



1 camera is positioned at intersections where red light violations  
2 are a major cause of collisions and serves as a twenty-four hour  
3 deterrent to running a red light. Sensors are buried under a  
4 crosswalk and lead to a self-contained camera system mounted on  
5 a nearby structure. When a vehicle enters the intersection  
6 against a red light, the camera takes a telephoto color picture  
7 of the rear of the car, capturing the license plate. A second  
8 wide-angle photograph takes in the entire intersection,  
9 including other traffic.

10 These systems provide numerous benefits. Not only are  
11 streets safer, but police officers are also freed from the time-  
12 consuming duties of traffic enforcement and have more time to  
13 respond to priority calls. A violator is less likely to go to  
14 court because the color photograph of the violation, imprinted  
15 with the time, date, and location of the violation, and the  
16 number of seconds the light had been red before the violator  
17 entered the intersection, can be used as evidence in court. Few  
18 cases are contested in other jurisdictions using this system,  
19 and officers make fewer court appearances, saving court costs.

20 The system may also result in lower insurance costs for  
21 safe drivers through an overall reduction in crashes and



1 injuries and by placing system costs on the violators who have  
2 created the need for the program, not on law-abiding taxpayers.  
3 Traffic laws are impartially enforced, and safety and efficiency  
4 are increased by reducing the number of chases and personnel  
5 required for traffic accident clean-up, investigation, and court  
6 testimony.

7 The legislature finds that the photo speed imaging detector  
8 system created by Act 234, Session Laws of Hawaii 1998 (Act  
9 234), and implemented in January 2002, generated intense public  
10 opposition. As a result of this opposition, the legislature  
11 repealed Act 234 in its entirety. However, the majority of the  
12 opposition to this program resulted from the method by which the  
13 program was implemented. The public perceived that the program  
14 was operated more to maximize revenue for the vendor running the  
15 program than to improve traffic safety.

16 The purpose of this Act is to:

17 (1) Establish a red light running committee to review this  
18 Act and make recommendations on how to improve it  
19 prior to its implementation;



- 1 (2) Establish a photo red light imaging detector systems  
2 program to improve enforcement of the traffic signal  
3 laws;
- 4 (3) Allow counties to implement the photo red light  
5 imaging detector systems program;
- 6 (4) Authorize the deposit of fines collected under county  
7 programs into a special fund; and
- 8 (5) Authorize the expenditure of funds from this special  
9 fund by the department of transportation in the county  
10 in which the fine was collected for the establishment,  
11 operation, management, and maintenance of the photo  
12 red light imaging detector systems program.

13 **PART II**

14 SECTION 2. (a) The department of transportation shall  
15 establish a red light running committee to review this Act and  
16 recommend any necessary amendments that may be considered during  
17 the 2020 legislative session.

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

- 20 (1) The deputy administrative director of the courts or  
21 the deputy's designee;



- 1 (2) The state public defender or the state public
- 2 defender's designee;
- 3 (3) Representatives from each county police department;
- 4 (4) Representatives from each county prosecutors' office;
- 5 and
- 6 (5) Transportation officials from each county.
- 7 (c) The red light running committee shall submit a report
- 8 including any findings and recommendations, and any proposed
- 9 legislation or amendments to this Act, to the legislature no
- 10 later than twenty days prior to the convening of the 2020
- 11 regular session.

**PART III**

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

**"CHAPTER**

**PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS**

18 § -1 **Definitions.** As used in this chapter, unless the  
 19 context otherwise requires:

20 "County" means the counties of Hawaii, Kauai, and Maui, and  
 21 the city and county of Honolulu.



1 "County highway" has the same meaning as used in section  
2 264-1.

3 "Department" means the department of transportation.

4 "Motor vehicle" has the same meaning as defined in section  
5 291C-1.

6 "Photo red light imaging detector" means a device used for  
7 traffic enforcement that includes a vehicle sensor that works in  
8 conjunction with a traffic-control signal and a camera or  
9 similar device to automatically produce a photographic, digital,  
10 or other visual image of a vehicle that has disregarded a steady  
11 red traffic-control signal in violation of section 291C-32 and a  
12 photographic, digital, or other visual image of the driver of  
13 the motor vehicle.

14 "State highway" has the same meaning as used in section  
15 264-1.

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

18 § -2 Photo red light imaging detector systems program;  
19 established. There is established the photo red light imaging  
20 detector systems program, which may be implemented by any county



1 on state or county highways within the respective county, to  
2 enforce the traffic-control signal laws of the State.

