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

12 The legislature further finds that in other jurisdictions
13 in the United States, in Canada, in Europe, and in other
14 countries throughout the world, a technological innovation, the
15 photo red light imaging detector system, has already
16 demonstrated its reliability, efficiency, and effectiveness in
17 identifying and deterring those who run red lights.



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

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



1 fewer court appearances, saving court, overtime, and other
2 costs.

3 The system may also result in lower insurance costs for
4 safe drivers through an overall reduction in crashes and
5 injuries. System costs are placed on the violators who have
6 created the need for the program, rather than law-abiding
7 taxpayers. Traffic laws are enforced without partiality, and
8 safety and efficiency are increased by reducing the number of
9 motor vehicle chases and the number of personnel required for
10 traffic accident clean-up, investigation, and court testimony.

11 The legislature additionally finds that the photo speed
12 imaging detector system created by Act 234, Session Laws of
13 Hawaii 1998, and implemented in January 2002, generated intense
14 public opposition to this program. As a result of this
15 opposition, the legislature repealed Act 234 in its entirety by
16 Act 58, Session Laws of Hawaii 2002. However, the majority of
17 the opposition to this program resulted from the method in which
18 the program was implemented. The public perceived that the
19 program operated more to maximize revenue for the vendor
20 administering the program, rather than to improve traffic
21 safety. In particular, vans in which the cameras were mounted
22 were often placed at locations that did not necessarily have a



1 history of speed-related accidents and instead were used to
2 monitor locations with heavy traffic flow at lower speeds. This
3 situation permitted the vendor to issue the maximum number of
4 citations in the shortest period of time and at the least cost,
5 thereby maximizing the potential return to the vendor without
6 necessarily maximizing traffic safety.

7 The purpose of this Act is to:

- 8 (1) Establish a three-year pilot photo red light imaging
9 detector system program to improve enforcement of the
10 traffic signal laws in all counties; and
11 (2) Make other amendments regarding highway safety.

12 PART II

13 SECTION 2. **Definitions.** As used in this Act, unless the
14 context otherwise requires:

15 "County highway" has the same meaning as used in section
16 264-1, Hawaii Revised Statutes.

17 "Department" means the department of transportation.

18 "Motor vehicle" has the same meaning as defined in section
19 291C-1, Hawaii Revised Statutes.

20 "Photo red light imaging detector" means a device used for
21 traffic enforcement that includes a vehicle sensor that works in
22 conjunction with a traffic-control signal and a camera or



1 similar device to automatically produce a photographic, digital,
2 or other visual image of a motor vehicle that has disregarded a
3 steady red traffic-control signal in violation of section
4 291C-32(a)(3), Hawaii Revised Statutes, and a photographic,
5 digital, or other visual image of the driver of the motor
6 vehicle.

7 "State highway" has the same meaning as used in section
8 264-1, Hawaii Revised Statutes.

9 "Traffic-control signal" has the same meaning as defined in
10 section 291C-1, Hawaii Revised Statutes.

11 "Truck" means any motor vehicle with a maximum gross
12 vehicle weight rating of no less than sixteen thousand pounds.

13 SECTION 3. **Photo red light imaging detector system**
14 **program; established.** (a) There is established a pilot photo
15 red light imaging detector system program, which may be
16 implemented by any county on state or county highways within the
17 respective county to enforce the traffic-control signal laws of
18 the State. The program shall cease to operate on July 1, 2016.

19 (b) The photo red light imaging detector system program
20 shall begin at the following five intersections:

21 (1) Fort Weaver road and Kolowaka drive;

22 (2) Kapiolani boulevard and Keeaumoku street;



- 1 (3) Lahainaluna road and Kuialua street;
2 (4) Fort Weaver road and Renton road; and
3 (5) Beretania street and Piikoi street.

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

16 SECTION 5. **Photo red light imaging detector system**
17 **program; requirements.** (a) Photo red light imaging detector
18 system program equipment shall be operated from a fixed pole,
19 post, or other fixed structure on a state or county highway.
20 (b) Signs and other official traffic-control devices
21 indicating that traffic-signal laws are enforced by a photo red
22 light imaging detector system shall be posted on all major



1 routes entering the area where the system is in operation to
2 provide, as far as practicable, notice to drivers of the
3 existence and operation of the system.

