

ACT 240

H.B. NO. 1759

A Bill for an Act Relating to Traffic Enforcement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Staff turnover and unanticipated problems caused by the wording of enabling legislation have delayed implementation of the three-year traffic enforcement demonstration project authorized by Act 234, Session Laws of Hawaii 1998, as amended by Act 263, Session Laws of Hawaii 1999. Act 234, which established the demonstration project, took effect on July 1, 1998, and is scheduled to end on July 1, 2001.

The purpose of this Act is to:

- (1) Extend the demonstration project until July 1, 2003,
- (2) Authorize the department of transportation to retain and pay contractors for the project, and
- (3) Make other required changes to the enabling legislation.

SECTION 2. Section 286-45, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any private contractor that has entered into a contract with [a county] the department to implement the traffic enforcement demonstration project pursuant to section 5 et seq. of Act 234, Session Laws of Hawaii 1998, may obtain from [the] any county finance director the names and addresses of registered motor vehicle owners, which shall be used only as is necessary to carry out the provisions of the contract and the purposes of that Act and may not otherwise be publicly disclosed.”

SECTION 3. Section 286-172, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Subject to authorization granted by the chief justice with respect to the traffic records of the violations bureaus of the district courts and of the circuit courts, the director of transportation shall furnish information contained in the statewide traffic records system in response to:

- (1) Any request from a state, a political subdivision of a state, or a federal department or agency, or any other authorized person pursuant to rules adopted by the director of transportation under chapter 91;
- (2) Any request from a person having a legitimate reason, as determined by the director, as provided under the rules adopted by the director under paragraph (1), to obtain the information for verification of vehicle ownership, traffic safety programs, or for research or statistical reports;
- (3) Any request from a person required or authorized by law to give written notice by mail to owners of vehicles; or
- (4) Any request from a private contractor that has entered into a contract with [a county as may be necessary] the department to implement the traffic enforcement demonstration project pursuant to section 5 et seq. of Act 234, Session Laws of Hawaii 1998[. The private contractor may obtain from the director of transportation the]; provided that names and addresses of registered motor vehicle owners[, which] shall be used only as is necessary to carry out the provisions of the contract and the purposes of that Act and may not otherwise be publicly disclosed.”

SECTION 4. Section 291C-165, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In every case when a citation is issued, the original of the citation shall be given to the violator; provided that:

- (1) In the case of an unattended vehicle, the original of the citation shall be affixed to the vehicle as provided for in section 291C-167; or
- (2) In the case of:
 - (A) A vehicle utilizing the high occupancy vehicle lane illegally; or
 - (B) A traffic or other violation on a controlled access facility that is recorded through the use of a hand-held or mounted video camera, conventional camera, or digital camera that produces photographic identification of a vehicle,

the original of the citation [shall] may be sent [by certified or registered mail, with a return receipt that is postmarked within forty-eight hours of the time of the incident,] within three days of the date of the incident by certified mail, registered mail, or first class mail with a certificate of mailing obtained as evidence of service to the registered owner of the vehicle at the address on record at the vehicle licensing division [as provided in section 291C-223. If the end of the forty-eight¹ hour period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day which is not a Saturday, Sunday, or holiday]; provided that days when the post office is not open to the public shall not be included in the calculation of the three days; provided further that the administrative judge of the district courts may allow a [carbon] copy of the citation to be given to the violator or affixed to the vehicle and provide for the disposition of the original and any other copies of the citation.”

SECTION 5. Section 291C-223, Hawaii Revised Statutes, is amended to read as follows:

“**[§291C-223] Summons or citation for illegal use of high occupancy vehicle lane.** Whenever any motor vehicle is observed operating in a high occupancy vehicle lane without the prescribed number of passengers, the officer observing the vehicle shall[:

- (1) Cause] cause a summons or citation [as described in section 291C-165] to be issued at the scene of the violation to the operator of the vehicle[;] or
- [(2) Make every reasonable effort to be seen by the operator of the vehicle and record evidence of the violation by taking any information displayed on the vehicle that may identify its] be sent by mail to the registered owner [and cause a summons or citation] of the vehicle as described in section 291C-165 [to be sent by certified or registered mail, with a return receipt that is postmarked within forty-eight hours of the time of the incident, to the registered owner of the vehicle at the address on record at the vehicle licensing division. If the end of the forty-eight hour period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day which is not a Saturday, Sunday, or holiday. Upon receipt, the registered owner shall be given fourteen days to respond to the summons or citation by:
- (A) Paying a fine by mail; or
- (B) Requesting a hearing be set on the matter.
- A mail receipt signed by the registered owner is prima facie evidence of notification].”

