

JAN 19 2024

A BILL FOR AN ACT

RELATING TO PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS.

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

1 SECTION 1. 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, video, or other recorded images
9 produced by the system, shall be prima facie evidence of the
10 facts contained therein. Any photograph, microphotograph,
11 video, or other recorded image, produced by the system, that
12 contains a clear and unobstructed image of a motor vehicle
13 license plate shall be prima facie evidence that the motor
14 vehicle to which the license plate is attached is the motor
15 vehicle for which the license plate was issued. Any
16 photographs, microphotographs, video, or other recorded images



1 evidencing a violation shall be available for inspection in any
2 proceeding to adjudicate the liability for that violation."

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

5 "(a) Notwithstanding any law to the contrary, and except
6 for the time period allowed pursuant to section 291J-4(e),
7 beginning January 1, 2021, whenever any motor vehicle is
8 determined, by means of a photo red light imaging detector
9 system, to have disregarded a steady red signal in violation of
10 section 291C-32(c), the State's or county's third party
11 contractor shall cause a summons or citation, as described in
12 this section, to be sent by first class mail to the registered
13 owner of the motor vehicle. The summons or citation shall be
14 mailed to the registered owner's address on record at the
15 vehicle licensing division and [~~postmarked~~] submitted to the
16 post office within ten calendar days after the date of the
17 incident. The State, the county, or the State's or county's
18 third party contractor shall implement a process to record the
19 date on which the summons or citation was submitted to the post
20 office, and the record shall be prima facie evidence of the date
21 the summons or citation was submitted to the post office. If



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1 the end of the ten calendar day period falls on a Saturday,
2 Sunday, or holiday, then the ending period shall run until the
3 end of the next day that is not a Saturday, Sunday, or holiday."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY: _____



S.B. NO. 2348

Report Title:

Photo Red Light Imaging; Highway Safety; Traffic Violations;
Transportation

Description:

Provides that any photo red light imaging detector system's clear and unobstructed recorded image of a motor vehicle license plate shall be prima facie evidence that the motor vehicle to which the license plate is attached is the motor vehicle for which the license plate was issued. Requires the State, the county, or the State's or county's third party contractor to implement a process to record the date on which the summons or citation was submitted to the post office, which shall be prima facie evidence of the date the summons or citation was submitted to the post office.

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

