
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. From 2015 to 2019,
5 county police throughout Hawaii issued 20,885 red light
6 violations to motorists, for disregarding a red light traffic
7 signal. These violations endanger the lives of motorists,
8 pedestrians, bicyclists, and other vulnerable road users.
9 Between 2014 and 2018, a total of 1,312 intersection crashes
10 occurred in Hawaii as a result of red light and other traffic
11 signal violations; some involved serious injuries or deaths.
12 National studies have shown that more than half of those injured
13 and killed in red light crashes are innocent people obeying the
14 law, not the offending driver. Red light running violations
15 compound the already hazardous conditions on Hawaii's roads and
16 highways. It has become increasingly common to hear reports of
17 hit-and-run drivers who have struck children or the elderly.



1 Disregarding traffic signals has also been the common
2 denominator in many recent, highly-publicized motor vehicle
3 crashes that have claimed a number of lives.

4 The legislature further finds that in other jurisdictions
5 in the United States, Canada, Europe, and other countries
6 throughout the world, photo red light imaging detector systems
7 have proven reliable, efficient, and effective in identifying
8 and deterring those who run red lights. In New York City, for
9 example, the average daily number of red light running
10 violations issued at each camera location has declined by over
11 seventy-five per cent since inception of the red light camera
12 program more than twenty-five years ago. Moreover, right angle
13 crashes at signalized intersections have declined by seventy-one
14 per cent citywide, from an average of 7,221 to 2,084 annually,
15 and severe injuries from such crashes have declined by over
16 eighty-three per cent, from six hundred thirty-three to one
17 hundred three annually.

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



1 camera is positioned at intersections where red light violations
2 and collisions are most frequent, and serves as a twenty-four-
3 hour deterrent to running a red light. When a motor vehicle
4 enters the intersection against a red light, the camera takes a
5 telephoto color picture of the rear of the car, capturing the
6 license plate. A second wide-angle photograph takes in the
7 entire intersection, including other traffic.

8 These systems provide numerous benefits. Not only are
9 streets safer, but police officers are also freed from the
10 time-consuming duties of traffic enforcement and have more time
11 to respond to priority calls. A violator is less likely to go
12 to court because the color photograph of the violation,
13 imprinted with the time, date, and location of the violation,
14 and the amount of time the light had been red before the
15 violator entered the intersection can be used as evidence in
16 court. Few cases are contested in other jurisdictions using
17 this system, and officers make fewer court appearances, saving
18 court costs. In New York City, approximately five per cent of
19 tickets were contested during the first five years of the
20 program's start. Today, twenty-seven years later, less than two
21 per cent of tickets are contested.



1 The system may also result in lower insurance costs for
2 safe drivers through an overall reduction in crashes and
3 injuries and by placing much of the system costs on the
4 violators who have created the need for the program, less on
5 law-abiding taxpayers. Traffic laws are impartially enforced,
6 and safety and efficiency are increased by reducing the number
7 of chases and personnel required for traffic collision clean-up,
8 investigation, and court testimony.

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



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

4 The legislature further finds that Act 131, Session Laws of
5 Hawaii 2019, created the red light running committee, whose
6 purpose was to "develop policy recommendations for red light
7 running programs in the city and county of Honolulu, and the
8 counties of Maui, Kauai, and Hawaii." After examining the red
9 light running programs of Washington, Illinois, New York, and
10 Florida, the red light running committee found that red light
11 photo enforcement programs are a promising tool that, when
12 implemented properly, can save lives and reduce injuries by
13 changing drivers' behaviors and lead to safer driving habits.
14 Based on their findings, the red light running committee made a
15 number of policy recommendations, which are reflected in this
16 Act.

17 The purpose of this Act is to:

- 18 (1) Establish a photo red light imaging detector systems
19 program to improve enforcement of the traffic signal
20 laws;



- 1 (2) Allow the photo red light imaging detector systems
- 2 program to be implemented in the counties of Hawaii,
- 3 Maui, Kauai, and the city and county of Honolulu;
- 4 (3) Authorize the deposit of fines collected under county
- 5 programs into a special fund; and
- 6 (4) Authorize the expenditure of funds from this special
- 7 fund by the department of transportation in the county
- 8 in which the fine was collected for the establishment,
- 9 operation, management, and maintenance of the photo
- 10 red light imaging detector systems program.

