

ACT 30

H.B. NO. 1676

A Bill for an Act Relating to Highway Safety.

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

PART I

SECTION 1. The legislature finds that the prevalence of drivers violating Hawaii's traffic laws has become intolerable, particularly drivers who run red lights. From 2015 to 2019, county police throughout Hawaii issued 20,885 red light violations to motorists, for disregarding a red light traffic signal. These violations endanger the lives of motorists, pedestrians, bicyclists, and other vulnerable road users. Between 2014 and 2018, a total of 1,312 intersection crashes occurred in Hawaii as a result of red light and other traffic signal violations; some involved serious injuries or deaths. National studies have shown that more than half of those injured and killed in red light crashes are innocent people obeying the law, not the offending driver. Red light running violations compound the already hazardous conditions on Hawaii's roads and highways. It has become increasingly common to hear reports of hit-and-run drivers who have struck children or the elderly. Disregarding traffic signals has also been the common denominator in many recent, highly-publicized motor vehicle crashes that have claimed a number of lives.

The legislature further finds that in other jurisdictions in the United States, Canada, Europe, and other countries throughout the world, photo red light imaging detector systems have proven reliable, efficient, and effective in identifying and deterring those who run red lights. In New York City, for example, the average daily number of red light running violations issued at each camera location has declined by over seventy-five per cent since inception of the red light camera program more than twenty-five years ago. Moreover, right angle crashes at signalized intersections have declined by seventy-one per cent city-wide, from an average of 7,221 to 2,084 annually, and severe injuries from such crashes have declined by over eighty-three per cent, from six hundred thirty-three to one hundred three annually.

Photo red light imaging detector systems are safe, quick, cost-effective, and efficient. No traffic stop is involved, and a police officer is not at risk from passing traffic or armed violators. With photo red light imaging detector systems, a camera is positioned at intersections where red light violations and collisions are most frequent, and serves as a twenty-four-hour deterrent to running a red light. When a motor vehicle enters the intersection against a red light, the camera takes a telephoto color picture of the rear of the car, capturing the license plate. A second wide-angle photograph takes in the entire intersection, including other traffic.

These systems provide numerous benefits. Not only are streets safer, but police officers are also freed from the time-consuming duties of traffic enforcement and have more time to respond to priority calls. A violator is less likely to go to court because the color photograph of the violation, imprinted with the time, date, and location of the violation, and the amount of time the light had been red before the violator entered the intersection can be used as evidence in court. Few cases are contested in other jurisdictions using this system, and officers make fewer court appearances, saving court costs. In New York City, approximately five per cent of tickets were contested during the first five years of the program's start. Today, twenty-seven years later, less than two per cent of tickets are contested.

The system may also result in lower insurance costs for safe drivers through an overall reduction in crashes and injuries and by placing much of the system costs on the violators who have created the need for the program, less on law-abiding taxpayers. Traffic laws are impartially enforced, and safety and efficiency are increased by reducing the number of chases and personnel required for traffic collision clean-up, investigation, and court testimony.

The legislature further finds that the photo speed imaging detector system created by Act 234, Session Laws of Hawaii 1998, and implemented in January 2002, generated intense public opposition. As a result of this opposition, the legislature repealed Act 234 in its entirety. However, the majority of the opposition to this program resulted from the method by which the program was implemented. The public perceived that the program was operated more to maximize revenue for the vendor running the program than to improve traffic safety. In particular, vans in which the cameras were mounted were often placed at locations that did not necessarily have a history of speed-related collisions and instead were used to monitor locations with heavy traffic flow at lower speeds. This permitted the vendor to issue the maximum number of citations in the shortest period of time and at the least cost, thereby maximizing the potential return to the vendor without improving traffic safety.

The legislature further finds that Act 131, Session Laws of Hawaii 2019, created the red light running committee, whose purpose was to "develop policy recommendations for red light running programs in the city and county of Honolulu, and the counties of Maui, Kauai, and Hawaii." After examining the red light running programs of Washington, Illinois, New York, and Florida, the red light running committee found that red light photo enforcement programs are a promising tool that, when implemented properly, can save lives and reduce injuries by changing drivers' behaviors and lead to safer driving habits. Based on their findings, the red light running committee made a number of policy recommendations, which are reflected in this Act.