SECTION 6. Act 234, Session Laws of Hawaii 1998, is amended by adding a new section to read as follows:

“SECTION 17A. **Police matters.** County police are authorized and encouraged to provide oversight and all police services required for the traffic enforcement demonstration project; provided that to the extent necessary to implement this Act, the powers of police officers for the enforcement of sections 291C-102, 291C-32(a)(3), and 291C-38(c), Hawaii Revised Statutes, are conferred upon the director of transportation and such of the officers, employees, agents and representatives of the department as may be designated by the director to exercise such powers. For the purposes of this section, the term “agents and representatives” includes persons performing services under contracts with the department pursuant to this Act.”

SECTION 7. Act 234, Session Laws of Hawaii 1998, is amended by adding a new section to read as follows:

“SECTION 17B. **Photo enforcement revolving fund.** (a) There is established a photo enforcement revolving fund to be administered by the department of transportation. Notwithstanding any other law to the contrary, the department may expend funds from this revolving fund; provided that no expenditure shall be made from and no obligation shall be incurred against the revolving fund in excess of the amount standing to the credit of the fund.

(b) All payments to the State resulting from citations and summons authorized under section 10 shall be deposited into the photo enforcement revolving fund; provided that any interest earned shall be deposited into the general fund.

(c) The department shall use the photo enforcement revolving fund to pay contractors and purchase county police oversight and services necessary for implementation of the traffic enforcement demonstration project.

(d) Notwithstanding any other law to the contrary, the department may also use up to twenty per cent of the photo enforcement revolving fund to pay for any non-recurring state and county expenses and any temporary state positions needed to implement the traffic enforcement demonstration project and administer the revolving fund.

(e) The department shall deposit that portion of the revolving fund not needed for purposes of this section into the general fund.”

SECTION 8. Act 234, Session Laws of Hawaii 1998, is amended by amending section 1 to read as follows:

“SECTION 1. The legislature finds that traffic violations in Hawaii, especially on the island of Oahu, have become intolerable, particularly the offenses of speeding and running red lights. Both of these violations endanger the lives of residents and compound the already hazardous conditions for both pedestrians and motorists on Hawaii’s roads and highways. News items are increasingly common that describe hit-and-run drivers who have run over small children or the elderly, both inside and outside crosswalks, who may not be able to react quickly enough to a racing drunk driver or someone speeding through an intersection after the light has already turned red.

The legislature further finds that two recent technological innovations that address the hazards caused by speeding and disregarding red lights have already been in place and demonstrated their reliability and effectiveness in other jurisdictions—namely, photo speed imaging detector and photo red light imaging systems. The legislature finds that these innovations—both of which are completely automated—are appropriate for Hawaii’s increasingly deteriorating traffic conditions, and are capable of safely and efficiently diffusing dangerous traffic control problems while at the same time freeing up police officers to handle more pressing problems.

The photo speed imaging detector system is a unit that mounts in a [sport utility] vehicle or [van] on a pole or bridge that detects, photographs, and records information on speeders. [A vehicle with the speed detector unit is parked at the roadside and monitors the speeds of passing motorists, and is linked to a controlled console with a central processor and speed display.] When a vehicle exceeding a preset threshold speed² enters the beam of the unit’s speed detector, a high resolution camera photographs the [front of the] vehicle, capturing the [front] license plate[, while a second camera photographs the rear of the vehicle. The scene is lit by a powerful strobe flash for] and providing evidentiary quality images. Tickets are [processed automatically, so there is no need for an officer to make a stop and issue a ticket. In addition, since the violator’s face and license plate are on record, compliance rates are considerably higher than with officer-generated tickets.

