
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that the prevalence of
3 drivers violating Hawaii's traffic laws has become intolerable,
4 particularly drivers who run red lights. These violations
5 endanger the lives of motorists and pedestrians and compound the
6 already hazardous conditions on Hawaii's roads and highways. It
7 has become increasingly common to hear reports of hit-and-run
8 drivers who have run over children or the elderly. Disregarding
9 traffic signals has also been the common denominator in many
10 recent, highly-publicized motor vehicle crashes that have
11 claimed a number of lives.

12 The legislature further finds that in other jurisdictions
13 in the United States, Canada, Europe, and other countries
14 throughout the world, photo red light imaging detector systems
15 have been proven reliable, efficient, and effective in
16 identifying and deterring those who run red lights.



1 Photo red light imaging detector systems are safe, quick,
2 cost-effective, and efficient. No traffic stop is involved, and
3 a police officer is not at risk from passing traffic or armed
4 violators. With photo red light imaging detector systems, a
5 camera is positioned at intersections where red light violations
6 are a major cause of collisions and serves as a twenty-four-hour
7 deterrent to running a red light. Sensors are buried under a
8 crosswalk and lead to a self-contained camera system mounted on
9 a nearby structure. When a vehicle enters the intersection
10 against a red light, the camera takes a telephoto color picture
11 of the rear of the car, capturing the license plate. A second
12 wide-angle photograph takes in the entire intersection,
13 including other traffic.

14 These systems provide numerous benefits. Not only are
15 streets safer, but police officers are also freed from the time-
16 consuming duties of traffic enforcement and have more time to
17 respond to priority calls. A violator is less likely to go to
18 court because the color photograph of the violation, imprinted
19 with the time, date, and location of the violation, and the
20 number of seconds the light had been red before the violator
21 entered the intersection, can be used as evidence in court. Few



1 cases are contested in other jurisdictions using this system,
2 and officers make fewer court appearances, saving court costs.

3 The system may also result in lower insurance costs for
4 safe drivers through an overall reduction in crashes and
5 injuries and by placing system costs on the violators who have
6 created the need for the program, not on law-abiding taxpayers.
7 Traffic laws are impartially enforced, and safety and efficiency
8 are increased by reducing the number of chases and personnel
9 required for traffic accident clean-up, investigation, and court
10 testimony.

11 The legislature finds that the photo speed imaging detector
12 system created by Act 234, Session Laws of Hawaii 1998, and
13 implemented in January 2002, generated intense public
14 opposition. As a result of this opposition, the legislature
15 repealed Act 234 in its entirety. However, the majority of the
16 opposition to this program resulted from the method by which the
17 program was implemented. The public perceived that the program
18 was operated more to maximize revenue for the vendor running the
19 program than to improve traffic safety. In particular, vans in
20 which the cameras were mounted were often placed at locations
21 that did not necessarily have a history of speed-related
22 accidents and instead were used to monitor locations with heavy



1 traffic flow at lower speeds. This permitted the vendor to
2 issue the maximum number of citations in the shortest period of
3 time and at the least cost, thereby maximizing the potential
4 return to the vendor without improving traffic safety.

5 The purpose of this Act is to:

- 6 (1) Establish a red light running committee to review this
7 Act and make recommendations on how to improve it
8 prior to its implementation;
- 9 (2) Establish a photo red light imaging detector systems
10 program to improve enforcement of the traffic signal
11 laws;
- 12 (3) Allow counties to implement the photo red light
13 imaging detector systems program;
- 14 (4) Authorize the deposit of fines collected under county
15 programs a special fund; and
- 16 (5) Authorize the expenditure of funds from this special
17 fund by the department of transportation in the county
18 in which the fine was collected for the establishment,
19 operation, management, and maintenance of the photo
20 red light imaging detector systems program.



PART II

1
2 SECTION 2. (a) The department of transportation shall
3 establish a red light running committee to review this Act and
4 recommend any necessary amendments that may be considered during
5 the 2018 legislative session.

6 (b) The department of transportation shall invite the
7 following to participate on the red light running committee:

8 (1) The deputy chief court administrator for the district
9 court of the first circuit or the deputy chief court
10 administrator's designee;

11 (2) The public defender or the public defender's designee;

12 (3) County police;

13 (4) County prosecutors; and

14 (5) County transportation officials.

