
A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

1 SECTION 1. The legislature finds that Hawaii has among the
2 highest rates of traffic related fatalities. The implementation
3 of photo red light imaging detector systems at intersections
4 with the most dangerous and highest risk transit infrastructure,
5 as well as photo speed detector systems in school zones with the
6 most dangerous and high-risk transit infrastructure, can help
7 prevent drivers from running red lights, and slow speeders in
8 key areas, to help reduce fatalities and injuries.

9 The legislature further finds that it should be a priority
10 to ensure dedicated funding necessary to support accelerating
11 improvements in the most dangerous transit corridors.

12 Accordingly, the purpose of this Act is to:

13 (1) Establish a safe routes to school program vehicle
14 registration surcharge on certain motor vehicle
15 registrations, to be imposed and collected no later
16 than December 31, 2025;



1 (2) Prohibit the use of facial recognition software in the
2 operation of any photo red light imaging detector
3 system; and

4 (3) Clarify the summons and citations processes for the
5 automated speed enforcement systems program.

6 SECTION 2. Chapter 249, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§249- Safe routes to school program vehicle
10 registration surcharge. (a) In addition to any other fees
11 required by law, each county shall impose and collect a \$5
12 surcharge on every motor vehicle registration issued under
13 section 249-31 or 249-31.5, no later than December 31, 2025.

14 (b) The director of finance shall notify the department of
15 transportation in writing of the county's intended start date at
16 least ninety days before implementing this section.

17 (c) The surcharge shall be deposited into the safe routes
18 to school program special fund established under section
19 291C-4."



1 SECTION 3. Chapter 291J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291J- Facial recognition software; prohibited. (a)
5 No photo red light imaging detector system authorized under this
6 chapter shall use or be equipped with facial recognition
7 software or biometric identification technology.

8 (b) This section shall not apply to:

9 (1) Automated license plate reader systems; or

10 (2) Any non-biometric technology used to verify vehicle
11 identity, registration status, or to generate
12 photographic evidence of a traffic violation.

13 (c) For the purposes of this section:

14 "Biometric identification" includes but is not limited to
15 recognition of facial features, iris scans, retinal scans,
16 fingerprints, or voice patterns.

17 "Facial recognition software" means technology that
18 analyzes facial features to identify or verify the identity of
19 an individual."



1 SECTION 4. Chapter 291L, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291L- Facial recognition software; prohibited. (a)
5 No automated speed enforcement system authorized under this
6 chapter shall use or be equipped with facial recognition
7 software or biometric identification technology.

8 (b) This section shall not apply to:

9 (1) Automated license plate reader systems; or

10 (2) Any non-biometric technology used to verify vehicle
11 identity, registration status, or to generate
12 photographic evidence of a traffic violation.

13 (c) For the purposes of this section:

14 "Biometric identification" includes but is not limited to
15 recognition of facial features, iris scans, retinal scans,
16 fingerprints, or voice patterns.

17 "Facial recognition software" means technology that
18 analyzes facial features to identify or verify the identity of
19 an individual."

20 SECTION 5. Section 291C-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§291C-4 Safe routes to school program special fund;**
2 **establishment.** There is established in the state treasury the
3 safe routes to school program special fund, into which shall be
4 deposited:

- 5 (1) Assessments collected for speeding in a school zone,
6 pursuant to section 291C-104; [~~and~~]
- 7 (2) Safe routes to school program surcharges collected in
8 accordance with sections 291-16 and 291C-5[~~-~~]; and
- 9 (3) The surcharge collected pursuant to section 249- ."

10 SECTION 6. Section 291L-5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~[+]~~**§291L-5**~~[+]~~ **Summons or citation.** (a) Notwithstanding
13 any law to the contrary and except as otherwise provided in this
14 chapter, beginning January 1, 2025, whenever any motor vehicle
15 is determined, by means of an automated speed enforcement
16 system, to have exceeded the posted maximum speed limit by not
17 less than five miles per hour in violation of section 291C-108,
18 the State's third-party contractor shall cause a summons or
19 citation, as described in this section, to be sent by first-
20 class mail [~~, that is postmarked within ten calendar days after~~
21 ~~the date of the incident,~~] to the registered owner of the motor



1 vehicle [~~at the~~]. The summons or citation shall be mailed to
2 the registered owner's address on record at the vehicle
3 licensing division[-] and submitted to the post office within
4 ten calendar days after the date of the incident. The State,
5 the county, or the State's or county's third-party contractor
6 shall implement a process to record the date on which the
7 summons or citation was submitted to the post office, and the
8 record shall be prima facie evidence of the date the summons or
9 citation was submitted to the post office. If the end of the
10 ten-calendar-day period falls on a Saturday, Sunday, or holiday,
11 then the ending period shall run until the end of the next day
12 that is not a Saturday, Sunday, or holiday. The registered
13 owner shall be determined by the identification of the motor
14 vehicle license plate.

15 (b) The form and content of the summons or citation shall
16 be adopted or prescribed by the administrative judge of the
17 district courts and printed on a form commensurate with the form
18 of other summonses or citations used in modern methods of arrest
19 that are designed to include all necessary information to make
20 the summons or citation valid within the laws of the State;
21 provided that any summons or citation issued pursuant to the



1 automated speed enforcement systems program shall contain a
2 clear and unobstructed photographic, digital, or other visual
3 image of the motor vehicle license plate, and speed units
4 measured by the speed reader that shall be used as evidence of
5 the violation.

6 (c) Every summons or citation shall be consecutively
7 numbered and each copy thereof shall bear the number of its
8 respective original.

9 (d) Before mailing the summons or citation for a traffic
10 infraction pursuant to subsection (a), the applicable county
11 police department shall review and verify the validity of the
12 clear and unobstructed photographic, digital, or other visual
13 image of the license plate of the motor vehicle required under
14 this section.

15 (e) Upon receipt of the summons or citation, the
16 registered owner shall respond as provided for in section
17 291D-6. A record of the mailing of the summons or citation
18 prepared in the ordinary course of business shall be prima facie
19 evidence of notification.

20 (f) Procedures regarding answering a notice, court
21 actions, and court hearings shall be pursuant to sections



1 291D-6, 291D-7, 291D-8, and 291D-13; provided that it shall not
2 be a defense to any citation issued pursuant to this chapter
3 that another person was driving the defendant's motor vehicle at
4 the time of incident, unless the motor vehicle was stolen as
5 documented by a police report; provided further that any
6 reference to the defendant's commission of the traffic
7 infraction or similar language shall be interpreted to mean
8 commission of the traffic infraction.

9 (g) Any summons or citations issued or convictions
10 resulting from this chapter shall not be recorded on a person's
11 traffic abstract and shall not be used for insurance purposes in
12 the provision of motor vehicle insurance coverage."

13 SECTION 7. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Department of Transportation; Safe Routes to School Program
Vehicle Registration Surcharge; Automated Speed Enforcement
Systems; Facial Recognition Software; Safe Routes to School
Program Special Fund

Description:

Establish a safe routes to school program vehicle registration
surcharge on certain motor vehicle registrations to be imposed
and collected no later than 12/31/2025. Prohibits the use of
facial recognition software in the operation of any photo red
light imaging detector systems or automated speed enforcement
systems. Clarifies the citations and summons procedures for the
Automated Speed Enforcement Detector Systems Program. (CD1)

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