The purpose of this Act is to:

- (1) Establish a photo red light imaging detector systems program to improve enforcement of the traffic signal laws;

- (2) Allow the photo red light imaging detector systems program to be implemented in the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu;
- (3) Authorize the deposit of fines collected under county programs into a special fund; and
- (4) Authorize the expenditure of funds from this special fund by the department of transportation in the county in which the fine was collected for the establishment, operation, management, and maintenance of the photo red light imaging detector systems program.

PART II

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

“County” means the counties of Hawaii, Kauai, and Maui, and the city and county of Honolulu.

“County highway” has the same meaning as used in section 264-1.

“Department” means the department of transportation.

“Motor vehicle” has the same meaning as defined in section 291C-1.

“Photo red light imaging detector” means a device used for traffic enforcement that includes a vehicle sensor that works in conjunction with a traffic-control signal and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of the motor vehicle and motor vehicle license plate at the time the motor vehicle fails to stop when facing a steady red traffic-control signal in violation of section 291C-32(c).

“Owner” or “registered owner” has the same meaning as used in section 286-2.

“State highway” has the same meaning as used in section 264-1.

“Traffic-control signal” has the same meaning as defined in section 291C-1.

§ -2 **Photo red light imaging detector systems program; established.** There is established the photo red light imaging detector systems program to enforce the traffic-control signal laws of the State, which may be implemented by the State or any county following completion of a pilot program in the city and county of Honolulu, on any state or county highways within the respective county. Nothing in this chapter shall be deemed to supersede or override any provision of chapter 291D.

§ -3 **Pilot program.** There is established the photo red light imaging detector systems pilot program to enforce the traffic-control signal laws of the State, which may be implemented by the city and county of Honolulu, in the major arterial zones on state or county highways, within that area in the city and county of Honolulu established as Honolulu Police Department Districts 1, 5, 6 and 7, as they existed on July 1, 2020. The pilot project shall operate for a minimum of two years, starting from the time the cameras become operational and summons or citations are first issued.

§ -4 County powers and duties. (a) The State or any county may establish and implement, in accordance with this chapter, a photo red light imaging detector system imposing monetary liability on the registered owner of a motor vehicle for failure to comply with traffic-control signal laws. The State or any county may provide for the:

- (1) Procurement, location, and oversight of a photo red light imaging detector system; and
- (2) Installation, operation, maintenance, and repair of the photo red light imaging detector system through a third party contractor.

Where the photo red light imaging detector system affects state property, the department shall cooperate with and assist the county as needed to install, maintain, and repair the photo red light imaging detector system established pursuant to this chapter.

(b) If the State or a county establishes a red light imaging detector system under this chapter, the compensation paid by the State or county to a manufacturer or vendor of the equipment used shall be based upon the value of the equipment and services provided or rendered in support of the photo red light imaging detector system, and shall not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(c) Prior to the installation and operation of any photo red light imaging detector system, for each intersection considered for enforcement via the photo red light imaging detector system, the State or county shall:

- (1) Conduct a comprehensive engineering review and study of each intersection and implement all necessary and appropriate engineering, design, and traffic-control-signal timing measures; and
- (2) Conduct a study to acquire a baseline average of the number of motor vehicles violating section 291C-32(c) over a period of not less than one week; provided that the baseline average shall be determined prior to the installation of any signs or other official traffic-control devices that indicate that an intersection is being considered for a photo red light imaging detector system.

(d) At least sixty days prior to the photo red light imaging detector systems becoming operational, the department, in conjunction with any county that implements a photo red light imaging detector systems program pursuant to this chapter, shall conduct a comprehensive informational and educational campaign to inform motorists and the general public about the program.

(e) During the first thirty days of operation of an individual photo red light imaging detector system at a particular traffic signal, a warning shall be issued for any violation of section 291C-32(c) and mailed to the registered owner of the motor vehicle at the address on record as the vehicle licensing division in lieu of a summons or citation pursuant to section -6.

§ -5 Photo red light imaging detector system requirements. (a) Photo red light imaging detector equipment may be operated from a fixed pole, post, or other fixed structure on a state or county highway.

(b) Signs and other official traffic-control devices indicating that traffic signal laws are enforced by a photo red light imaging detector system shall be posted on major routes entering the area in question to provide, as far as practicable, notice to drivers of the existence and operation of the system.