The legislature finds that a photo speed imaging detector system is safe, quick, cost-effective, and efficient.] generated and mailed to the registered vehicle owner without need for a police officer to stop a speeding vehicle and issue a ticket to the driver. With no stop involved, [the] no police officer is [not] at risk from passing traffic or armed violators. Moreover, while a motivated [traffic] police officer may average fifteen or twenty speeding tickets per shift, the photo speed imaging detector system can [write] generate two speeding tickets per second.

The photo speed imaging detector system [is essentially] can be a turnkey operation; all of the equipment, [including a fully-outfitted police vehicle, speed detector systems, printer, film or image processing,] and all supplies, as well as [officer] training, [are] can be provided by a private company. The private company [identifies] can use pictures of license plates to identify vehicle owners, print[s] and mail[s] tickets, monitor[s] compliance, and make[s] regular status reports[. The company also charges] in exchange for a small fee per paid ticket[, while the violator pays for everything else].

In addition, only one police officer using the photo speed imaging detector system can be as productive, if only in terms of numbers of traffic tickets issued, as an entire traffic division. Officers can be assigned higher priority duties, while the system handles speed enforcement. Finally, these systems have proven their reliability for over twenty years in police departments in countries around the world.

The second major innovation is the photo red light imaging system. In this system, a camera is positioned at [intersections] an intersection where red light

violations are [a major cause of collisions.] common. Rather than placing an officer at the intersection full-time, the red light camera serves as a twenty-four hour deterrent to running a red light. [Sensors are buried under a crosswalk leading] Buried vehicle sensors are connected to traffic signals and to a self-contained camera system that is mounted on a nearby pole. When a vehicle enters the intersection against a red light, the camera takes a telephoto color picture of the [rear of the] car as it rolls over the stop bar, capturing the [rear] license plate as evidence. A second wide-angle photograph takes in the entire intersection, including other traffic.

A sign may be posted at the intersection indicating that it is a photo-monitored intersection; however, the camera can be moved to different poles or intersections that are equipped to hold the camera, so that motorists do not know when they are being photographed. As with the photo speed imaging detector system, the private company that supplies the photo red light [camera] imaging system also processes [the film,] pictures, accesses motor vehicle records, checks the pictures of³ license [plate] plates against registration records, and mails out citations.

The legislature finds that the photo red light imaging system, like the photo speed imaging detector system, [also] has numerous benefits. As with the photo speed imaging detector system, not only are streets safer after the implementation of the system, but police officers are freed from time-consuming traffic stops and have more time to make priority calls. A violator is less likely to [go to court,] contest tickets since the color photograph of the violation in progress, with appropriate information imprinted, can be used as evidence in court. [Imprinted on the photograph are the time, date, and location of the violation; the number of seconds the light had been red before the violator entered the intersection; and the violator's speed.] Few cases are contested in other jurisdictions using this system, and police officers make fewer court appearances, resulting in cost savings.

The legislature realizes that Hawaii's prior conversion to administrative adjudication of traffic offenses has eliminated the need for police officers to testify in most cases. However, to the extent that fewer citations are actually contested, cost savings will be realized and contested cases will receive a faster hearing. More importantly, [compliance with traffic laws has generally increased in those jurisdictions;] installation of this type of system has had an immediate effect on the behavior of drivers and has nearly eliminated violations in other jurisdictions.

The legislature finds that the implementation of both photo speed imaging detector and photo red light imaging systems will result in an increase in driver awareness, leading to a reduction in [traffic speeds] speeding and red light violations, and [may also result in lower insurance costs for safe drivers with] an overall reduction in crashes and injuries. A reduction in crashes and injuries in turn will result in lower costs for auto insurance, workers' compensation, and public assistance. Moreover, [these programs place the cost of the programs on the violators, not the taxpayers. Traffic] with use of photo speed imaging detector and photo red light imaging systems, traffic laws [are] will be enforced without discrimination, and safety and efficiency [are] will be increased by reducing the number of high-speed chases and the number of personnel required for traffic accident clean-up, investigation, and court testimony.