11 PART II

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

15 "CHAPTER
16 PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS

17 § -1 Definitions. As used in this chapter, unless the
18 context otherwise requires:

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



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

3 "Department" means the department of transportation.

4 "Motor vehicle" has the same meaning as defined in
5 section 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
9 synchronized to automatically record one or more sequenced
10 photographs, microphotographs, or electronic images of the rear
11 of the motor vehicle and motor vehicle license plate at the time
12 the motor vehicle fails to stop when facing a steady red
13 traffic-control signal in violation of section 291C-32(c).

14 "Owner" or "registered owner" has the same meaning as used
15 in section 286-2.

16 "State highway" has the same meaning as used in
17 section 264-1.

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

20 **§ -2 Photo red light imaging detector systems program;**
21 **established.** There is established the photo red light imaging



1 detector systems program to enforce the traffic-control signal
2 laws of the State, which may be implemented by the State or any
3 county following completion of a pilot program in the city and
4 county of Honolulu, on any state or county highways within the
5 respective county. Nothing in this chapter shall be deemed to
6 supersede or override any provision of chapter 291D.

7 **§ -3 Pilot program.** There is established the photo red
8 light imaging detector systems pilot program to enforce the
9 traffic-control signal laws of the State, which may be
10 implemented by the city and county of Honolulu, in the major
11 arterial zones on state or county highways, within that area in
12 the city and county of Honolulu established as Honolulu Police
13 Department Districts 1, 5, 6 and 7, as they existed on July 1,
14 2020. The pilot project shall operate for a minimum of two
15 years, starting from the time the cameras become operational and
16 summons or citations are first issued.

17 **§ -4 County powers and duties.** (a) The State or any
18 county may establish and implement, in accordance with this
19 chapter, a photo red light imaging detector system imposing
20 monetary liability on the registered owner of a motor vehicle



1 for failure to comply with traffic-control signal laws. The
2 State or any county may provide for the:

3 (1) Procurement, location, and oversight of a photo red
4 light imaging detector system; and

5 (2) Installation, operation, maintenance, and repair of
6 the photo red light imaging detector system through a
7 third party contractor.

8 Where the photo red light imaging detector system affects state
9 property, the department shall cooperate with and assist the
10 county as needed to install, maintain, and repair the photo red
11 light imaging detector system established pursuant to this
12 chapter.

13 (b) If the State or a county establishes a red light
14 imaging detector system under this chapter, the compensation
15 paid by the State or county to a manufacturer or vendor of the
16 equipment used shall be based upon the value of the equipment
17 and services provided or rendered in support of the photo red
18 light imaging detector system, and shall not be based upon a
19 portion of the fine or civil penalty imposed or the revenue
20 generated by the equipment.



1 (c) Prior to the installation and operation of any photo
2 red light imaging detector system, for each intersection
3 considered for enforcement via the photo red light imaging
4 detector system, the State or county shall:

5 (1) Conduct a comprehensive engineering review and study
6 of each intersection and implement all necessary and
7 appropriate engineering, design, and traffic-control-
8 signal timing measures; and

9 (2) Conduct a study to acquire a baseline average of the
10 number of motor vehicles violating section 291C-32(c)
11 over a period of not less than one week; provided that
12 the baseline average shall be determined prior to the
13 installation of any signs or other official traffic-
14 control devices that indicate that an intersection is
15 being considered for a photo red light imaging
16 detector system.

17 (d) At least sixty days prior to the photo red light
18 imaging detector systems becoming operational, the department,
19 in conjunction with any county that implements a photo red light
20 imaging detector systems program pursuant to this chapter, shall



1 conduct a comprehensive informational and educational campaign
2 to inform motorists and the general public about the program.

3 (e) During the first thirty days of operation of an
4 individual photo red light imaging detector system at a
5 particular traffic signal, a warning shall be issued for any
6 violation of section 291C-32(c) and mailed to the registered
7 owner of the motor vehicle at the address on record as the
8 vehicle licensing division in lieu of a summons or citation
9 pursuant to section -6.