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

15 (d) No summons or citation issued pursuant to the photo
16 red light imaging detector system program shall be issued unless
17 it contains a clear and unobstructed photographic, digital, or
18 other visual image of the driver of the motor vehicle.

19 (e) This section shall not apply to information gathered
20 for highway safety research or to issue warning citations not
21 involving a fine, court appearance, or a person's driving
22 record.



1 SECTION 6. **Summons or citations; form and content;**
2 **issuance.** (a) Notwithstanding any law to the contrary,
3 whenever any motor vehicle operator is determined to have
4 disregarded a steady red traffic-control signal in violation of
5 section 291C-32(a)(3), Hawaii Revised Statutes, by a photo red
6 light imaging detector system, a county police officer shall
7 issue or send a summons or citation, as described in this
8 section, to the registered owner of the motor vehicle at the
9 address on record at the vehicle licensing division, by
10 certified or registered mail with a return receipt that is
11 postmarked within seventy-two hours of the time of the incident.
12 If the end of the seventy-two-hour period falls on a Saturday,
13 Sunday, or holiday, then the end of the period shall run until
14 the end of the next day that is not a Saturday, Sunday, or
15 holiday.

16 (b) The form and content of the summons or citation shall
17 be as adopted or prescribed by the administrative judge of the
18 district courts and shall be printed on a form identical with
19 the form of other summonses or citations used in modern methods
20 of arrest, so designed to include all necessary information to
21 make the summons or citation valid within the laws of the State;
22 provided that any summons or citation pursuant to the photo red



1 light imaging detector system program shall contain a clear and
2 unobstructed photographic, digital, or other visual image of the
3 driver of the motor vehicle that is to be used as evidence of
4 the violation.

5 (c) Every citation shall be consecutively numbered and
6 each copy thereof shall bear the number of its respective
7 original.

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

14 (e) The county, or the county's agent or employee, shall
15 be available to testify as to the authenticity of the
16 information relating to the traffic-control signal violation
17 that is provided pursuant to this section.

18 SECTION 7. **Summons or citation; evidence of violation.** In
19 any proceeding for a violation of this Act, the information
20 contained in the summons or citation mailed in accordance with
21 section 6 shall be deemed evidence that the registered motor



1 vehicle was operated in violation of section 291C-32(a)(3),
2 Hawaii Revised Statutes.

3 SECTION 8. **Prima facie evidence of registered owner's**
4 **responsibility.** (a) Whenever the photo red light imaging
5 detector system determines a motor vehicle to have been operated
6 in violation of section 291C-32(a)(3), Hawaii Revised Statutes,
7 evidence that the motor vehicle described in the citation or
8 summons issued pursuant to this Act was operated in violation of
9 that section, together with proof that the person to whom the
10 summons or citation was sent was the registered owner of the
11 motor vehicle at the time of the violation, shall constitute
12 prima facie evidence that the registered owner of the motor
13 vehicle was the person who committed the violation.

14 (b) The registered owner of the motor vehicle may rebut
15 the evidence in subsection (a) by:

16 (1) Submitting a written statement as provided in section
17 291D-6(b)(2), Hawaii Revised Statutes;

18 (2) Testifying in open court under oath that the
19 registered owner was not the person operating the
20 motor vehicle at the time of the alleged violation;

21 (3) Calling witnesses to testify in open court under oath
22 that the registered owner was not the person operating



1 the motor vehicle at the time of the alleged
2 violation;

3 (4) Submitting extrinsic evidence that the registered
4 owner was not the person operating the motor vehicle
5 at the time of the alleged violation; or

6 (5) Presenting to the court adjudicating the alleged
7 violation, prior to the return date established on the
8 citation or summons issued pursuant to this Act, a
9 letter of verification of loss from the police
10 department indicating the motor vehicle had been
11 reported stolen.

12 SECTION 9. **Failure to comply with summons or citation;**
13 **rebuttal of identification of operator.** (a) If the registered
14 owner of the motor vehicle does not return an answer in response
15 to a summons or citation within a period of thirty days upon
16 receipt of the summons or citation, the district court shall
17 issue, pursuant to section 291D-7(e), Hawaii Revised Statutes, a
18 notice of entry of default judgment to the registered owner of
19 the vehicle, except if the registered owner rebuts the
20 identification of the operator of the vehicle.