3       § -3 County powers and duties. (a) Each county may  
4 establish and implement, in accordance with this chapter, a  
5 photo red light imaging detector system imposing monetary  
6 liability on the operator of a motor vehicle for failure to  
7 comply with traffic-control signal laws. Each county may  
8 provide for the procurement, location, installation, operation,  
9 maintenance, and repair of the photo red light imaging detector  
10 system. Where the photo red light imaging detector system  
11 affects state property, the department shall cooperate with and  
12 assist the county as needed to install, maintain, and repair the  
13 photo red light imaging detector system established pursuant to  
14 this chapter.

15       (b) Each county shall pay the vendor that installs a photo  
16 red light imaging detector system a negotiated lump sum  
17 regardless of the number of citations issued or expected to be  
18 issued through the use of the installed photo red light imaging  
19 detector system.

20       § -4 Photo red light imaging detector system  
21 requirements. (a) Photo red light imaging detector equipment



1 shall be operated from a fixed pole, post, or other fixed  
2 structure on a state or county highway.

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

9 (c) Proof of a traffic-control signal violation shall be  
10 as evidenced by information obtained from the photo red light  
11 imaging detector system authorized pursuant to this chapter. A  
12 certificate, sworn to or affirmed by the county's agent or  
13 employee, or a facsimile thereof, based upon inspection of  
14 photographs, microphotographs, videotape, or other recorded  
15 images produced by the system, shall be prima facie evidence of  
16 the facts contained therein. Any photographs, microphotographs,  
17 videotape, or other recorded images evidencing a violation shall  
18 be available for inspection in any proceeding to adjudicate the  
19 liability for that violation.

20 (d) No summons or citation pursuant to the photo red light  
21 imaging detector systems program shall be issued unless it





1 contains a clear and unobstructed photographic, digital, or  
2 other visual image of the driver of the motor vehicle.

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

7 § -5 Summons or citations. (a) Notwithstanding any law  
8 to the contrary, whenever any motor vehicle is determined, by  
9 means of a photo red light imaging detector system, to have  
10 disregarded a steady red signal in violation of section  
11 291C-32(a)(3), the county shall cause a summons or citation, as  
12 described in this section, to be sent by certified or registered  
13 mail with a return receipt, which is postmarked within seventy-  
14 two hours of the time of the incident, to the registered owner  
15 of the vehicle at the address on record at the vehicle licensing  
16 division. If the end of the seventy-two hour period falls on a  
17 Saturday, Sunday, or state holiday, then the ending period shall  
18 run until the end of the next day that is not a Saturday,  
19 Sunday, or state holiday.

20 (b) The form and content of the summons or citation shall  
21 be as adopted or prescribed by the administrative judge of the



1 district courts and shall be printed on a form commensurate with  
2 the form of other summonses or citations used in modern methods  
3 of arrest, so designed to include all necessary information to  
4 make the summons or citation valid within the laws of the State;  
5 provided that any summons or citation pursuant to the photo red  
6 light imaging detector systems program shall contain a clear and  
7 unobstructed photographic, digital, or other visual image of the  
8 driver of the motor vehicle, which shall be used as evidence of  
9 the violation.

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

13 (d) Upon receipt of the summons or citation, the  
14 registered owner shall respond as provided for in chapter 291D.  
15 A mail receipt signed by the registered owner is prima facie  
16 evidence of notification. The registered owner shall be  
17 determined by the identification of the vehicle's registration  
18 plates.

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



1           §   -6 Registered owner's responsibility for a summons or  
2 citation. In any proceeding for a violation of this chapter,  
3 the information contained in the summons or citation mailed in  
4 accordance with section   -5 shall be deemed prima facie  
5 evidence that the registered vehicle violated section  
6 291C-32(a)(3).

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

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

19           (1) Submitting a written statement as provided in section  
20           291D-6(b)(2);



- 1           (2) Testifying in open court under oath that the person
- 2                   was not the operator of the vehicle at the time of the
- 3                   alleged violation;
- 4           (3) Calling witnesses to testify in open court under oath
- 5                   that the person was not the operator of the vehicle at
- 6                   the time of the alleged violation;
- 7           (4) Extrinsic evidence that the person was not the
- 8                   operator of the vehicle at the time of the alleged
- 9                   violation;
- 10          (5) Presenting, prior to the return date established on
- 11                   the citation or summons issued pursuant to this
- 12                   chapter, a letter of verification of loss from the
- 13                   police department indicating that the vehicle had been
- 14                   reported stolen, to the court adjudicating the alleged
- 15                   violation; or
- 16          (6) Identifying the actual driver of the vehicle at the
- 17                   time of the alleged violation.