10 **§ -5 Photo red light imaging detector system**

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

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

19 (c) Proof of a violation of section 291C-32(c) shall be as
20 evidenced by information obtained from the photo red light
21 imaging detector system authorized pursuant to this chapter. A



1 certificate, sworn to or affirmed by the reviewing police
2 department, or a facsimile thereof, based upon inspection of
3 photographs, microphotographs, videotape, or other recorded
4 images produced by the system, shall be prima facie evidence of
5 the facts contained therein. Any photographs, microphotographs,
6 videotape, or other recorded images evidencing a violation shall
7 be available for inspection in any proceeding to adjudicate the
8 liability for that violation.

9 (d) The conditions specified in this section shall not
10 apply when the information gathered is used for highway safety
11 research or to issue warning citations not involving a fine or
12 court appearance.

13 **§ -6 Summons or citations.** (a) Notwithstanding any law
14 to the contrary, and except for the time period allowed pursuant
15 to -4(e), beginning January 1, 2021, whenever any motor
16 vehicle is determined, by means of a photo red light imaging
17 detector system, to have disregarded a steady red signal in
18 violation of section 291C-32(c), the State's or county's third
19 party contractor shall cause a summons or citation, as described
20 in this section, to be sent by first class mail, that is
21 postmarked within ten calendar days after the date of the



1 incident, to the registered owner of the motor vehicle at the
2 address on record at the vehicle licensing division. If the end
3 of the ten calendar day period falls on a Saturday, Sunday, or
4 holiday, then the ending period shall run until the end of the
5 next day that is not a Saturday, Sunday, or 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 motor vehicle license plate, 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) Prior to the mailing of the summons or citation for a
21 traffic infraction pursuant to subsection (a), the applicable



1 county police department shall review and verify the validity of
2 the clear and unobstructed photographic, digital, or other
3 visual image of the license plate of the motor vehicle required
4 under section -6(b).

5 (e) Upon receipt of the summons or citation the registered
6 owner shall respond as provided for in chapter 291D. A record
7 of the mailing of the summons or citations prepared in the
8 ordinary course of business is prima facie evidence of
9 notification. The registered owner shall be determined by the
10 identification of the motor vehicle license plate.

11 **§ -7 Registered owner's responsibility for a summons or**
12 **citation.** (a) In any proceeding for a violation of this
13 chapter, the information contained in the summons or citation
14 mailed in accordance with section -6 shall be deemed prima
15 facie evidence that a violation of section 291C-32(c) occurred.
16 If the registered owner does not rebut the evidence presented in
17 this subsection by presenting one or more of the defenses listed
18 in subsection (b), the registered owner shall be strictly liable
19 for a violation of section 291C-32(c).



1 (b) The registered owner of the motor vehicle may present
2 evidence to rebut the evidence in subsection (a) by any one of
3 the following:

4 (1) Submitting a written statement as provided in section
5 291D-6 (b) (2);

6 (2) Testifying in open court under oath that the person
7 named in the summons or citation was not the
8 registered owner of the motor vehicle at the time of
9 the alleged violation;

10 (3) Calling witnesses to testify in open court under oath
11 that the person named in the summons or citation was
12 not the registered owner of the motor vehicle at the
13 time of the alleged violation;

14 (4) Submitting evidence that the motor vehicle passed
15 through the intersection when the traffic light was
16 red in order to yield the right-of-way to an emergency
17 vehicle;

18 (5) Submitting evidence that the motor vehicle was part of
19 a funeral procession escorted by the police;

20 (6) Presenting, prior to the return date established on
21 the citation or summons issued pursuant to this



1 chapter, a letter of verification of loss from the
2 police department indicating that the motor vehicle or
3 the motor vehicle license plates had been reported
4 stolen, to the court adjudicating the alleged
5 violation; or

6 (7) Submitting evidence that the motor vehicle passed
7 through the intersection at the direction of a law
8 enforcement officer.

9 **§ -8 Failure to comply with summons or citation.** If the
10 registered owner of the motor vehicle does not return an answer
11 in response to a summons or citation within a period of thirty
12 days from the date of the mailing of the summons or citation,
13 the district court shall issue, pursuant to section 291D-7(e), a
14 notice of entry of judgment of default to the registered owner
15 of the motor vehicle.