1 (b) The registered owner shall be given an opportunity by
2 the district court to rebut the identification of the operator
3 of the motor vehicle as provided in section 8(b).

4 SECTION 10. **Liability for rental or U-drive motor vehicle.**

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

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

17 (2) The administrative judge of the court having
18 jurisdiction over the summons or citation may waive
19 the requirement of providing the name and address of
20 the lessee and impose on the lessor an administrative
21 fee of \$50 per citation.



1 SECTION 11. **Penalty.** The penalties for all consequences
2 of a violation for disregarding a steady red traffic-control
3 signal initiated by the use of a photo red light imaging
4 detector system shall be as provided in section 291C-161, Hawaii
5 Revised Statutes.

6 SECTION 12. **Fines for unauthorized disclosure.** (a) The
7 information obtained by a photo red light imaging detector
8 system, and any other information arising therefrom, shall be
9 kept confidential and used exclusively for purposes of law
10 enforcement, including highway safety research, and court
11 proceedings.

12 (b) Any officer, employee, or agent of a county who
13 intentionally discloses or provides a copy of personal and
14 confidential information obtained from a photo red light imaging
15 detector system to any person or agency, with actual knowledge
16 that disclosure is prohibited by this Act or any other law,
17 shall be fined up to \$1,000; provided that the fine shall not
18 preclude the application of penalties or fines otherwise
19 provided for by law.

20 SECTION 13. **Photo red light imaging detector system**
21 **program; revenue from fines.** Revenue derived from fines
22 pursuant to this Act shall be deposited into the general fund.



1 SECTION 14. **Rules.** The department shall adopt rules
2 pursuant to chapter 91, Hawaii Revised Statutes, as may be
3 necessary to implement this Act.

4 SECTION 15. **Vendor.** The pilot photo red light imaging
5 detector system program shall be administered by a nonprofit
6 organization that is organized and operated in accordance with
7 section 501(c)(3) of the Internal Revenue Code of 1986, as
8 amended.

9 PART III

10 SECTION 16. Section 249-7, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Upon an original registration the director of finance
13 shall fix, and shall charge to the owner, a fee equal to the
14 cost of the number plate and tag or emblem plus the
15 administrative cost of furnishing the plate and tag or emblem
16 and effecting the registration. Upon the issuance of a new
17 series of number plates as determined by the directors of
18 finance of each county through majority consent, the director of
19 finance shall charge the owner a fee equal to the costs of the
20 number plate plus the administrative cost of furnishing the
21 plates. Upon issuing a tag or emblem, the director of finance
22 shall charge the owner a fee of 50 cents. The owner shall



1 securely fasten the number plates on the vehicle[~~7~~] or
2 motorcycle, one on the front and the other on the rear, at a
3 location provided by the manufacturer or in the absence of such
4 a location upon the bumpers of the vehicle and in conformance
5 with section 291-31, in such a manner as to prevent the plates
6 from swinging. Number plates shall at all times be displayed
7 entirely unobscured and be kept reasonably clean. In the case
8 of trailers[~~7~~] and semitrailers[~~7~~, ~~or motorcycles~~], one plate
9 shall be used and it shall be fastened to the rear thereof at a
10 location provided by the manufacturer or in the absence of such
11 a location at the rear thereof, and in the case of motorcycles
12 in conformance with section 291-31."

13 SECTION 17. Section 291C-32, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Whenever traffic is controlled by traffic-control
16 signals exhibiting different colored lights, or colored lighted
17 arrows, successively one at a time or in combination, only the
18 colors green, red, and yellow shall be used, except for special
19 pedestrian signals carrying a word or symbol legend, and the
20 lights shall indicate and apply to drivers of vehicles and
21 pedestrians as follows:

22 (1) Green indication:



1 (A) Vehicular traffic facing a circular green signal
 2 may proceed straight through or turn right or
 3 left unless a sign at the place prohibits either
 4 [~~such~~] turn. But vehicular traffic, including
 5 vehicles turning right or left, shall yield the
 6 right-of-way to other vehicles and to pedestrians
 7 lawfully within the intersection or an adjacent
 8 crosswalk at the time [~~such~~] the signal is
 9 exhibited~~[.];~~;

10 (B) Vehicular traffic facing a green arrow signal,
 11 shown alone or in combination with another
 12 indication, may cautiously enter the intersection
 13 only to make the movement indicated by [~~such~~] the
 14 arrow, or [~~such~~] other movement as is permitted
 15 by other indications shown at the same time.

