

## ACT 163

H.B. NO. 2071

A Bill for an Act Relating to Photo Red Light Imaging Detector Systems.

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

SECTION 1. Section 291J-5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(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, video, or other recorded images produced by the system, shall be prima facie evidence of the facts contained therein. Any photograph, microphotograph, video, or other recorded image, produced by the system, that contains a clear and unobstructed image of a motor vehicle license plate shall be prima facie evidence that the motor vehicle to which the license plate is attached is the motor vehicle for which the license plate was issued. Any photographs, microphotographs, video, or other recorded images evidencing a violation shall be available for inspection in any proceeding to adjudicate the liability for that violation.”

SECTION 2. Section 291J-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any law to the contrary, and except for the time period allowed pursuant to section 291J-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 to the registered owner of the motor vehicle. The summons or citation shall be mailed to the registered owner’s address on record at the vehicle licensing division and [postmarked] submitted to the post office within ten calendar days after the date of the incident. The State, the county, or the State’s or county’s third party contractor shall implement a process to record the date on which the summons or citation was submitted to the post office, and the record shall be prima facie evidence of the date the summons or citation was submitted to the post office. 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.”

**ACT 163**

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 2, 2024.)