16 **§ -9 Liability for rental or U-drive motor vehicle.**
17 Notwithstanding any law to the contrary, any registered owner of
18 record who is the lessor of a rental or U-drive motor vehicle,
19 including those defined in section 286-2 shall be liable for any
20 summons or citation issued pursuant to this chapter. The



1 registered owner shall not be precluded from pursuing
2 reimbursement from any applicable renter or lessee.

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

7 (b) Any summons or citations issued or convictions
8 resulting from this chapter shall not be recorded on a person's
9 traffic abstract and shall not be used for insurance purposes in
10 the provision of motor vehicle insurance coverage.

11 **§ -11 Fines for unauthorized disclosure.** All personal
12 and confidential information made available by a photo red light
13 imaging detector system to an officer, employee, or agent of the
14 State or any county, including third party contractors, shall be
15 kept confidential and shall be used only for the purposes for
16 which the information was furnished. Any officer, employee, or
17 agent of the State or any county, including a third party
18 contractor, who intentionally discloses or provides a copy of
19 personal and confidential information obtained from a photo red
20 light imaging detector system to any person or agency without
21 authorization shall be fined not more than \$500; provided that



1 different colored lights, or colored lighted arrows,
2 successively one at a time or in combination, only the colors
3 green, red, and yellow shall be used, except for special
4 pedestrian signals carrying a word or symbol legend, and the
5 lights shall indicate and apply to drivers of vehicles and
6 pedestrians as follows:

7 (1) Green indication:

8 (A) Vehicular traffic facing a circular green signal
9 may proceed straight through or turn right or
10 left unless a sign at the place prohibits either
11 such turn. But vehicular traffic, including
12 vehicles turning right or left, shall yield the
13 right-of-way to other vehicles and to pedestrians
14 lawfully within the intersection or an adjacent
15 crosswalk at the time such signal is exhibited.

16 (B) Vehicular traffic facing a green arrow signal,
17 shown alone or in combination with another
18 indication, may cautiously enter the intersection
19 only to make the movement indicated by such
20 arrow, or such other movement as is permitted by
21 other indications shown at the same time. Such



1 vehicular traffic shall yield the right-of-way to
2 pedestrians lawfully within an adjacent crosswalk
3 and to other traffic lawfully using the
4 intersection.

5 (C) Unless otherwise directed by a pedestrian-control
6 signal, as provided in section 291C-33,
7 pedestrians facing any green signal, except when
8 the sole green signal is a turn arrow, may
9 proceed across the roadway within any marked or
10 unmarked crosswalk.

11 (2) Steady yellow indication:

12 (A) Vehicular traffic facing a steady yellow signal
13 is thereby warned that the related green movement
14 is being terminated or that a red indication will
15 be exhibited immediately thereafter when
16 vehicular traffic shall not enter the
17 intersection.

18 (B) Pedestrians facing a steady yellow signal, unless
19 otherwise directed by a pedestrian-control signal
20 as provided in section 291C-33, are thereby
21 advised that there is insufficient time to cross



1 the roadway before a red indication is shown and
2 no pedestrian shall then start to cross the
3 roadway.

4 (3) Steady red indication:

5 (A) Vehicular traffic facing a steady red signal
6 alone shall stop at a clearly marked stop line,
7 but if none, before entering the crosswalk on the
8 near side of the intersection or, if none, then
9 before entering the intersection and shall remain
10 standing until an indication to proceed is shown,
11 except as provided in the next succeeding
12 paragraphs.

13 (B) The driver of a vehicle which is stopped in
14 obedience to a steady red indication may make a
15 right turn but shall yield the right-of-way to
16 pedestrians and other traffic proceeding as
17 directed by the signal at said intersection,
18 except that counties by ordinance may prohibit
19 any such right turn against a steady red
20 indication, which ordinance shall be effective



1 when a sign is erected at such intersection
2 giving notice thereof.