16 [~~Such vehicular~~] Vehicular traffic shall yield
 17 the right-of-way to pedestrians lawfully within
 18 an adjacent crosswalk and to other traffic
 19 lawfully using the intersection~~[.];~~ and

20 (C) Unless otherwise directed by a pedestrian-control
 21 signal, as provided in section 291C-33,
 22 pedestrians facing any green signal, except when



1 the sole green signal is a turn arrow, may
2 proceed across the roadway within any marked or
3 unmarked crosswalk[-];

4 (2) Steady yellow indication:

5 (A) Vehicular traffic facing a steady yellow signal
6 is thereby warned that the related green movement
7 is being terminated or that a red indication will
8 be exhibited immediately thereafter when
9 vehicular traffic shall not enter the
10 intersection[-]; provided that the length of the
11 steady yellow indication shall be sufficient to
12 allow any truck to pass through the intersection
13 in a reasonable amount of time before a steady
14 red indication commences; and

15 (B) Pedestrians facing a steady yellow signal, unless
16 otherwise directed by a pedestrian-control signal
17 as provided in section 291C-33, are thereby
18 advised that there is insufficient time to cross
19 the roadway before a red indication is shown and
20 no pedestrian shall then start to cross the
21 roadway[-]; and

22 (3) Steady red indication:



1 (A) Vehicular traffic facing a steady red signal
2 alone shall stop at a clearly marked stop line,
3 but if none, before entering the crosswalk on the
4 near side of the intersection or, if none, then
5 before entering the intersection and shall remain
6 standing until an indication to proceed is shown,
7 except as provided in the next succeeding
8 paragraphs~~[+]~~; provided that the steady red
9 indication shall not commence until any truck has
10 had sufficient time to pass through the
11 intersection on a steady yellow indication;

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



1 (C) The driver of a vehicle on a one-way street
2 [~~which~~] that intersects another one-way street on
3 which traffic moves to the left shall stop in
4 obedience to a steady red indication but may then
5 make a left turn into [~~said~~] the one-way street,
6 but shall yield right-of-way to pedestrians,
7 proceeding as directed by the signal at [~~said~~]
8 the intersection except that counties by
9 ordinance may prohibit any [~~such~~] left turn as
10 above described which ordinance shall be
11 effective when a sign is erected at [~~such~~] the
12 intersection giving notice thereof[~~-~~]; and
13 (D) Unless otherwise directed by a pedestrian-control
14 signal as provided in section 291C-33,
15 pedestrians facing a steady red signal alone
16 shall not enter the roadway."

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

19 "§291C-161 Penalties[~~-~~]; photo red light imaging detector
20 system fine. (a) It is a violation for any person to violate
21 any of the provisions of this chapter, except as otherwise
22 specified in subsections (c) and (d) and unless the violation is



1 by other law of this State declared to be a felony, misdemeanor,
2 or petty misdemeanor.

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

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

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

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

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

19 (d) [~~Every~~] A person who violates section 291C-13 or 291C-
20 18 shall:

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



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

5 (3) Be fined not more than \$500 or imprisoned not more
6 than six months or both for conviction of a third or
7 subsequent offense committed within one year after the
8 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) The court may require a person who violates any of the
14 provisions of this chapter to attend a course of instruction in
15 driver retraining as deemed appropriate by the court, in
16 addition to any other penalties imposed.

17 (g) Fines collected for violations of section
18 291C-32(a)(3) pursuant to the photo red light imaging detector
19 system program established pursuant to Act , Session Laws of
20 Hawaii 2013, shall be deposited into the general fund."

