

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

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



1 cases are contested in other jurisdictions using this system,
2 and officers make fewer court appearances, saving court costs.

3 The system may also result in lower insurance costs for
4 safe drivers through an overall reduction in crashes and
5 injuries and by placing system costs on the violators who have
6 created the need for the program, not on law-abiding taxpayers.
7 Traffic laws are impartially enforced, and safety and efficiency
8 are increased by reducing the number of chases and personnel
9 required for traffic accident clean-up, investigation, and court
10 testimony.

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15 repealed Act 234 in its entirety.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



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

5 The purpose of this Act is to:

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



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PART II

SECTION 2. (a) The department of transportation shall establish a red light running committee to review this Act and recommend any necessary amendments that may be considered during the 2018 legislative session.

(b) The department of transportation shall invite county police, county prosecutors, and county transportation officials to participate on the red light running committee.

(c) The red light running committee shall submit a report including any findings and recommendations, and any proposed legislation or amendments to this Act, to the legislature no later than twenty days prior to the convening of the 2018 regular session.

PART III

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

"CHAPTER

PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS

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

1 "County" means the counties of Hawaii, Kauai, and Maui, and
2 the city and county of Honolulu.

3 "County highway" has the same meaning as used in section
4 264-1.

5 "Department" means the department of transportation.

6 "Motor vehicle" has the same meaning as defined in section
7 291C-1.

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

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

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
22 detector systems program, which may be implemented by any county



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

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

15 **§ -4 Photo red light imaging detector system**
16 **requirements.** (a) Photo red light imaging detector equipment
17 shall be operated from a fixed pole, post, or other fixed
18 structure on a state or county highway.

19 (b) Signs and other official traffic-control devices
20 indicating that traffic signal laws are enforced by a photo red
21 light imaging detector system shall be posted on all major
22 routes entering the area in question to provide, as far as



1 practicable, notice to drivers of the existence and operation of
2 the system.

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

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

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



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

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



1 driver of the motor vehicle that is to be used as evidence of
2 the violation.

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

21 **§ -7 Prima facie evidence.** (a) Whenever the photo red
22 light imaging detector system determines a motor vehicle to be



1 in violation of section 291C-32(a)(3), evidence that the motor
2 vehicle described in the citation or summons issued pursuant to
3 this chapter was operated in violation of that section, together
4 with proof that the person to whom the summons or citation was
5 sent was the registered owner of the motor vehicle at the time
6 of the violation, shall constitute prima facie evidence that the
7 registered owner of the motor vehicle was the person who
8 committed the violation.

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

11 (1) Submitting a written statement as provided in section
12 291D-6(b)(2);

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

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

19 (4) Extrinsic evidence that the person was not the
20 operator of the vehicle at the time of the alleged
21 violation;



1 (5) Presenting, prior to the return date established on
2 the citation or summons issued pursuant to this
3 chapter, a letter of verification of loss from the
4 police department indicating that the vehicle had been
5 reported stolen, to the court adjudicating the alleged
6 violation; or

7 (6) Identifying the driver of the vehicle at the time of
8 the offense.

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

15 **§ -9 Liability for rental or U-drive vehicle.**

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

21 (1) The lessor shall be responsible for the summons or
22 citation if the lessor does not provide the court



1 having jurisdiction over the summons or citation with
2 the name and address of the lessee within thirty days
3 after a notice containing the date, time, and location
4 of the violation and the license number of the vehicle
5 is sent to the lessor; and

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

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

15 **§ -11 Fines for unauthorized disclosure.** All personal
16 and confidential information made available by any government
17 agency to an agent of any county for the photo red light imaging
18 detector system program shall be kept confidential and shall be
19 used only for the purposes for which the information was
20 furnished. Any officer, employee, or agent of a county who
21 intentionally discloses or provides a copy of personal and
22 confidential information obtained from a photo red light imaging



1 detector system to any person or agency without authorization
2 shall be fined not more than \$; provided that the fine
3 shall not preclude the application of penalties or fines
4 otherwise provided for by law.

5 **§ -12 Photo red light imaging detector systems program**
6 **account established.** (a) There is established, as a special
7 account within the general fund, a photo red light imaging
8 detector systems program account, into which shall be paid
9 revenues collected pursuant to this chapter.

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

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

18 **PART IV**

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

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



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

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

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

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

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

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

21 (d) Every person who violates section 291C-13 or 291C-18
22 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
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 account
19 established under section -12 and shall be expended in the
20 county in which the fine was imposed, for purposes that include
21 the establishment, operation, management, and maintenance of a
22 photo red light imaging detector system.



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

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

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

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



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



- 1 (19) Restricting pedestrian crossing at unmarked
2 crosswalks;
- 3 (20) Regulating persons propelling push carts;
- 4 (21) Regulating persons upon skates, coasters, sleds, and
5 other toy vehicles;
- 6 (22) Adopting and enforcing such temporary or experimental
7 regulations as may be necessary to cover emergencies
8 or special conditions;
- 9 (23) Adopting maximum and minimum speed limits on streets
10 and highways within their respective jurisdictions;
- 11 (24) Adopting requirements on stopping, standing, and
12 parking on streets and highways within their
13 respective jurisdictions except as provided in section
14 291C-111;
- 15 (25) Prohibiting or regulating electric personal assistive
16 mobility devices on sidewalks and bicycle paths; [~~and~~]
- 17 (26) Implementing a photo red light imaging detector system
18 pursuant to chapter _____ ; and
- 19 [~~+26+~~] (27) Adopting such other traffic regulations as are
20 specifically authorized by this chapter."

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



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

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

6 (2) In the case of:

7 (A) A vehicle utilizing the high occupancy vehicle
8 lane illegally; [~~or~~]

9 (B) A vehicle illegally utilizing a parking space
10 reserved for persons with disabilities, where the
11 violator refuses the citation; or

12 (C) A motor vehicle determined by means of a photo
13 red light imaging detector system established
14 pursuant to chapter to have disregarded a
15 steady red signal in violation of section 291C-
16 32(a)(3),

17 the original of the citation shall be sent by
18 certified or registered mail, with a return receipt
19 that is postmarked within forty-eight hours of the
20 time of the incident, as provided in section 291C-223
21 for vehicles illegally utilizing the high occupancy
22 vehicle lane, or within seventy-two hours of the time



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

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

20 "(c) Any person who is convicted of violating this section
21 shall be subject to penalties as provided under section 291C-
22 161(b) and [~~+(f)~~]-] (g)."



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PART V

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2018-2019 for the purposes of establishing the photo red light imaging detector systems program to be allocated as follows:

- \$ to the city and county of Honolulu;
- \$ to the county of Maui;
- \$ to the county of Hawaii; and
- \$ to the county of Kauai.

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

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



1 SECTION 10. 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 which 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 11. 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 12. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 13. This Act shall take effect on January 1, 2041;
13 provided that part II shall take effect on July 1, 2040.



Report Title:

Highway Safety; Photo Red Light Imaging; Appropriation

Description:

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. Makes an appropriation. Establishes Red Light Running Committee. Effective 1/1/2041, except part II, which takes effect on 7/1/2040. (SD2)

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