In addition, the legislature finds that there is a need to exempt contracts entered into with the private [company] companies that [is to] supply the photo speed imaging detector and photo red light imaging systems from the civil service, compensation, and collective bargaining laws. In Konno v. County of Hawaii, 85 Haw. 61, 937 P.2d 397 (1997), the Hawaii Supreme Court adopted the "nature of the services" test, holding that the protection of the civil service laws extends to those services that have been "customarily and historically" provided by civil servants. Because police officers may be held to be customarily and historically responsible for issuing tickets to speeding motorists and other functions that may

now be contracted out to a private entity, there is a need to specifically exempt any such contracts from the civil service and compensation laws so that those contracts are not voided by Konno. Although the Konno opinion did not reach the decision whether privatization is subject to mandatory collective bargaining, this Act also exempts contracts entered into with a private entity from collective bargaining laws as well, to ensure that these contracts are not subsequently voided for failure to comply with those laws as a result of a subsequent court interpretation.

Finally, the legislature finds that [speeding—whether on a highway or through a red light—frequently causes injury and death. When] when speeding occurs, [the] accidents [involved] are almost always more serious. Photo speed imaging detector and photo red light imaging systems have been proven in many locations throughout the United States, Canada, Europe, and numerous other countries around the world as deterrents to red light traffic violations and speeding and, consequently, injuries and death. The legislature finds that there is an immediate need to remedy the steadily worsening traffic conditions in Hawaii, and that the implementation of photo speed imaging detector and photo red light imaging systems will help to protect the health, safety, and welfare of the people of this State, while at the same time offering substantial cost savings and increased revenues.

The purpose of this Act is to:

- (1) Establish a [three-year] demonstration project in selected areas on state or county highways [in each of the counties] to provide for the implementation of photo speed imaging detector and photo red light imaging systems to improve traffic enforcement; and
- (2) Allow the [county] department of transportation to contract with [an] appropriate [provider] providers of these systems pursuant to the public procurement laws while:
 - (A) Exempting such contracts from civil service, compensation, and collective bargaining laws;
 - (B) Permitting the contractor to have access to information as set forth in this Act; and
 - (C) Allowing the contractor to issue citations or summonses by mail.”

SECTION 9. Act 234, Session Laws of Hawaii 1998, section 5, is amended by amending the definitions of “photo speed imaging detector” and “photo red light imaging” to read as follows:

““Photo speed imaging detector” means a device used for traffic enforcement consisting substantially of a speed [reduction] measurement unit and a video, conventional, or digital camera [mounted in or on a vehicle] that automatically produces photographic identification of a vehicle traveling in excess of the legal speed limit in violation of section 291C-102, Hawaii Revised Statutes.

“Photo red light imaging” means a device used for traffic enforcement consisting substantially of a vehicle sensor installed to work in conjunction with a traffic-control signal and a video, conventional, or digital camera that automatically produces photographic identification of a vehicle which disregards a steady red signal in violation of section 291C-32(a)(3), Hawaii Revised Statutes.”

SECTION 10. Act 234, Session Laws of Hawaii 1998, section 6, as amended by Act 263, Session Laws of Hawaii 1999, section 7, is amended by amending subsection (a) to read as follows:

“(a) Subject to this Act, [each county] the department may establish a [three-year] demonstration project in selected areas of [that county] the State to provide for the implementation of photo red light imaging, photo speed imaging detector, or photo technology systems to improve traffic enforcement as provided in this Act. The demonstration project shall be limited to state or county highways and shall

document the effectiveness of these systems. The contractor shall provide a public information campaign to inform local drivers about the use of these systems before any citation or summons is actually issued.”