15 (c) The red light running committee shall submit a report
16 including any findings and recommendations, and any proposed
17 legislation or amendments to this Act, to the legislature no
18 later than twenty days prior to the convening of the 2018
19 regular session.



1 PART III

2 SECTION 3. The Hawaii Revised Statutes is amended by
3 adding a new chapter to be appropriately designated and to read
4 as follows:

5 "CHAPTER

6 PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS

7 § -1 Definitions. As used in this chapter, unless the
8 context otherwise requires:

9 "County" means the counties of Hawaii, Kauai, and Maui, and
10 the city and county of Honolulu.

11 "County highway" has the same meaning as used in section
12 264-1.

13 "Department" means the department of transportation.

14 "Motor vehicle" has the same meaning as defined in section
15 291C-1.

16 "Photo red light imaging detector" means a device used for
17 traffic enforcement that includes a vehicle sensor that works in
18 conjunction with a traffic-control signal and a camera or
19 similar device to automatically produce a photographic, digital,
20 or other visual image of a vehicle that has disregarded a steady
21 red traffic-control signal in violation of section 291C-32 and a



1 photographic, digital, or other visual image of the driver of
2 the motor vehicle.

3 "State highway" has the same meaning as used in section
4 264-1.

5 "Traffic-control signal" has the same meaning as defined in
6 section 291C-1.

7 § -2 Photo red light imaging detector systems program;
8 established. There is established the photo red light imaging
9 detector systems program, which may be implemented by any county
10 on state or county highways within the respective county, to
11 enforce the traffic-control signal laws of the State.

12 § -3 County powers and duties. (a) Each county may
13 establish and implement, in accordance with this chapter, a
14 photo red light imaging detector system imposing monetary
15 liability on the operator of a motor vehicle for failure to
16 comply with traffic-control signal laws. Each county may
17 provide for the procurement, location, installation, operation,
18 maintenance, and repair of the photo red light imaging detector
19 system. Where the photo red light imaging detector system
20 affects state property, the department shall cooperate with and
21 assist the county as needed to install, maintain, and repair the



1 photo red light imaging detector system established pursuant to
2 this chapter.

3 (b) Each county shall pay the vendor that installs a photo
4 red light imaging detector system a negotiated lump sum
5 regardless of the number of citations issued or expected to be
6 issued through the use of the installed photo red light imaging
7 detector system.

8 **§ -4 Photo red light imaging detector system**

9 **requirements.** (a) Photo red light imaging detector equipment
10 shall be operated from a fixed pole, post, or other fixed
11 structure on a state or county highway.

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

18 (c) Proof of a traffic-control signal violation shall be
19 as evidenced by information obtained from the photo red light
20 imaging detector system authorized pursuant to this chapter. A
21 certificate, sworn to or affirmed by the county's agent or
22 employee, or a facsimile thereof, based upon inspection of



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

7 (d) No summons or citation pursuant to the photo red light
8 imaging detector systems program shall be issued unless it
9 contains a clear and unobstructed photographic, digital, or
10 other visual image of the driver of the motor vehicle.

11 (e) The conditions specified in this section shall not
12 apply when the information gathered is used for highway safety
13 research or to issue warning citations not involving a fine,
14 court appearance, or a person's driving record.

15 § -5 **Summons or citations.** (a) Notwithstanding any law
16 to the contrary, whenever any motor vehicle is determined, by
17 means of a photo red light imaging detector system, to have
18 disregarded a steady red signal in violation of section
19 291C-32(a)(3), the county shall cause a summons or citation, as
20 described in this section, to be sent by certified or registered
21 mail with a return receipt, which is postmarked within seventy-
22 two hours of the time of the incident, to the registered owner



1 of the vehicle at the address on record at the vehicle licensing
2 division. If the end of the seventy-two-hour period falls on a
3 Saturday, Sunday, or state holiday, then the ending period shall
4 run until the end of the next day that is not a Saturday,
5 Sunday, or state holiday.