(c) Proof of a violation of section 291C-32(c) shall be as evidenced by information obtained from the photo red light imaging detector system authorized pursuant to this chapter. A certificate, sworn to or affirmed by the reviewing police department, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced

by the system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing a violation shall be available for inspection in any proceeding to adjudicate the liability for that violation.

(d) The conditions specified in this section shall not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine or court appearance.

§ -6 Summons or citations. (a) Notwithstanding any law to the contrary, and except for the time period allowed pursuant to -4(e), beginning January 1, 2021, whenever any motor vehicle is determined, by means of a photo red light imaging detector system, to have disregarded a steady red signal in violation of section 291C-32(c), the State's or county's third party contractor shall cause a summons or citation, as described in this section, to be sent by first class mail, that is postmarked within ten calendar days after the date of the incident, to the registered owner of the motor vehicle at the address on record at the vehicle licensing division. If the end of the ten calendar day period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or holiday.

(b) The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the summons or citation valid within the laws of the State; provided that any summons or citation pursuant to the photo red light imaging detector systems program shall contain a clear and unobstructed photographic, digital, or other visual image of the motor vehicle license plate, which shall be used as evidence of the violation.

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

(d) Prior to the mailing of 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 section -6(b).

(e) Upon receipt of the summons or citation the registered owner shall respond as provided for in chapter 291D. A record of the mailing of the summons or citations prepared in the ordinary course of business is prima facie evidence of notification. The registered owner shall be determined by the identification of the motor vehicle license plate.

§ -7 Registered owner's responsibility for a summons or citation. (a) In any proceeding for a violation of this chapter, the information contained in the summons or citation mailed in accordance with section -6 shall be deemed prima facie evidence that a violation of section 291C-32(c) occurred. If the registered owner does not rebut the evidence presented in this subsection by presenting one or more of the defenses listed in subsection (b), the registered owner shall be strictly liable for a violation of section 291C-32(c).

(b) The registered owner of the motor vehicle may present evidence to rebut the evidence in subsection (a) by any one of the following:

- (1) Submitting a written statement as provided in section 291D-6(b)(2);
- (2) Testifying in open court under oath that the person named in the summons or citation was not the registered owner of the motor vehicle at the time of the alleged violation;

- (3) Calling witnesses to testify in open court under oath that the person named in the summons or citation was not the registered owner of the motor vehicle at the time of the alleged violation;
- (4) Submitting evidence that the motor vehicle passed through the intersection when the traffic light was red in order to yield the right-of-way to an emergency vehicle;
- (5) Submitting evidence that the motor vehicle was part of a funeral procession escorted by the police;
- (6) Presenting, prior to the return date established on the citation or summons issued pursuant to this chapter, a letter of verification of loss from the police department indicating that the motor vehicle or the motor vehicle license plates had been reported stolen, to the court adjudicating the alleged violation; or
- (7) Submitting evidence that the motor vehicle passed through the intersection at the direction of a law enforcement officer.

§ -8 Failure to comply with summons or citation. If the registered owner of the motor vehicle does not return an answer in response to a summons or citation within a period of thirty days from the date of the mailing of the summons or citation, the district court shall issue, pursuant to section 291D-7(e), a notice of entry of judgment of default to the registered owner of the motor vehicle.

§ -9 Liability for rental or U-drive motor vehicle. Notwithstanding any law to the contrary, any registered owner of record who is the lessor of a rental or U-drive motor vehicle, including those defined in section 286-2 shall be liable for any summons or citation issued pursuant to this chapter. The registered owner shall not be precluded from pursuing reimbursement from any applicable renter or lessee.

§ -10 Penalty. (a) The penalties for all consequences of a violation for disregarding a steady red signal initiated by the use of a photo red light imaging detector system shall be as provided in section 291C-161.

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

§ -11 Fines for unauthorized disclosure. All personal and confidential information made available by a photo red light imaging detector system to an officer, employee, or agent of the State or any county, including third party contractors, shall be kept confidential and shall be used only for the purposes for which the information was furnished. Any officer, employee, or agent of the State or any county, including a third party contractor, who intentionally discloses or provides a copy of personal and confidential information obtained from a photo red light imaging detector system to any person or agency without authorization shall be fined not more than \$500; provided that the fine shall not preclude the application of penalties or fines otherwise provided for by law.

