

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11 repealed Act 234 in its entirety.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) 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

12
 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

16
 17
 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 (f) Photographs, microphotographs, videotape, or other
8 recorded images taken and stored by the photo red light imaging
9 detector system shall only be available to the government agency
10 or its agents and those individuals involved in the adjudication
11 of a traffic infraction pursuant to this chapter and shall only
12 be used as evidence required pursuant to section -7. Upon
13 completion of the final proceedings, the photographs,
14 microphotographs, videotape, or other recorded images shall be
15 deleted or otherwise destroyed.

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



1 mail with a return receipt, which is postmarked within seventy-
2 two hours of the time of the incident, to the registered owner
3 of the vehicle at the address on record at the vehicle licensing
4 division. If the end of the seventy-two hour period falls on a
5 Saturday, Sunday, or state holiday, then the ending period shall
6 run until the end of the next day that is not a Saturday,
7 Sunday, or state holiday.

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

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



1 (d) Upon receipt of the summons or citation, the
2 registered owner shall respond as provided for in chapter 291D.
3 A mail receipt signed by the registered owner is prima facie
4 evidence of notification. The registered owner shall be
5 determined by the identification of the vehicle's registration
6 plates.

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

10 **§ -6 Registered owner's responsibility for a summons or**
11 **citation.** In any proceeding for a violation of this chapter,
12 the information contained in the summons or citation mailed in
13 accordance with section -5 shall be deemed prima facie
14 evidence that the registered vehicle violated section
15 291C-32(a)(3).

16 **§ -7 Prima facie evidence.** (a) Whenever the photo red
17 light imaging detector system determines a motor vehicle to be
18 in violation of section 291C-32(a)(3), evidence that the motor
19 vehicle described in the citation or summons issued pursuant to
20 this chapter was operated in violation of that section, together
21 with proof that the person to whom the summons or citation was



1 sent was the registered owner of the motor vehicle at the time
2 of the violation, shall constitute prima facie evidence that the
3 registered owner of the motor vehicle was the person who
4 committed the violation.

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

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



1 reported stolen, to the court adjudicating the alleged
2 violation; or

3 (6) Identifying the actual driver of the vehicle at the
4 time of the alleged violation.

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

11 § -9 Liability for rental or U-drive vehicle.

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

17 (1) The lessor shall be responsible for the summons or
18 citation if the lessor does not provide the court
19 having jurisdiction over the summons or citation with
20 the name and address of the lessee within thirty days
21 after a notice containing the date, time, and location



1 of the alleged violation and the license number of the
2 vehicle is sent to the lessor; and

3 (2) The administrative judge of the court having
4 jurisdiction over the summons or citation may waive
5 the requirement of providing the name and address of
6 the lessee and impose on the lessor an administrative
7 fee of \$ per citation.

8 § -10 **Penalty.** The penalties for all consequences of a
9 violation for disregarding a steady red signal initiated by the
10 use of a photo red light imaging detector system shall be as
11 provided in section 291C-161.

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



1 shall not preclude the application of penalties or fines
2 otherwise provided for by law.

3 § -12 Photo red light imaging detector systems program
4 special fund established. (a) There is established a photo red
5 light imaging detector systems program special fund to be
6 administered by the department, into which shall be paid
7 revenues collected pursuant to this chapter.

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

15 § -13 Rules. The department shall adopt rules pursuant
16 to chapter 91, as may be necessary to implement this chapter."

17 PART IV

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

20 "§291C-161 Penalties[-]; photo red light imaging detector
21 system fines. (a) It is a violation for any person to violate



1 any of the provisions of this chapter, except as otherwise
2 specified in subsections (c) and (d) and unless the violation is
3 by other law of this State declared to be a felony, misdemeanor,
4 or petty misdemeanor.

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

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

16 (c) Every person convicted under or found in violation of
17 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-
18 15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,
19 291C-104, or 291C-105 shall be sentenced or fined in accordance
20 with those sections.



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

3 (1) Be fined not more than \$200 or imprisoned not more
4 than ten days for a first conviction thereof;

5 (2) Be fined not more than \$300 or imprisoned not more
6 than twenty days or both for conviction of a second
7 offense committed within one year after the date of
8 the first offense; and

9 (3) Be fined not more than \$500 or imprisoned not more
10 than six months or both for conviction of a third or
11 subsequent offense committed within one year after the
12 date of the first offense.

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

17 (f) Fines collected for a violation of section 291C-32
18 pursuant to the photo red light imaging detector system
19 established pursuant to chapter shall be deposited into the
20 photo red light imaging detector systems program special fund
21 established under section -12 and shall be expended in the



1 county in which the fine was imposed, for purposes that include
2 the establishment, operation, management, and maintenance of a
3 photo red light imaging detector system.

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

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

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

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



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



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



1 (26) Implementing a photo red light imaging detector system
2 pursuant to chapter ; and

3 [~~26~~] (27) Adopting such other traffic regulations as are
4 specifically authorized by this chapter."

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

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

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

12 (2) In the case of:

13 (A) A vehicle utilizing the high occupancy vehicle
14 lane illegally; [~~or~~]

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

18 (C) A motor vehicle determined by means of a photo
19 red light imaging detector system established
20 pursuant to chapter to have disregarded a



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



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

3 "(c) Any person who is convicted of violating this section
4 shall be subject to penalties as provided under section 291C-
5 161(b) and [~~+(f)+-~~] (g)."

6 PART V

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

16 SECTION 9. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



1 SECTION 10. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 11. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 12. This Act shall take effect on July 1, 2020;
7 provided that part II of this Act shall take effect on July 1,
8 2019.



Report Title:

Highway Safety; Photo Red Light Imaging; Counties

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. Effective 7/1/2020. (SD1)

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