
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 struck children or the elderly.

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

14 Photo red light imaging detector systems are safe, quick,
15 cost-effective, and efficient. No traffic stop is involved, and
16 a police officer is not at risk from passing traffic or armed
17 violators. With photo red light imaging detector systems, a



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, as
9 amended by Act 263, Session Laws of Hawaii 1999, and Act 240,
10 Session Laws of Hawaii 2000, and implemented in December 2001,
11 generated intense public opposition. As a result of this
12 opposition, the legislature repealed Act 234, as amended, in its
13 entirety through the enactment of Act 58, Session Laws of Hawaii
14 2002. However, the majority of the opposition to this program
15 resulted from the method by which the program was implemented.
16 The public perceived that the program was operated to maximize
17 revenue for the vendor running the program rather than to
18 improve traffic safety.

19 The purpose of this Act is to:



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

16 PART II

17 SECTION 2. (a) The department of transportation shall

18 establish a red light running committee to review this Act and

19 recommend any necessary amendments that may be considered during

20 the 2020 legislative session.



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

3 (1) The deputy administrative director of the courts or
4 the deputy's designee;

5 (2) The state public defender or the state public
6 defender's designee;

7 (3) Representatives from each county police department;

8 (4) Representatives from each county prosecutors' office;
9 and

10 (5) Transportation officials from each county.

11 (c) The red light running committee shall submit a report,
12 including any findings, recommendations, and proposed
13 legislation, to the legislature no later than twenty days prior
14 to the convening of the 2020 regular session.

15 PART III

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

19 "CHAPTER

20 PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS



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

3 "County" means the counties of Hawaii, Kauai, and Maui, and
4 the city and county of Honolulu.

5 "County highway" has the same meaning as used in section
6 264-1(a)(2).

7 "Department" means the department of transportation.

8 "Motor vehicle" has the same meaning as defined in section
9 291C-1.

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

18 "State highway" has the same meaning as used in section
19 264-1(a)(1).

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



1 § -2 **Photo red light imaging detector systems program;**
2 **established.** There is established the photo red light imaging
3 detector systems program, which may be implemented by any county
4 on state or county highways within the respective county, to
5 enforce the traffic-control signal laws of the State.

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

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



1 issued through the use of the installed photo red light imaging
2 detector system.

3 **§ -4 Photo red light imaging detector system**

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

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

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



1 be available for inspection in any proceeding to adjudicate the
2 liability for that violation.

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

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

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

20 § -5 Summons or citations. (a) Notwithstanding any law
21 to the contrary, whenever any motor vehicle is determined, by



1 means of a photo red light imaging detector system, to have
2 disregarded a steady red signal in violation of section
3 291C-32(a)(3), the county shall cause a summons or citation, as
4 described in this section, to be sent by certified or registered
5 mail with a return receipt, which is postmarked within seventy-
6 two hours of the time of the incident, to the registered owner
7 of the vehicle at the address on record at the vehicle licensing
8 division. If the end of the seventy-two hour period falls on a
9 Saturday, Sunday, or state holiday, then the ending period shall
10 run until the end of the next day that is not a Saturday,
11 Sunday, or state holiday.

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



1 driver of the motor vehicle, which shall be used as evidence of
2 the violation.

3 (c) Every summons or citation shall be consecutively
4 numbered and each copy thereof shall bear the number of its
5 respective original.

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

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

15 **§ -6 Registered owner's responsibility for a summons or**
16 **citation.** In any proceeding for a violation of this chapter,
17 the information contained in the summons or citation mailed in
18 accordance with section -5 shall be deemed prima facie
19 evidence that the registered vehicle violated section
20 291C-32(a)(3).



1 § -7 **Prima facie evidence.** (a) Whenever the photo red
2 light imaging detector system determines a motor vehicle to be
3 in violation of section 291C-32(a)(3), evidence that the motor
4 vehicle described in the citation or summons issued pursuant to
5 this chapter was operated in violation of that section, together
6 with proof that the person to whom the summons or citation was
7 sent was the registered owner of the motor vehicle at the time
8 of the violation, shall constitute prima facie evidence that the
9 registered owner of the motor vehicle was the person who
10 committed the violation.

11 (b) The registered owner of the vehicle may rebut the
12 evidence in subsection (a) by:

13 (1) Submitting a written statement as provided in section
14 291D-6(b)(2);

15 (2) Testifying in open court under oath that the person
16 was not the operator of the vehicle at the time of the
17 alleged violation;

18 (3) Calling witnesses to testify in open court under oath
19 that the person was not the operator of the vehicle at
20 the time of the alleged violation;



- 1 (4) Extrinsic evidence that the person was not the
- 2 operator of the vehicle at the time of the alleged
- 3 violation;
- 4 (5) Presenting, before the return date established on the
- 5 citation or summons issued pursuant to this chapter, a
- 6 letter of verification of loss from the police
- 7 department indicating that the vehicle had been
- 8 reported stolen, to the court adjudicating the alleged
- 9 violation; or
- 10 (6) Identifying the actual driver of the vehicle at the
- 11 time of the alleged violation.

12 **§ -8 Failure to comply with summons or citation.** If the

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

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

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

16 shall issue, pursuant to section 291D-7(e), a notice of entry of

17 judgment of default to the registered owner of the vehicle.