SECTION 11. Act 234, Session Laws of Hawaii 1998, section 7, is amended by amending subsection (a) to read as follows:

“(a) Subject to this Act, [each county] the department may establish a photo speed imaging detector system imposing monetary liability on the registered owner of a motor vehicle for failure to comply with speeding laws in accordance with this Act. [Each county] The department, in consultation with county police, may provide for the installation and operation of photo speed imaging detector systems on no more than twenty-five state or county highways at any one time in any county.”

SECTION 12. Act 234, Session Laws of Hawaii 1998, section 7, is amended by amending subsection (c) to read as follows:

“(c) A contractor may issue a citation or summons pursuant to section 10 on the basis of a photo speed imaging detector if the following conditions are met:

- (1) The photo speed imaging detector equipment is operated by a [uniformed] police officer [out of a marked police vehicle;] or a contractor who is authorized to operate the equipment pursuant to this Act; and
- [2) An indication of the speed of the motor vehicle is displayed within one hundred fifty feet of the location of the photo speed imaging detector unit;
- (3) (2) Signs indicating that speeds are enforced by a photo speed imaging detector are posted [on all major routes entering the area in question], as far as practicable, providing notice to a motorist that a photo speed imaging detector may be used; and
- (4) The photo speed imaging detector system is used for no more than four hours per day in any one location from thirty minutes after sunrise to thirty minutes before sunset].

The conditions specified in this subsection shall not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person’s driving record.”

SECTION 13. Act 234, Session Laws of Hawaii 1998, section 8, is amended by amending subsection (a) to read as follows:

“(a) Subject to this Act, [each county] the department may establish a photo red light imaging system imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic-control signal laws in accordance with this Act. [Each county] The department, in consultation with county police, may provide for the installation and operation of photo red light imaging systems at no more than twenty-five intersections in any one county at any one time.”

SECTION 14. Act 234, Session Laws of Hawaii 1998, section 8A, as added by Act 263, Session Laws of Hawaii 1999, section 7, is amended by amending subsection (a) to read as follows:

“(a) Subject to this Act, [each county] the department may establish photo technology systems imposing monetary liability on the registered owner of a motor vehicle for failure to comply with section 291C-38(c), Hawaii Revised Statutes, regarding longitudinal traffic lane markings, in accordance with this Act. [Each county] The department, in consultation with county police, may provide for the installation and operation of photo technology systems on no more than twenty-five state or county highways at any one time in any county; provided that these systems shall primarily be used on controlled access facilities on Oahu.”

SECTION 15. Act 234, Session Laws of Hawaii 1998, section 9, as amended by Act 263, Session Laws of Hawaii 1999, section 7, is amended by amending subsection (a) to read as follows:

“(a) Each county [shall designate] may recommend locations on state or county highways in that county that are appropriate for the installation of[:

- (1) Photo red light imaging or photo technology systems, with the assistance of the director; and
- (2) Photo speed imaging detector systems, without the assistance of the director.] photo red light imaging, photo speed imaging detector, and photo technology systems.”

SECTION 16. Act 234, Session Laws of Hawaii 1998, section 10, as amended by Act 263, Session Laws of Hawaii 1999, section 7, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any law to the contrary, whenever any motor vehicle is determined by means of:

- (1) The photo red light imaging system to have disregarded a steady red signal in violation of section 291C-32(a)(3), Hawaii Revised Statutes;
- (2) The photo speed imaging detector system to be in excess of the legal speed limit in violation of section 291C-102, Hawaii Revised Statutes; or
- (3) The photo technology system to have crossed longitudinal traffic lane markings in violation of section 291C-38(c), Hawaii Revised Statutes,

the contractor shall cause a summons or citation as described in this section to be sent [by certified or registered mail, with a return receipt that is postmarked within forty-eight hours of the time of the incident,] within three days of the date of the incident by certified mail, registered mail, or first class mail with a certificate of mailing obtained as evidence of service to the registered owner of the vehicle at the address on record at the vehicle licensing division. [If the end of the forty-eight hour period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day which is not a Saturday, Sunday, or holiday.] Days when the post office is not open to the public shall not be included in calculation of the three days.”