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

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

20 (d) Upon receipt of the summons or citation, the
21 registered owner shall respond as provided for in chapter 291D.
22 A mail receipt signed by the registered owner is prima facie



1 evidence of notification. The registered owner shall be
2 determined by the identification of the vehicle's registration
3 plates.

4 (e) The county, or the county's agent or employee, shall
5 be available to testify as to the authenticity of the
6 information provided pursuant to this section.

7 **§ -6 Registered owner's responsibility for a summons or**
8 **citation.** In any proceeding for a violation of this chapter,
9 the information contained in the summons or citation mailed in
10 accordance with section -5 shall be deemed prima facie
11 evidence that the registered vehicle violated section
12 291C-32(a)(3).

13 **§ -7 Prima facie evidence.** (a) Whenever the photo red
14 light imaging detector system determines a motor vehicle to be
15 in violation of section 291C-32(a)(3), evidence that the motor
16 vehicle described in the citation or summons issued pursuant to
17 this chapter was operated in violation of that section, together
18 with proof that the person to whom the summons or citation was
19 sent was the registered owner of the motor vehicle at the time
20 of the violation, shall constitute prima facie evidence that the
21 registered owner of the motor vehicle was the person who
22 committed the violation.



- 1 (b) The registered owner of the vehicle may rebut the
2 evidence in subsection (a) by any one of the following:
- 3 (1) Submitting a written statement as provided in section
4 291D-6(b)(2);
- 5 (2) Testifying in open court under oath that the person
6 was not the operator of the vehicle at the time of the
7 alleged violation;
- 8 (3) Calling witnesses to testify in open court under oath
9 that the person was not the operator of the vehicle at
10 the time of the alleged violation;
- 11 (4) Extrinsic evidence that the person was not the
12 operator of the vehicle at the time of the alleged
13 violation;
- 14 (5) Presenting, prior to the return date established on
15 the citation or summons issued pursuant to this
16 chapter, a letter of verification of loss from the
17 police department indicating that the vehicle had been
18 reported stolen, to the court adjudicating the alleged
19 violation; or
- 20 (6) Identifying the actual driver of the vehicle at the
21 time of the alleged violation.



1 **§ -8 Failure to comply with summons or citation.** If the
2 registered owner of the vehicle does not return an answer in
3 response to a summons or citation within a period of twenty-one
4 days upon receipt of the summons or citation, the district court
5 shall issue, pursuant to section 291D-7(e), a notice of entry of
6 judgment of default to the registered owner of the vehicle.

7 **§ -9 Liability for rental or U-drive vehicle.**

8 Notwithstanding any law to the contrary, if the registered owner
9 of record is the lessor of a rental or U-drive motor vehicle, as
10 defined in section 286-2, pursuant to a written lease agreement,
11 the lessee at the time of the violation shall be responsible for
12 the summons or citation; provided that:

13 (1) The lessor shall be responsible for the summons or
14 citation if the lessor does not provide the court
15 having jurisdiction over the summons or citation with
16 the name and address of the lessee within thirty days
17 after a notice containing the date, time, and location
18 of the alleged violation and the license number of the
19 vehicle is sent to the lessor; and

20 (2) The administrative judge of the court having
21 jurisdiction over the summons or citation may waive
22 the requirement of providing the name and address of



1 the lessee and impose on the lessor an administrative
2 fee of \$ per citation.

3 § -10 Penalty. The penalties for all consequences of a
4 violation for disregarding a steady red signal initiated by the
5 use of a photo red light imaging detector system shall be as
6 provided in section 291C-161.

7 § -11 Fines for unauthorized disclosure. All personal
8 and confidential information made available by any government
9 agency to an agent of any county for the photo red light imaging
10 detector systems program shall be kept confidential and shall be
11 used only for the purposes for which the information was
12 furnished. Any officer, employee, or agent of a county who
13 intentionally discloses or provides a copy of personal and
14 confidential information obtained from a photo red light imaging
15 detector system to any person or agency without authorization
16 shall be fined not more than \$; provided that the fine
17 shall not preclude the application of penalties or fines
18 otherwise provided for by law.

