

**ACT 112**

S.B. NO. 2443

A Bill for an Act Relating to Highway Safety.

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

SECTION 1. The legislature finds that the prevalence of drivers who violate Hawaii's traffic laws is intolerable, particularly drivers who speed. This dangerous behavior puts the lives of all of Hawaii's roadway users at risk. According to state traffic data, speeding continues to be the most common contributing factor in motor vehicle fatalities. Data from the department of transportation shows that speeding contributed to almost fifty per cent of all motor vehicle fatalities.

Automated speed enforcement cameras are powerful tools that can reduce motor vehicle crashes and fatalities by augmenting traditional enforcement efforts or enforcing in locations where traffic stops are impractical or unsafe.

The purpose of this Act is to establish an automated speed enforcement program to improve enforcement of speeding laws.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to title 17 to be appropriately designated and to read as follows:

**“CHAPTER  
AUTOMATED SPEED ENFORCEMENT SYSTEMS**

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

“Automated speed enforcement system” means a device, or combination of devices, used for traffic enforcement pursuant to section 291C- , that includes a vehicle sensor working in conjunction and synchronization with a speed measuring device and camera, to automatically produce and record one or more sequenced photographs, microphotographs, video, or other recorded images of a motor vehicle and motor vehicle license plate, at the time the motor vehicle is exceeding the applicable maximum speed limit, in violation of section 291C- .

“Department” means the department of transportation.

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

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

**§ -2 Automated speed enforcement systems program; established.** There shall be established the automated speed enforcement systems program, which shall be implemented by the State to enforce the speed restriction laws of the State. The automated speed enforcement system program shall be limited to only those locations where a photo red light imaging detector system has been implemented pursuant to chapter 291J.

**§ -3 State powers and duties.** (a) The State shall establish and implement, in accordance with this chapter, an automated speed enforcement system imposing monetary liability on the registered owner of a motor vehicle for violations of section 291C- . The State shall provide for the:

- (1) Procurement, location, and oversight of an automated speed enforcement system; and
- (2) Installation, operation, maintenance, and repair of the automated speed enforcement system through a third-party contractor.

Where the automated speed enforcement system affects county property, the department shall cooperate with and assist the county as needed to install, maintain, and repair the automated speed enforcement system established pursuant to this chapter.

(b) The compensation paid by the State to establish an automated speed enforcement system under this chapter 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 automated speed enforcement system and shall not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(c) Before the installation and operation of any automated speed enforcement system, for each location considered for enforcement via the automated speed enforcement system, the State shall conduct:

- (1) A comprehensive engineering review and study of each location and implement all necessary and appropriate engineering, design, and traffic-control signal measures; and

- (2) A study to acquire a baseline average of the number of motor vehicles violating the posted maximum speed limit, over a period of not less than one week; provided that the baseline average shall be determined before the installation of any signs or other official traffic-control devices that indicate that a location is being considered for an automated speed enforcement system.

(d) At least sixty days before the automated speed enforcement system becomes operational, the department, in conjunction with any county in which an automated speed enforcement systems program is implemented 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 automated speed enforcement system at a particular location, a warning shall be issued for any violation and mailed to the registered owner of the motor vehicle at the address on record at the vehicle licensing division in lieu of a summons or citation pursuant to section 264-5.

- (f) For the purposes of this section:

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

“Location” means the place, intersection, or roadway where an automated speed enforcement system is installed and operated.

**§ -4 Automated speed enforcement system requirements.** (a) Automated speed enforcement system equipment shall be operated from a fixed pole, post, or other fixed structure on a state highway or county highway.

(b) Signs or other traffic-control signal devices indicating that traffic signal laws are enforced by an automated speed enforcement 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 automated speed enforcement system.

(c) Proof of a violation of section 291C- shall be evidenced by information obtained from an automated speed enforcement system authorized pursuant to this chapter. A certificate, sworn to or affirmed by the reviewing county police department, or a facsimile thereof, based upon inspection of any clear and unobstructed photographs, microphotographs, video, or other recorded images produced by the system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, video, or other recorded images shall be available for inspection in any proceeding to adjudicate the liability for that violation.

(d) It shall be a defense to any prosecution for a violation of exceeding the maximum motor vehicle speed limits pursuant to this chapter and section 291C- that the automated speed enforcement system was malfunctioning at the time of the alleged violation.

(e) 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.

(f) As used in this section, “county highway” and “state highway” have the same meaning as defined in section 264-1.

**§ -5 Summons or citation.** (a) Notwithstanding any law to the contrary and except as otherwise provided in this chapter, beginning January 1, 2025, whenever any motor vehicle 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- , the State’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. The registered owner shall be determined by the identification of the motor vehicle license plate.

(b) The form and content of the summons or citation shall be adopted or prescribed by the administrative judge of the district courts and printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest that are 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 issued pursuant to the automated speed enforcement systems program shall contain a clear and unobstructed photographic, digital, or other visual image of the motor vehicle license plate, and speed units measured by the speed reader that 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) Before 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.

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

(f) Procedures regarding answering a notice, court actions, and court hearings shall be pursuant to sections 291D-6, 291D-7, 291D-8, and 291D-13; provided that it shall not be a defense to any citation issued pursuant to this chapter that another person was driving the defendant's motor vehicle at the time of incident, unless the motor vehicle was stolen as documented by a police report; provided further that any reference to the defendant's commission of the traffic infraction or similar language shall be interpreted to mean commission of the traffic infraction.