SECTION 17. Act 234, Session Laws of Hawaii 1998, section 10, is amended by amending subsections (c) and (d) to read as follows:

“(c) Every citation shall be consecutively numbered and each [carbon] copy shall bear the number of its respective original.

(d) Upon receipt, the registered owner shall respond as provided for in chapter 291D, Hawaii Revised Statutes. [A mail receipt signed by the registered owner] Service of a citation by certified mail, registered mail, or first class mail with a certificate of mailing obtained as evidence of service to the registered owner, at the registered owner’s address on record at the vehicle licensing division, is prima facie evidence of notification. The registered owner shall be determined by the identification of the vehicle’s registration plates.”

SECTION 18. Act 234, Session Laws of Hawaii 1998, section 16, as amended by Act 263, Session Laws of Hawaii 1999, section 7, is amended by amending subsection (b) to read as follows:

“(b) [The request for proposals shall be from a list of applicants prequalified by the department and each county, and shall be applicable to any contract between a county and any contractor entered into under the authority of this Act. Standards for prequalification] Qualification of applicants under this section shall be determined by the department before the commencement of the selection process; provided that

any contract entered into under this Act, at a minimum, shall be negotiated with [the private entity found most qualified. The contractor shall demonstrate that it] a contractor that has the qualifications and experience necessary to carry out and expedite the terms of the contract and the ability to comply with applicable laws and court orders. [Each contract entered into by a county may include any other requirements that the director considers necessary and appropriate for carrying out the purposes of this Act.]”

SECTION 19. Act 234, Session Laws of Hawaii 1998, section 17, as amended by Act 263, Session Laws of Hawaii 1999, section 7, is amended to read as follows:

“SECTION 17. **Authority to contract; duration of contract; approval as to form; contract term, renewal, and termination; exemptions.** (a) [Each county, with prior approval from the] The department, in consultation with county police, may contract with one or more contractors to purchase, lease, rent, use, install, maintain, and operate photo red light imaging, photo speed imaging detector, or photo technology systems as provided in this Act.

(b) Notwithstanding any other law to the contrary, the contractor shall provide the following services and activities to implement the photo speed imaging detector, photo red light imaging, or photo technology systems:

- (1) Equipment installation;
- (2) Data processing, including custom software development and integration;
- (3) Staffing and training of law enforcement personnel and other persons as necessary to provide for effective traffic enforcement;
- (4) [Film delivery, retrieval, and processing;] Required support services for use of video cameras, conventional cameras, or digital cameras;
- (5) Image evaluation;
- (6) License plate identification and verification;
- (7) Review of individual motor vehicle registration records, pursuant to sections 286-45 and 286-172, Hawaii Revised Statutes, to obtain access only to the registered motor vehicle owner’s name and address; provided this data shall only be used as is necessary to carry out the provisions of the contract and the purposes of this Act and may not otherwise be publicly disclosed;
- (8) Citation generation, processing, and tracking;
- (9) Data transfer to agency and court;
- (10) Violation and statistical data collection, analysis, and reporting;
- (11) Twenty-four-hour support services, consulting, technical assistance, and Internet access;
- (12) Community awareness and public relations services; and
- (13) Any other services, activities, or equipment deemed necessary or desirable by the department [and each county.] or a state court to implement this Act.

(c) [The] Each contract shall specify such matters as are deemed relevant by the State[, each county,] and the contractor, and shall be approved as to form and content by the attorney general; provided that the contract:

- (1) Shall not specify any condition for the issuance of a citation or summons other than as provided by this Act or other applicable state law;
- (2) Shall prohibit the contractor, or the contractor’s agents or employees, from engaging in any activities prescribed for police officers pursuant to chapter 52D or section 291C-164, Hawaii Revised Statutes, or any

other provision of law relating to law enforcement or the use of force, except as otherwise provided in this Act;

- (3) Shall specify that personal and confidential information used for the [projects] project shall become the property of [each county] the State at the end of the contract, that all data shall be returned to [that county,] the State, and that the contractor may use information obtained from the State or [that] a county only as is necessary to carry out the provisions of the contract and the purposes of this Act;
- (4) Shall make the data accessible to the contractor, as set forth in subsection (b)(7);
- (5) Shall provide appropriate security for the data system and equipment; and
- (6) Shall specify that motor vehicle registration records obtained pursuant to the contract, and as set forth in sections 286-45 and 286-172, Hawaii Revised Statutes, are personal and confidential information and may be used only for services related to issuance of traffic citations and court purposes.