§ -12 Photo red light imaging detector systems program special fund established. (a) There is established a photo red light imaging detector systems special fund to be administered by the department, into which shall be paid revenues collected pursuant to this chapter.

(b) All fines collected under this chapter shall be deposited into the photo red light imaging detector systems program special fund. Moneys in the fund shall be expended by the department in the county in which the fine was im-

posed, for purposes that include the establishment, implementation, operation, oversight, repair and maintenance of a photo red light imaging detector system.

§ -13 **Rules.** The department shall adopt rules pursuant to chapter 91, as may be necessary to implement this chapter.”

PART III

SECTION 3. Section 291C-32, Hawaii Revised Statutes, is amended to read as follows:

“§291C-32 **Traffic-control signal legend.** (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (1) Green indication:
 - (A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at the place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (B) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (C) Unless otherwise directed by a pedestrian-control signal, as provided in section 291C-33, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow indication:
 - (A) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (B) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (3) 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) The driver of a vehicle which 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) The driver of a vehicle on a one-way street which 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.
- (D) Unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, pedestrians facing a steady red signal alone shall not enter the roadway.

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(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 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 _____. The traffic-control signal lights shall apply to registered owners and 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 ef-

fective when a sign is erected at such intersection giving notice thereof.

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

~~[(e)] (d)~~ For purposes of this section, a pedestrian is lawfully within an intersection or adjacent crosswalk when any part or extension of the pedestrian, including any part of the pedestrian's body, wheelchair, cane, crutch, or bicycle, is beyond the curb or the edges of the traversable roadway or moves onto the roadway within an intersection or crosswalk."

SECTION 4. Section 291C-161, Hawaii Revised Statutes, is amended to read as follows:

“§291C-161 Penalties-; photo red light imaging detector system fines.

(a) It ~~[is]~~ shall be a violation for any person to violate any of the provisions of this chapter, except as otherwise specified in subsections (c) and (d) and unless the violation is by other law of this State declared to be a felony, misdemeanor, or petty misdemeanor.

(b) Except as provided in subsections (c) and (d), every person who is determined to have violated any provision of this chapter for which another penalty is not provided shall be fined:

- (1) Not more than \$200 for a first violation thereof;
- (2) Not more than \$300 for a second violation committed within one year after the date of the first violation; and
- (3) Not more than \$500 for a third or subsequent violation committed within one year after the date of the first violation.

(c) Every person convicted under or found in violation of section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103, 291C-104, or 291C-105 shall be sentenced or fined in accordance with those sections.

(d) Every person who violates section 291C-13 or 291C-18 shall:

- (1) Be fined not more than \$200 or imprisoned not more than ten days for a first conviction thereof;
- (2) Be fined not more than \$300 or imprisoned not more than twenty days or both for conviction of a second offense committed within one year after the date of the first offense; and
- (3) Be fined not more than \$500 or imprisoned not more than six months or both for conviction of a third or subsequent offense committed within one year after the date of the first offense.

(e) The court may assess a sum not to exceed \$50 for the cost of issuing a penal summons upon any person who fails to appear at the place within the time specified in the citation issued to the person for any traffic violation.

(f) Fines collected for a violation of section 291C-32(c) pursuant to the photo red light imaging detector system established pursuant to chapter shall be deposited into the photo red light imaging detector systems program special fund established under section -12 and shall be expended in the county in which the fine was imposed, for purposes that include the establishment, implementation, operation, oversight, management, repair and maintenance of a photo red light imaging detector system.

~~[(f)] (g)~~ The court may require a person who violates any of the provisions of this chapter to attend a course of instruction in driver retraining as deemed appropriate by the court, in addition to any other penalties imposed."