18           § -8 Failure to comply with summons or citation. If the

19 registered owner of the vehicle does not return an answer in

20 response to a summons or citation within a period of twenty-one

21 days upon receipt of the summons or citation, the district court

1 shall issue, pursuant to section 291D-7(e), a notice of entry of  
2 judgment of default to the registered owner of the vehicle.

3       §   -9   **Liability for rental or U-drive vehicle.**

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

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

16       (2) The administrative judge of the court having  
17           jurisdiction over the summons or citation may waive  
18           the requirement of providing the name and address of  
19           the lessee and impose on the lessor an administrative  
20           fee of \$                   per citation.



1           §   -10   **Penalty.**   The penalties for all consequences of a  
2 violation for disregarding a steady red signal initiated by the  
3 use of a photo red light imaging detector system shall be as  
4 provided in section 291C-161.

5           §   -11   **Fines for unauthorized disclosure.**   All personal  
6 and confidential information made available by any government  
7 agency to an agent of any county for the photo red light imaging  
8 detector systems program shall be kept confidential and shall be  
9 used only for the purposes for which the information was  
10 furnished. Any officer, employee, or agent of a county who  
11 intentionally discloses or provides a copy of personal and  
12 confidential information obtained from a photo red light imaging  
13 detector system to any person or agency without authorization  
14 shall be fined not more than \$                   ; provided that the fine  
15 shall not preclude the application of penalties or fines  
16 otherwise provided for by law.

17           §   -12   **Photo red light imaging detector systems program**  
18 **special fund established.** (a) There is established a photo red  
19 light imaging detector systems program special fund to be  
20 administered by the department, into which shall be paid  
21 revenues collected pursuant to this chapter.



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

8 § -13 Rules. The department shall adopt rules pursuant  
9 to chapter 91, as may be necessary to implement this chapter."

10 PART IV

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

13 "§291C-161 Penalties~~[-]~~; photo red light imaging detector  
14 system fines. (a) It is a violation for any person to violate  
15 any of the provisions of this chapter, except as otherwise  
16 specified in subsections (c) and (d) and unless the violation is  
17 by other law of this State declared to be a felony, misdemeanor,  
18 or petty misdemeanor.

19 (b) Except as provided in subsections (c) and (d), every  
20 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  
6 violation committed within one year after the date of  
7 the first 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, 291C-  
13 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  
19 imprisoned not more than ten days for a first  
20 conviction thereof;





1 (2) Be fined not more than [~~\$300~~] \$ \_\_\_\_\_ or  
2 imprisoned not more than twenty days or both for  
3 conviction of a second offense committed within one  
4 year after the date of the first offense; and

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

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

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



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

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

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

- 10           (1) Regulating or prohibiting stopping, standing, or  
11           parking except as provided in section 291C-111;
- 12           (2) Regulating traffic by means of police officers or  
13           official traffic-control devices;
- 14           (3) Regulating or prohibiting processions or assemblages  
15           on the highways;
- 16           (4) Designating particular highways or roadways for use by  
17           traffic moving in one direction;
- 18           (5) Establishing speed limits for vehicles in public  
19           parks;



- 1           (6) Designating any highway as a through highway or
- 2           designating any intersection as a stop or yield
- 3           intersection;
- 4           (7) Restricting the use of highways;
- 5           (8) Regulating the operation and equipment of and
- 6           requiring the registration and inspection of bicycles,
- 7           including the requirement of a registration fee;
- 8           (9) Regulating or prohibiting the turning of vehicles or
- 9           specified types of vehicles;
- 10          (10) Altering or establishing speed limits;
- 11          (11) Requiring written accident reports;
- 12          (12) Designating no-passing zones;
- 13          (13) Prohibiting or regulating the use of controlled-access
- 14          roadways by any class or kind of traffic;
- 15          (14) Prohibiting or regulating the use of heavily traveled
- 16          streets by any class or kind of traffic found to be
- 17          incompatible with the normal and safe movement of
- 18          traffic;
- 19          (15) Establishing minimum speed limits;
- 20          (16) Designating hazardous railroad grade crossing;
- 21          (17) Designating and regulating traffic on play streets;