3 (C) The driver of a vehicle on a one-way street which
4 intersects another one-way street on which
5 traffic moves to the left shall stop in obedience
6 to a steady red indication but may then make a
7 left turn into said one-way street, but shall
8 yield right-of-way to pedestrians, proceeding as
9 directed by the signal at said intersection
10 except that counties by ordinance may prohibit
11 any such left turn as above described which
12 ordinance shall be effective when a sign is
13 erected at such intersection giving notice
14 thereof.

15 (D) Unless otherwise directed by a pedestrian-control
16 signal as provided in section 291C-33,
17 pedestrians facing a steady red signal alone
18 shall not enter the roadway.

19 (b) In the event an official traffic-control signal is
20 erected and maintained at a place other than an intersection,
21 the provisions of this section shall be applicable except as to



1 those provisions which by their nature can have no application.
2 Any stop required shall be made at a sign or marking on the
3 pavement indicating where the stop shall be made, but in the
4 absence of any such sign or marking the stop shall be made at
5 the signal.

6 (c) Whenever traffic is controlled by traffic-control
7 signals exhibiting different colored lights, or colored lighted
8 arrows, successively one at a time or in combination, are
9 actively monitored by an official photo red light imaging
10 detector system, all registered owners of all motor vehicles in
11 vehicular traffic at the intersection shall be held strictly
12 liable for the motor vehicle's compliance with the traffic-
13 control signal, to the extent that registered owners may be
14 cited and held accountable for non-compliance via civil traffic
15 infractions pursuant to chapter . The traffic-control
16 signal lights shall apply to registered owners and motor
17 vehicles as follows:

18 (1) Steady red indication:

19 (A) Vehicular traffic facing a steady red signal
20 alone shall stop at a clearly marked stop line,
21 but if none, before entering the crosswalk on the



1 near side of the intersection or, if none, then
2 before entering the intersection and shall remain
3 standing until an indication to proceed is shown,
4 except as provided in the next succeeding
5 paragraphs.

6 (B) Vehicular traffic that is stopped in obedience to
7 a steady red indication may make a right turn but
8 shall yield the right-of-way to pedestrians and
9 other traffic proceeding as directed by the
10 signal at said intersection, except that counties
11 by ordinance may prohibit any such right turn
12 against a steady red indication, which ordinance
13 shall be effective when a sign is erected at such
14 intersection giving notice thereof.

15 (C) Vehicular traffic on a one-way street that
16 intersects another one-way street on which
17 traffic moves to the left shall stop in obedience
18 to a steady red indication but may then make a
19 left turn into said one-way street, but shall
20 yield right-of-way to pedestrians, proceeding as
21 directed by the signal at said intersection



1 except that counties by ordinance may prohibit
2 any such left turn as above described which
3 ordinance shall be effective when a sign is
4 erected at such intersection giving notice
5 thereof.

6 (2) To the extent a registered owner's motor vehicle fails
7 to comply with any other law or ordinance related to
8 traffic-control signals, the registered owner of a
9 motor vehicle shall not be held strictly liable unless
10 otherwise provided by law.

11 ~~[(e)]~~ (d) For purposes of this section, a pedestrian is
12 lawfully within an intersection or adjacent crosswalk when any
13 part or extension of the pedestrian, including any part of the
14 pedestrian's body, wheelchair, cane, crutch, or bicycle, is
15 beyond the curb or the edges of the traversable roadway or moves
16 onto the roadway within an intersection or crosswalk."

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

19 "**§291C-161 Penalties~~[-]~~; photo red light imaging detector**
20 **system fines.** (a) It ~~[is]~~ shall be a violation for any person
21 to violate any of the provisions of this chapter, except as



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

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

8 (1) Not more than \$200 for a first violation thereof;

9 (2) Not more than \$300 for a second violation committed
10 within one year after the date of the first violation;
11 and

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

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

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



- 1 (1) Be fined not more than \$200 or imprisoned not more
2 than ten days for a first conviction thereof;
- 3 (2) Be fined not more than \$300 or imprisoned not more
4 than twenty days or both for conviction of a second
5 offense committed within one year after the date of
6 the first offense; and
- 7 (3) Be fined not more than \$500 or imprisoned not more
8 than six months or both for conviction of a third or
9 subsequent offense committed within one year after the
10 date of the first offense.
- 11 (e) The court may assess a sum not to exceed \$50 for the
12 cost of issuing a penal summons upon any person who fails to
13 appear at the place within the time specified in the citation
14 issued to the person for any traffic violation.
- 15 (f) Fines collected for a violation of section 291C-32(c)
16 pursuant to the photo red light imaging detector system
17 established pursuant to chapter shall be deposited into
18 the photo red light imaging detector systems program special
19 fund established under section -12 and shall be expended in
20 the county in which the fine was imposed, for purposes that
21 include the establishment, implementation, operation, oversight,



1 management, repair and maintenance of a photo red light imaging
2 detector system.