SECTION 5. Section 291C-163, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) This chapter shall not be deemed to prevent counties with respect to streets and highways under their jurisdiction from:

- (1) Regulating or prohibiting stopping, standing, or parking except as provided in section 291C-111;
- (2) Regulating traffic by means of police officers or official traffic-control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular highways or roadways for use by traffic moving in one direction;
- (5) Establishing speed limits for vehicles in public parks;
- (6) Designating any highway as a through highway or designating any intersection as a stop or yield intersection;
- (7) Restricting the use of highways;
- (8) Regulating the operation and equipment of and requiring the registration and inspection of bicycles, including the requirement of a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- (10) Altering or establishing speed limits;
- (11) Requiring written accident reports;
- (12) Designating no-passing zones;
- (13) Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic;
- (14) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- (15) Establishing minimum speed limits;
- (16) Designating hazardous railroad grade crossing;
- (17) Designating and regulating traffic on play streets;
- (18) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk;
- (19) Restricting pedestrian crossing at unmarked crosswalks;
- (20) Regulating persons propelling push carts;
- (21) Regulating persons upon skates, coasters, sleds, and other toy vehicles;
- (22) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
- (23) Adopting maximum and minimum speed limits on streets and highways within their respective jurisdictions;
- (24) Adopting requirements on stopping, standing, and parking on streets and highways within their respective jurisdictions except as provided in section 291C-111;
- (25) Prohibiting or regulating electric personal assistive mobility devices on sidewalks and bicycle paths; ~~and~~
- (26) Implementing a photo red light imaging detector system pursuant to chapter _____; and
- ~~[(26)] (27) Adopting such other traffic regulations as are specifically authorized by this chapter.”~~

SECTION 6. Section 291C-165, Hawaii Revised Statutes, is amended to read as follows:

“§291C-165 Summons or citation. (a) There shall be provided for use by authorized police officers, a form of summons or citation for use in citing violators of those traffic laws which do not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State.

(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 vehicle illegally utilizing a parking space reserved for persons with disabilities, where the violator refuses the citation;

the original of the citation shall be sent by certified or registered mail, with a return receipt that is postmarked within forty-eight hours of the time of the incident, as provided in section 291C-223 for vehicles illegally utilizing the high occupancy vehicle lane, or within seventy-two hours of the time of the incident for vehicles illegally utilizing a parking space reserved for persons with disabilities, to the registered owner of the vehicle at the address on record at the vehicle licensing division. If the end of the applicable forty-eight or seventy-two 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 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.

(c) In the case of a motor vehicle determined by means of a photo red light imaging detector system established pursuant to chapter _____ to have disregarded a steady red signal in violation of section 291C-32(c); the original of the citation shall be sent by first class mail within ten calendar days from the time of the incident for motor vehicles disregarding a steady red light signal in violation of section 291C-32(c), as determined by means of a photo red light imaging system, to the registered owner of the motor vehicle at the address on record at the vehicle licensing division. If the end of the applicable ten calendar day 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.

~~[(e)]~~ (d) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.”

SECTION 7. Section 291C-194, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any person who is convicted of violating this section shall be subject to penalties as provided under section 291C-161(b) and ~~[(f)]~~ (g).”

PART IV

SECTION 8. The department of transportation, in consultation with any county that implements a photo red light imaging detector system pilot program pursuant to this Act, shall annually submit a report to the legislature no later than twenty days prior to the convening of the regular sessions of 2021, 2022, 2023, and 2024. The reports shall include, at a minimum, information on whether the implementation of the pilot program has resulted in any statistically

ACT 30

significant reduction in motor vehicle collisions, traffic infractions, and other traffic-related incidents. The reports shall also include recommendations on how to improve the pilot program, if it should be made permanent, and funding estimates.

SECTION 9. There is appropriated out of the state highway fund the sum of \$800,000 or so much thereof as may be necessary for fiscal year 2021-2022 to be deposited into the photo red light imaging detector systems special fund.

SECTION 10. There is appropriated out of the photo red light imaging detector systems special fund the sum of \$800,000 or so much thereof as may be necessary for fiscal year 2021-2022 for purposes of establishing the photo red light imaging detector systems pilot program.

The sum appropriated shall be expended by the department of transportation for the purposes of this Act; provided that the department of transportation shall expend \$112,602 in fiscal year 2020-2021 and fiscal year 2021-2022 for the funding of one permanent full-time (1.0 FTE) deputy prosecuting attorney position within the department of the prosecuting attorney of the city and county of Honolulu.

SECTION 11. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 12. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

SECTION 14. This Act shall take effect upon its approval; provided that sections 9 and 10 shall take effect retroactive to July 1, 2020.

(Approved September 15, 2020.)