(d) No contract shall ~~extend or~~ be renewed beyond May 1, 2003, unless [a county, with the concurrence of] the director[,] determines that the contract offers demonstrable benefits to [that county as documented by the county.] the State.

(e) [A county,] The director, upon demonstration that a breach of contract has occurred and that after the passage of a reasonable period of time the breach has not been cured, and without penalty to [that] the department or any county, may cancel a contract at any time after giving three-months' prior written notice.

(f) [The department of budget and finance shall create an account and set aside a portion of the revenues received from the fines obtained from citations initiated as a result of the traffic enforcement demonstration project to offset the contractor's costs of operating the photo speed imaging detector, photo red light imaging, and photo technology systems.

(g) Notwithstanding any other law to the contrary, any contracts entered into by [a county] the department with a contractor pursuant to this section shall not be subject to chapters 76, 77, and 89, or section 46-33, Hawaii Revised Statutes."

SECTION 20. Act 234, Session Laws of Hawaii 1998, section 23, as amended by Act 263, Session Laws of Hawaii 1999, section 7, is amended to read as follows:

SECTION 23. Report. [Each county] The department, in consultation with county police, shall submit progress, interim, and final reports to the legislature as follows:

- (1) The [interim] progress report shall document the progress made in implementing the demonstration project and any contract entered into with a private contractor. The [interim] progress report shall be submitted to the legislature no later than twenty days before the convening of the regular [sessions of 1999 and] session of 2000; [and]
- (2) The interim report shall present preliminary findings about the effectiveness of the demonstration project and may include any proposed legislation necessary to facilitate mailed traffic citations. The interim report shall be submitted to the legislature no later than twenty days before the convening of the regular session of 2001; and

- [(2)] (3) The final report shall evaluate the effectiveness of the demonstration project, and shall include the following:

- (A) The total fine revenue generated by using the photo speed imaging detector, photo red light imaging, or photo technology systems;
- (B) The number of citations and summonses issued by the photo speed imaging detector, photo red light imaging, or photo technology systems;
- (C) The amount paid to the contractor providing the photo speed imaging detector, photo red light imaging, or photo technology systems;
- (D) The effect of the demonstration project on traffic safety;
- (E) The degree of public acceptance of the project;
- (F) The process of administration of the project;
- (G) An evaluation of the costs and benefits of the project;
- (H) A review of the effectiveness of contracts entered into under this Act and the performance of the contractor;
- (I) Recommendations for design or planning changes that might reduce traffic congestion on state or county highways; and
- (J) Findings and recommendations as to whether to [continue any contract entered into pursuant to this Act,] make the project permanent, expand the use of cameras and contractors for enforcement of traffic laws, or adopt another alternative.

The final report shall include any proposed implementing legislation as may be necessary, and shall be submitted to the legislature no later than twenty days before the convening of the regular session of [2001.] 2002.”

SECTION 21. Act 234, Session Laws of Hawaii 1998, is amended by amending section 29 to read as follows:

“SECTION 29. This Act shall take effect on July 1, 1998; provided that on July 1, [2001,] 2003, this Act shall be repealed and sections 286-45, 286-172(a), and 291C-163(a), Hawaii Revised Statutes, are reenacted in the form in which they read on June 30, 1998.”

SECTION 22. There is appropriated out of the moneys deposited into the photo enforcement revolving fund the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2000-2001. The sum appropriated by this Act shall be expended by the department of transportation for the purposes of this Act.

SECTION 23. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 24. This Act shall take effect on July 1, 2000.

(Approved June 19, 2000.)

Notes

1. Prior to amendment hyphen appeared here.
2. “Speed” should be underscored.
3. “Of” should be underscored.