

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 697, RELATING TO TRANSPORTATION.

BEFORE THE:

HOUSE COMMITTEE ON TRANSPORTATION

DATE: Tuesday, January 28, 2025 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 430 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Denise W.M. Wong, Deputy Attorney General

Chair Kila and Members of the Committee:

The Department of the Attorney General offers the following comments.

The bill amends section 291L-4, Hawaii Revised Statutes (HRS), to allow, in addition to county police departments, authorized employees of the Department of Transportation and of the Department of Law Enforcement to inspect and provide a certificate of certain evidence of speed limit violations obtained by automated speed enforcement systems. This bill proposes to amend "reviewing county police department" in section 291L-4(c) to "reviewing entity" with that term defined to include the authorized employees of those two state departments in addition to the county police department.

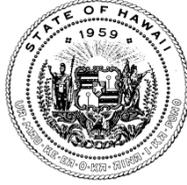
Section 291L-5, HRS, provides for the mailing of a summons or citation to the registered owner of any motor vehicle that is determined, by means of an automated speed enforcement system, to have exceeded the posted maximum speed limit by not less than five miles per hour in violation of section 291C-108, HRS. Section 291L-5(d) provides that, "[b]efore mailing the summons or citation for a traffic infraction pursuant to subsection (a), the applicable county police department shall review and verify the validity of the clear and unobstructed photographic, digital, or other visual image of the license plate of the motor vehicle required under this section." If authorized employees of the Department of Transportation or the Department of Law Enforcement provide the certificate of evidence pursuant to section 291L-4(c) for a particular motor vehicle, we

believe that it would facilitate processing if the pertinent employees of those two state departments would also be authorized to do the review and verification required by section 291L-5(d) before a summons or citation is mailed to the registered owner of the involved motor vehicle. Consequently, we suggest that section 291L-5(d) be amended to replace "applicable county police department" with "reviewing entity."

Furthermore, the bill's definition of "reviewing entity" on page 1, lines 14-16, is applicable only to section 291L-4(c), HRS, and is not defined to apply also to section 291L-5(d). Therefore, the definition of "reviewing entity" should be made applicable for the purposes of chapter 291L, HRS, and not solely for section 291L-4(c), HRS.

Thank you for considering these comments.

JOSH GREEN, M.D.
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January 28, 2025
10:00 A.M.
State Capitol, Room 430

H.B. 697
RELATING TO TRANSPORTATION

House Committee on Transportation

The Department of Transportation (DOT) **supports** H.B. 697, which authorizes designated employees of the DOT and the Department of Law Enforcement (DLE) to inspect and certify certain evidence of speed limit violations obtained through automated speed enforcement systems. This measure also appropriates funds to the DOT to establish and implement the automated speed enforcement systems program.

Following the success of the pilot program on Oahu, the DOT is actively working to expand this program to the neighbor islands, where appropriate. The addition of staff within the DOT and DLE will play a critical role in supporting this expansion and ensuring the consistent application of the law. The DOT anticipates that the expanded program will require additional personnel to review evidence and process citations efficiently. Furthermore, authorizing DOT and DLE staff to manage this process will help alleviate potential staffing challenges within county police departments, enabling more effective enforcement and program implementation.

Thank you for the opportunity to provide testimony.