21 SECTION 19. Section 291C-163, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



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

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



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



- 1 (22) Adopting and enforcing [~~such~~] temporary or
2 experimental regulations as may be necessary to cover
3 emergencies or special conditions;
- 4 (23) Adopting maximum and minimum speed limits on streets
5 and highways within their respective jurisdictions;
- 6 (24) Adopting requirements on stopping, standing, and
7 parking on streets and highways within their
8 respective jurisdictions except as provided in section
9 291C-111;
- 10 (25) Prohibiting or regulating electric personal assistive
11 mobility devices on sidewalks and bicycle paths; [~~and~~]
- 12 (26) Implementing a photo red light imaging detector system
13 pursuant to Act _____, Session Laws of Hawaii 2013; or
- 14 [~~(26)~~] (27) Adopting [~~such~~] other traffic regulations as
15 [~~are~~] specifically authorized by this chapter."

16 SECTION 20. Section 291C-165, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) In every case when a citation is issued, the original
19 of the citation shall be given to the violator; provided that[~~+~~
20 ~~(1)~~ ~~in~~] in the case of an unattended vehicle, the original
21 of the citation shall be affixed to the vehicle as
22 provided for in section 291C-167; [~~or~~]



1 ~~(2)~~] and provided further that:

2 (1) In the case of:

3 (A) A vehicle utilizing the high occupancy vehicle
4 lane illegally; or

5 (B) A vehicle illegally utilizing a parking space
6 reserved for persons with disabilities, where the
7 violator refuses the citation; or

8 (2) In the case of a motor vehicle operator determined by
9 a photo red light imaging detector system established
10 pursuant to Act _____, Session Laws of Hawaii 2013, to
11 have disregarded a steady red signal in violation of
12 section 291C-32(a)(3);

13 the original of the citation shall be sent by certified or
14 registered mail, with a return receipt that is postmarked within
15 forty-eight hours of the time of the incident, as provided in
16 section 291C-223 for vehicles illegally utilizing the high
17 occupancy vehicle lane[~~7~~]; or within seventy-two hours of the
18 time of the incident for vehicles illegally utilizing a parking
19 space reserved for persons with disabilities, to the registered
20 owner of the vehicle at the address on record at the vehicle
21 licensing division[~~-~~]; or within seventy-two hours of the time
22 of the incident to the registered owner of the vehicle at the



1 address on record at the vehicle licensing division for vehicle
2 operators disregarding a steady red signal in violation of
3 section 291C-32(a)(3), as determined by means of a photo red
4 light imaging detector system. If the end of the applicable
5 forty-eight or seventy-two hour period falls on a Saturday,
6 Sunday, or holiday, then the [~~ending~~] end of the period shall
7 run until the end of the next day which is not a Saturday,
8 Sunday, or holiday; provided that the administrative judge of
9 the district courts may allow a carbon copy of the citation to
10 be given to the violator or affixed to the vehicle and provide
11 for the disposition of the original and any other copies of the
12 citation."

13 PART IV

14 SECTION 21. It is the intent of this Act not to jeopardize
15 the receipt of any federal aid nor to impair the obligation of
16 the State or any agency thereof to the holders of any bond
17 issued by the State or by any such agency, and to the extent
18 necessary to effectuate this intent, the governor may modify the
19 strict provisions of this Act, but shall promptly report any
20 modification with reasons therefor to the legislature at its
21 next session for review.



1 SECTION 22. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 23. This Act does not affect rights and duties
8 that matured, penalties that were incurred, and proceedings that
9 were begun before its effective date.

10 SECTION 24. Upon enactment, the revisor of statutes shall
11 insert the number of this Act into sections 291C-161, 291C-163,
12 and 291C-165, Hawaii Revised Statutes, where indicated in
13 sections 18, 19, and 20 of this Act, respectively.

14 SECTION 25. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 26. This Act shall take effect on July 1, 2150;
17 provided that on July 1, 2016, this Act shall be repealed and
18 sections 249-7(b), 291C-32(a), 291C-161, 291C-163(a), and 291C-
19 165(b), Hawaii Revised Statutes, shall be reenacted in the form
20 in which they read on the day before the effective date of this
21 Act.



Report Title:

Highway Safety; Pilot Program; Photo Red Light Imaging Detector System Program

Description:

Establishes a three-year pilot photo red light imaging detector system program. Authorizes counties to administer the program. Makes other amendments regarding highway safety. Effective July 1, 2150. Repeals July 1, 2016. (SB693 HD1)

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

