that counties by ordinance may prohibit any such right turn against a steady red indication, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.
- (C) Vehicular traffic on a one-way street that intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red indication but may then make a left turn into said one-way street, but shall yield right-of-way to pedestrians, proceeding as directed by the signal at said intersection except that counties by ordinance may prohibit any such left turn as above described which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

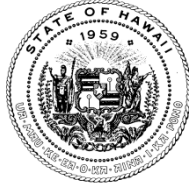
(2) **Steady yellow indication:**

- (A) **Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated and that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.**
- (B) **The Department or County shall determine the duration of the steady yellow indication using engineering practices and shall not be less than three seconds.**
- (C) **The duration of the steady yellow indication shall not be shorten once an official photo red light imaging detector system is activated.**

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

The DOT supports updating the current timetable for the photo red light imaging detector systems program to ensure the successful implementation of the program.

Thank you for the opportunity to provide testimony.



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ESTIMONY BY:

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April 7, 2022
10:20 A.M.

State Capitol, Capitol Room 211/Teleconference

H.B. 2338, H.D. 1
RELATING TO THE STATE DRUG AND ALCOHOL TOXICOLOGY TESTING
LABORATORY

Senate Committee on Ways and Means

The Department of Transportation (DOT) **supports with recommendations** H.B. 2338, H.D. 1. This measure makes an appropriation from the state highway fund to the Department of Health's (DOH) state drug and alcohol toxicology testing laboratory special fund for fiscal year 2022-2023 and authorizes the DOH to expend funds from the special fund for the establishment of the state drug and alcohol toxicology testing laboratory.

Act 196, which passed into law last legislative session, established the special fund. This bill is needed to appropriate moneys from the state highway fund into the state drug and alcohol testing laboratory special fund and provide spending authority to the DOH to establish the state drug and alcohol, and toxicology testing laboratory.

The DOT respectfully requests that the appropriation amounts specified in Sections 2 and 3 of H.B. 2338 be added back into the bill:

Section 2. There is appropriated out of the state highway fund the sum of \$400,000.00 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the state drug and alcohol toxicology testing laboratory special fund established by Act 196, Session Laws of Hawaii 2021.

Section 3. There is appropriated out of the state drug and alcohol toxicology testing laboratory special fund the sum of \$400,000.00 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment of a state drug

and alcohol toxicology testing laboratory, including the costs of laboratory instrumentation, facility renovation and security upgrades, office furniture and supplies, laboratory equipment, and other purposes that support a state drug and alcohol toxicology testing laboratory.

The DOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Having a drug and alcohol toxicology testing laboratory within our State will provide law enforcement and adjudicators with the resources they need to protect our public from impaired drivers.

The DOT urges your support with H.B. 2338, H.D. 1.

Thank you for the opportunity to provide testimony.