19 § -12 Photo red light imaging detector systems program
20 special fund established. (a) There is established a photo red
21 light imaging detector systems special fund to be administered



1 by the department, into which shall be paid revenues collected
2 pursuant to this chapter.

3 (b) All fines collected under this chapter shall be
4 deposited into the photo red light imaging detector systems
5 program special fund. Moneys in the fund shall be expended by
6 the department in the county in which the fine was imposed, for
7 purposes that include the establishment, operation, management,
8 and maintenance of a photo red light imaging detector system.

9 § -13 Rules. The department shall adopt rules pursuant
10 to chapter 91, as may be necessary to implement this chapter."

11 PART IV

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

14 "§291C-161 Penalties[-]; photo red light imaging detector
15 system fines. (a) It is a violation for any person to violate
16 any of the provisions of this chapter, except as otherwise
17 specified in subsections (c) and (d) and unless the violation is
18 by other law of this State declared to be a felony, misdemeanor,
19 or petty misdemeanor.

20 (b) Except as provided in subsections (c) and (d), every
21 person who is determined to have violated any provision of this



1 chapter for which another penalty is not provided shall be
2 fined:

3 (1) Not more than [~~\$200~~] \$ _____ for a first violation
4 thereof;

5 (2) Not more than [~~\$300~~] \$ _____ for a second violation
6 committed within one year after the date of the first
7 violation; and

8 (3) Not more than [~~\$500~~] \$ _____ for a third or
9 subsequent violation committed within one year after
10 the date of the first violation.

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

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

18 (1) Be fined not more than [~~\$200~~] \$ _____ or imprisoned
19 not more than ten days for a first conviction thereof;

20 (2) Be fined not more than [~~\$300~~] \$ _____ or imprisoned
21 not more than twenty days or both for conviction of a



1 second offense committed within one year after the
2 date of the first offense; and

3 (3) Be fined not more than [~~500~~] \$ _____ or imprisoned
4 not more than six months or both for conviction of a
5 third or subsequent offense committed within one year
6 after the date of the first offense.

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

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

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



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

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

- 6 (1) Regulating or prohibiting stopping, standing, or
7 parking except as provided in section 291C-111;
- 8 (2) Regulating traffic by means of police officers or
9 official traffic-control devices;
- 10 (3) Regulating or prohibiting processions or assemblages
11 on the highways;
- 12 (4) Designating particular highways or roadways for use by
13 traffic moving in one direction;
- 14 (5) Establishing speed limits for vehicles in public
15 parks;
- 16 (6) Designating any highway as a through highway or
17 designating any intersection as a stop or yield
18 intersection;
- 19 (7) Restricting the use of highways;
- 20 (8) Regulating the operation and equipment of and
21 requiring the registration and inspection of bicycles,
22 including the requirement of a registration fee;



- 1 (9) Regulating or prohibiting the turning of vehicles or
- 2 specified types of vehicles;
- 3 (10) Altering or establishing speed limits;
- 4 (11) Requiring written accident reports;
- 5 (12) Designating no-passing zones;
- 6 (13) Prohibiting or regulating the use of controlled-access
- 7 roadways by any class or kind of traffic;
- 8 (14) Prohibiting or regulating the use of heavily traveled
- 9 streets by any class or kind of traffic found to be
- 10 incompatible with the normal and safe movement of
- 11 traffic;
- 12 (15) Establishing minimum speed limits;
- 13 (16) Designating hazardous railroad grade crossing;
- 14 (17) Designating and regulating traffic on play streets;
- 15 (18) Prohibiting pedestrians from crossing a roadway in a
- 16 business district or any designated highway except in
- 17 a crosswalk;
- 18 (19) Restricting pedestrian crossing at unmarked
- 19 crosswalks;
- 20 (20) Regulating persons propelling push carts;
- 21 (21) Regulating persons upon skates, coasters, sleds, and
- 22 other toy vehicles;



- 1 (22) Adopting and enforcing such temporary or experimental
- 2 regulations as may be necessary to cover emergencies
- 3 or special conditions;
- 4 (23) Adopting maximum and minimum speed limits on streets
- 5 and highways within their respective jurisdictions;
- 6 (24) Adopting requirements on stopping, standing, and
- 7 parking on streets and highways within their
- 8 respective jurisdictions except as provided in section
- 9 291C-111;
- 10 (25) Prohibiting or regulating electric personal assistive
- 11 mobility devices on sidewalks and bicycle paths; [and]
- 12 (26) Implementing a photo red light imaging detector system
- 13 pursuant to chapter _____ ; and
- 14 ~~[(26)]~~ (27) Adopting such other traffic regulations as are
- 15 specifically authorized by this chapter."