**§ -6 Registered owner's responsibility for a summons or citation.** In any proceeding pursuant to this chapter, the information contained in the summons or citation mailed in accordance with section -5 shall be deemed prima facie evidence that a violation of section 291C- occurred. The registered owner shall be strictly liable for a violation of section 291C- .

**§ -7 Failure to comply with a summons or citation.** If the registered owner of the motor vehicle fails to respond to a summons or citation within thirty days from the date of the mailing of the summons or citation, the district court shall issue a notice of entry of judgment of default to the registered owner of the motor vehicle pursuant to section 291D-7(e).

**§ -8 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.

**§ -9 Fines for unauthorized disclosure.** All personal and confidential information made available by an automated speed enforcement 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 an automated speed enforcement 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.

**§ -10 Automated speed enforcement systems program special fund; established.** (a) There is established in the state treasury an automated speed enforcement systems program special fund to be administered by the department, into which shall be deposited all fines collected pursuant to this chapter and section 291C-

(b) Moneys in the automated speed enforcement systems program special fund shall be expended by the department in the county in which the fine was imposed, for the establishment, implementation, operation, oversight, management, maintenance, and repair of an automated speed enforcement system and implementation of the automated speed enforcement systems program.

**§ -11 Rules.** The department shall adopt rules pursuant to chapter 91 to effectuate the purposes of this chapter; provided that the department may adopt interim rules to carry out the purposes of this chapter without regard to chapter 91 or 201M; provided further that:

- (1) The department shall hold at least one public hearing before the adoption of the interim rules; and
- (2) The interim rules shall be effective for not more than two years after adoption.”

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

**“§291C- Noncompliance with maximum speed limit under automated speed enforcement system.** (a) Whenever a motor vehicle travels through a location actively monitored by an automated speed enforcement system, all registered owners of all motor vehicles in vehicular traffic shall be held strictly liable for their motor vehicle’s compliance with the maximum speed limit, to the extent that registered owners may be cited and held accountable for their motor vehicle traveling at a speed not less than five miles per hour over the posted maximum speed limit, via civil traffic infractions pursuant to chapter . The department may increase the minimum speed threshold for issuance of a citation pursuant to administrative rules adopted pursuant to chapter 91.

(b) In the event a registered owner is cited pursuant to chapter , and the driver of the motor vehicle is cited pursuant to another section in this part for the same incident, the citation issued pursuant to chapter shall be dismissed.

(c) If the maximum speed limit is exceeded by more than ten miles per hour, an additional surcharge of \$10 shall be imposed, and shall be deposited into the neurotrauma special fund.

(d) If the motor vehicle is traveling at a speed exceeding:

- (1) The maximum speed limit by thirty miles per hour or more; or
- (2) Eighty miles per hour or more irrespective of the maximum speed limit,

the registered owner shall pay a fine of \$250.

(e) 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.

(f) For purposes of this section, "maximum speed limit" means the maximum speed limit established by county ordinance or by official signs placed by the director of transportation on highways under the director's jurisdiction."

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

**“§291C-161 Penalties; photo red light imaging detector system fines[;]; automated speed enforcement system fines.** (a) It 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[;] **not more than:**

- (1) [~~Not more than \$200~~] **\$250** 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~~] **\$250** 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 291J shall be deposited into the photo red light imaging detector systems program special fund established under section 291J-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.

**(g) Notwithstanding any other law to the contrary, fines collected pursuant to chapter and section 291C- shall be deposited into the automated speed enforcement systems program special fund established under section -10 and shall be expended in the county in which the fine was imposed, for purposes that include the establishment, implementation, operation, oversight, management, maintenance, and repair of an automated speed enforcement system and implementation of the automated speed enforcement systems program.**

~~(g)~~ (h) 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-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, or county employees designated by the county chiefs of police, a form of summons or citation for use in citing violators of those traffic laws that do not mandate the physical arrest of violators. 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 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]~~ that 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 291J 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]~~ 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]~~ 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]~~ that is not a Saturday, Sunday, or holiday.

(d) In the case of a motor vehicle determined by means of a speed enforcement system established pursuant to chapter 291K to have exceeded a maximum speed limit 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, 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 that is not a Saturday, Sunday, or holiday.

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

SECTION 6. 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 ~~[(g)-]~~ (h).”

SECTION 7. Section 321H-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There ~~[is]~~ shall be established the neurotrauma special fund to be administered by the department with advisory recommendations from the neurotrauma advisory board. The fund shall consist of:

- (1) Moneys raised pursuant to the surcharges levied under sections 291-11.5, 291-11.6, 291C-12, 291C-12.5, 291C-12.6, 291C-102, 291C-105, ~~291C-~~ and 291E-61;
- (2) Federal funds granted by Congress or executive order, for the purpose of this chapter; provided that the acceptance and use of federal funds shall not commit state funds for services and shall not place an obligation upon the legislature to continue the purpose for which the federal funds are made available; and
- (3) Funds appropriated by the legislature for the purpose of this chapter.”

SECTION 8. There is appropriated out of the state highway fund the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2024-2025 to be deposited into the automated speed enforcement systems program special fund.

SECTION 9. There is appropriated out of the automated speed enforcement systems program special fund the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2024-2025 for ten radar devices and for the operation of the automated speed enforcement program.

The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 10. The appropriations authorized by this Act shall not lapse at the end of the fiscal biennium for which the appropriations are made; provided that all moneys from the appropriations unencumbered as of June 30, 2026, shall lapse as of that date.

SECTION 11. 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 that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 12. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 14. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)



**Note**

1. Edited pursuant to HRS §23G-16.5.