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- 1       (18) Prohibiting pedestrians from crossing a roadway in a
- 2             business district or any designated highway except in
- 3             a crosswalk;
- 4       (19) Restricting pedestrian crossing at unmarked
- 5             crosswalks;
- 6       (20) Regulating persons propelling push carts;
- 7       (21) Regulating persons upon skates, coasters, sleds, and
- 8             other toy vehicles;
- 9       (22) Adopting and enforcing such temporary or experimental
- 10            regulations as may be necessary to cover emergencies
- 11            or special conditions;
- 12       (23) Adopting maximum and minimum speed limits on streets
- 13            and highways within their respective jurisdictions;
- 14       (24) Adopting requirements on stopping, standing, and
- 15            parking on streets and highways within their
- 16            respective jurisdictions except as provided in section
- 17            291C-111;
- 18       (25) Prohibiting or regulating electric personal assistive
- 19            mobility devices on sidewalks and bicycle paths; [~~and~~]
- 20       (26) Implementing a photo red light imaging detector system
- 21            pursuant to chapter        ; and



1     [~~(26)~~] (27) Adopting such other traffic regulations as are  
2                   specifically authorized by this chapter."

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

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

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

10          (2) In the case of:

11           (A) A vehicle utilizing the high occupancy vehicle  
12 lane illegally; [~~e~~]

13           (B) A vehicle illegally utilizing a parking space  
14 reserved for persons with disabilities, where the  
15 violator refuses the citation; or

16           (C) A motor vehicle determined by means of a photo  
17 red light imaging detector system established  
18 pursuant to chapter         to have disregarded a  
19 steady red signal in violation of section  
20 291C-32(a) (3);



1 the original of the citation shall be sent by certified or  
2 registered mail, with a return receipt that is postmarked within  
3 forty-eight hours of the time of the incident, as provided in  
4 section 291C-223 for vehicles illegally utilizing the high  
5 occupancy vehicle lane, or within seventy-two hours of the time  
6 of the incident for vehicles illegally utilizing a parking space  
7 reserved for persons with disabilities [7] or for vehicles  
8 disregarding a steady red signal in violation of section  
9 291C-32(a) (3), as determined by means of a photo red light  
10 imaging detector system, to the registered owner of the vehicle  
11 at the address on record at the vehicle licensing division. If  
12 the end of the applicable forty-eight or seventy-two hour period  
13 falls on a Saturday, Sunday, or holiday, then the ending period  
14 shall run until the end of the next day which is not a Saturday,  
15 Sunday, or holiday; provided that the administrative judge of  
16 the district courts may allow a carbon copy of the citation to  
17 be given to the violator or affixed to the vehicle and provide  
18 for the disposition of the original and any other copies of the  
19 citation."

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



1           "(c) Any person who is convicted of violating this section  
 2 shall be subject to penalties as provided under section 291C-  
 3 161(b) and [~~+~~]-] (g)."

PART V

5           SECTION 8. There is appropriated out of the general  
 6 revenues of the State of Hawaii the sum of \$                or so  
 7 much thereof as may be necessary for fiscal year 2019-2020 and  
 8 the same sum or so much thereof as may be necessary for fiscal  
 9 year 2020-2021 for the purposes of establishing the photo red  
 10 light imaging detector systems program to be allocated as  
 11 follows:

- 12           \$                           to the city and county of Honolulu;
- 13           \$                           to the county of Maui;
- 14           \$                           to the county of Hawaii; and
- 15           \$                           to the county of Kauai.

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

PART VI

19           SECTION 9. It is the intent of this Act not to jeopardize  
 20 the receipt of any federal aid nor to impair the obligation of  
 21 the State or any agency thereof to the holders of any bond



1 issued by the State or by any such agency, and to the extent,  
2 and only to the extent, necessary to effectuate this intent, the  
3 governor may modify the strict provisions of this Act, but shall  
4 promptly report any such modification with reasons therefor to  
5 the legislature at its next session thereafter for review by the  
6 legislature.

7 SECTION 10. If any provision of this Act, or the  
8 application thereof to any person or circumstance, is held  
9 invalid, the invalidity does not affect other provisions or  
10 applications of the Act that can be given effect without the  
11 invalid provision or application, and to this end the provisions  
12 of this Act are severable.

13 SECTION 11. This Act does not affect rights and duties  
14 that matured, penalties that were incurred, and proceedings that  
15 were begun before its effective date.

16 SECTION 12. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 13. This Act shall take effect on July 1, 2020;

19





1 provided that part II and part V of this Act shall take effect  
2 on July 1, 2019.

3

INTRODUCED BY: *Ernie G. Brown*

*[Signature]*

*Michelle Adams*

*Mark*

*[Signature]*

*[Signature]*

*Kurt Fowler*



# S.B. NO. 663

**Report Title:**

Highway Safety; Photo Red Light Imaging; Counties; Appropriation

**Description:**

Establishes a red light running committee. Establishes the photo red light imaging detector systems program effective 7/1/2020. 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.

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