18 **§ -9 Liability for rental or U-drive vehicle.**

19 Notwithstanding any law to the contrary, if the registered owner

20 of record is the lessor of a rental or U-drive motor vehicle, as

21 defined in section 286-2, pursuant to a written lease agreement,



1 the lessee at the time of the violation shall be responsible for
2 the summons or citation; provided that:

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

10 (2) The administrative judge of the court having
11 jurisdiction over the summons or citation may waive
12 the requirement of providing the name and address of
13 the lessee and impose on the lessor an administrative
14 fee of \$ per citation.

15 § -10 **Penalty.** The penalties for all consequences of a
16 violation for disregarding a steady red signal initiated by the
17 use of a photo red light imaging detector system shall be as
18 provided in section 291C-161.

19 § -11 **Fines for unauthorized disclosure.** All personal
20 and confidential information made available by any government
21 agency to an agent of any county for the photo red light imaging



1 detector systems program shall be kept confidential and shall be
 2 used only for the purposes for which the information was
 3 furnished. Any officer, employee, or agent of a county who
 4 intentionally discloses or provides a copy of personal and
 5 confidential information obtained from a photo red light imaging
 6 detector system to any person or agency without authorization
 7 shall be fined not more than \$; provided that the fine
 8 shall not preclude the application of penalties or fines
 9 otherwise provided for by law.

10 § -12 Photo red light imaging detector systems program
 11 special fund established. (a) There is established a photo red
 12 light imaging detector systems program special fund to be
 13 administered by the department, into which shall be paid
 14 revenues collected pursuant to this chapter.

15 (b) All fines collected under this chapter shall be
 16 deposited into the photo red light imaging detector systems
 17 program special fund; provided that the department shall expend
 18 moneys collected pursuant to a fine in the county in which the
 19 fine was imposed, for purposes that include the establishment,
 20 operation, management, and maintenance of a photo red light
 21 imaging detector system.



1 § -13 Rules. The department shall adopt rules pursuant
2 to chapter 91, as may be necessary to implement this chapter."

3 PART IV

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

6 "~~§291C-161 Penalties[-];~~ photo red light imaging detector
7 system fines. (a) It is a violation for any person to violate
8 any of the provisions of this chapter, except as otherwise
9 specified in subsections (c) and (d) and unless the violation is
10 by other law of this State declared to be a felony, misdemeanor,
11 or petty misdemeanor.

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

- 16 (1) Not more than \$200 for a first violation thereof;
- 17 (2) Not more than \$300 for a second violation committed
- 18 within one year after the date of the first violation;
- 19 and



1 (3) Not more than \$500 for a third or subsequent violation
2 committed within one year after the date of the first
3 violation.

4 (c) Every person convicted under or found in violation of
5 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-
6 15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,
7 291C-104, or 291C-105 shall be sentenced or fined in accordance
8 with those sections.

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

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

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

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



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

5 (f) A fine collected for a violation of section 291C-32
6 pursuant to the photo red light imaging detector system
7 established pursuant to chapter shall be deposited into the
8 photo red light imaging detector systems program special fund
9 established under section -12 and shall be expended in the
10 county in which the fine was imposed, for purposes that include
11 the establishment, operation, management, and maintenance of a
12 photo red light imaging detector system.

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

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

19 "(a) This chapter shall not be deemed to prevent counties
20 with respect to streets and highways under their jurisdiction
21 from:



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



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



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

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

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

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



- 1 (A) A vehicle utilizing the high occupancy vehicle
2 lane illegally; [~~or~~]
- 3 (B) A vehicle illegally utilizing a parking space
4 reserved for persons with disabilities, where the
5 violator refuses the citation; or
- 6 (C) A motor vehicle determined by means of a photo
7 red light imaging detector system established
8 pursuant to chapter to have disregarded a
9 steady red signal in violation of section
10 291C-32(a)(3);
- 11 the original of the citation shall be sent by certified or
12 registered mail, with a return receipt that is postmarked within
13 forty-eight hours of the time of the incident, as provided in
14 section 291C-223 for vehicles illegally utilizing the high
15 occupancy vehicle lane, or within seventy-two hours of the time
16 of the incident for vehicles illegally utilizing a parking space
17 reserved for persons with disabilities[~~7~~] or for vehicles
18 disregarding a steady red signal in violation of section
19 291C-32(a)(3), as determined by means of a photo red light
20 imaging detector system, to the registered owner of the vehicle
21 at the address on record at the vehicle licensing division. If



1 the end of the applicable forty-eight or seventy-two hour period
2 falls on a Saturday, Sunday, or holiday, then the ending period
3 shall run until the end of the next day which is not a Saturday,
4 Sunday, or holiday; provided that the administrative judge of
5 the district courts may allow a carbon copy of the citation to
6 be given to the violator or affixed to the vehicle and provide
7 for the disposition of the original and any other copies of the
8 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. It is the intent of this Act not to jeopardize
16 the receipt of any federal aid nor to impair the obligation of
17 the State or any agency thereof to the holders of any bond
18 issued by the State or by any such agency, and to the extent,
19 and only to the extent, necessary to effectuate this intent, the
20 governor may modify the strict provisions of this Act, but shall
21 promptly report any such modification with reasons therefor to



1 the legislature at its next session thereafter for review by the
2 legislature.

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

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

12 SECTION 11. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 12. This Act shall take effect on July 1, 2050;
15 provided that part II of this Act shall take effect on July 1,
16 2049.



S.B. NO. 663
S.D. 2

Report Title:

Highway Safety; Photo Red Light Imaging; Counties

Description:

Establishes a red light running committee effective 7/1/2049.
Establishes the photo red light imaging detector systems
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.
Effective 7/1/2050. (SD2)

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