16 SECTION 6. Section 291C-165, Hawaii Revised Statutes, is
 17 amended by amending subsection (b) to read as follows:

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

- 20 (1) In the case of an unattended vehicle, the original of
- 21 the citation shall be affixed to the vehicle as
- 22 provided for in section 291C-167; or



1 (2) In the case of:

2 (A) A vehicle utilizing the high occupancy vehicle

3 lane illegally; [~~or~~]

4 (B) A vehicle illegally utilizing a parking space

5 reserved for persons with disabilities, where the

6 violator refuses the citation; or

7 (C) A motor vehicle determined by means of a photo

8 red light imaging detector system established

9 pursuant to chapter to have disregarded a

10 steady red signal in violation of section 291C-

11 32(a)(3),

12 the original of the citation shall be sent by certified or

13 registered mail, with a return receipt that is postmarked within

14 forty-eight hours of the time of the incident, as provided in

15 section 291C-223 for vehicles illegally utilizing the high

16 occupancy vehicle lane, or within seventy-two hours of the time

17 of the incident for vehicles illegally utilizing a parking space

18 reserved for persons with disabilities[~~7~~] or for vehicles

19 disregarding a steady red signal in violation of section 291C-

20 32(a)(3), as determined by means of a photo red light imaging

21 detector system, to the registered owner of the vehicle at the

22 address on record at the vehicle licensing division. If the end



1 of the applicable forty-eight or seventy-two hour period falls
 2 on a Saturday, Sunday, or state holiday, then the ending period
 3 shall run until the end of the next day which is not a Saturday,
 4 Sunday, or state holiday; provided that the administrative judge
 5 of the district courts may allow a carbon copy of the citation
 6 to be given to the violator or affixed to the vehicle and
 7 provide for the disposition of the original and any other copies
 8 of the citation."

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

11 "(c) Any person who is convicted of violating this section
 12 shall be subject to penalties as provided under section 291C-
 13 161(b) and [~~+(f)~~]-] (g)."

14 PART V

15 SECTION 8. There is appropriated out of the general
 16 revenues of the State of Hawaii the sum of \$ or so much
 17 thereof as may be necessary for fiscal year 2018-2019 for the
 18 purposes of establishing the photo red light imaging detector
 19 systems program to be allocated as follows:

20 \$ to the city and county of Honolulu;

21 \$ to the county of Maui;

22 \$ to the county of Hawaii; and



1 § to the county of Kauai.

2 The sums appropriated shall be expended by the appropriate
3 counties for the purposes of this Act.

4 PART VI

5 SECTION 9. It is the intent of this Act not to jeopardize
6 the receipt of any federal aid nor to impair the obligation of
7 the State or any agency thereof to the holders of any bond
8 issued by the State or by any such agency, and to the extent,
9 and only to the extent, necessary to effectuate this intent, the
10 governor may modify the strict provisions of this Act, but shall
11 promptly report any such modification with reasons therefor to
12 the legislature at its next session thereafter for review by the
13 legislature.

14 SECTION 10. If any provision of this Act, or the
15 application thereof to any person or circumstance is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act which can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.

20 SECTION 11. This Act does not affect rights and duties
21 that matured, penalties that were incurred, and proceedings that
22 were begun, before its effective date.



1 SECTION 12. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 13. This Act shall take effect on July 1, 2050;
4 provided that part II shall take effect on July 1, 2049.



Report Title:

Highway Safety; Photo Red Light Imaging; Appropriation

Description:

Establishes the Photo Red Light Imaging Detector Systems Program (Program). Authorizes counties to administer the Program. Requires proceeds of fines to be expended in the county from which they were collected for operation of the Program. Makes an appropriation. Establishes a Red Light Running Committee. (SB221 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