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

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

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

- 12 (1) Regulating or prohibiting stopping, standing, or
- 13 parking except as provided in section 291C-111;
- 14 (2) Regulating traffic by means of police officers or
- 15 official traffic-control devices;
- 16 (3) Regulating or prohibiting processions or assemblages
- 17 on the highways;
- 18 (4) Designating particular highways or roadways for use by
- 19 traffic moving in one direction;
- 20 (5) Establishing speed limits for vehicles in public
- 21 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;



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



1 (c) In the case of a motor vehicle determined by means of
2 a photo red light imaging detector system established pursuant
3 to chapter to have disregarded a steady red signal in
4 violation of section 291C-32(c); the original of the citation
5 shall be sent by first class mail within ten calendar days from
6 the time of the incident for motor vehicles disregarding a
7 steady red light signal in violation of section 291C-32(c), as
8 determined by means of a photo red light imaging system, to the
9 registered owner of the motor vehicle at the address on record
10 at the vehicle licensing division. If the end of the applicable
11 ten calendar day period falls on a Saturday, Sunday, or holiday,
12 then the ending period shall run until the end of the next day
13 which is not a Saturday, Sunday, or holiday.

14 [~~e~~] (d) Every citation shall be consecutively numbered
15 and each carbon copy shall bear the number of its respective
16 original."

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

19 "(c) Any person who is convicted of violating this section
20 shall be subject to penalties as provided under section
21 291C-161(b) and [~~f~~] (g)."



1 PART IV

2 SECTION 8. The department of transportation, in
3 consultation with any county that implements a photo red light
4 imaging detector system pilot program pursuant to this Act,
5 shall annually submit a report to the legislature no later than
6 twenty days prior to the convening of the regular sessions of
7 2021, 2022, 2023, and 2024. The reports shall include, at a
8 minimum, information on whether the implementation of the pilot
9 program has resulted in any statistically significant reduction
10 in motor vehicle collisions, traffic infractions, and other
11 traffic-related incidents. The reports shall also include
12 recommendations on how to improve the pilot program, if it
13 should be made permanent, and funding estimates.

14 SECTION 9. There is appropriated out of the state highway
15 fund the sum of \$800,000 or so much thereof as may be necessary
16 for fiscal year 2021-2022 to be deposited into the photo red
17 light imaging detector systems special fund.

18 SECTION 10. There is appropriated out of the photo red
19 light imaging detector systems special fund the sum of \$800,000
20 or so much thereof as may be necessary for fiscal year 2021-2022



1 for purposes of establishing the photo red light imaging
2 detector systems pilot program.

3 The sum appropriated shall be expended by the department of
4 transportation for the purposes of this Act; provided that the
5 department of transportation shall expend \$112,602 in fiscal
6 year 2020-2021 and fiscal year 2021-2022 for the funding of one
7 permanent full-time (1.0 FTE) deputy prosecuting attorney
8 position within the department of the prosecuting attorney of
9 the city and county of Honolulu.

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

19 SECTION 12. If any provision of this Act, or the
20 application thereof to any person or circumstance is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act which can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 13. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 14. This Act shall take effect upon its approval;
7 provided that sections 9 and 10 shall take effect retroactive to
8 July 1, 2020.



Report Title:

Highway Safety; Photo Red Light Imaging; Appropriation

Description:

Establishes the Photo Red Light Imaging Detector Systems Program (Program). Establishes a two year pilot program in the City and County of Honolulu. Authorizes the State and 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. Establishes a special fund. Makes an appropriation from the state highway fund into the Photo Red Light Imaging Detector Systems special fund. (SD2)

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

