

STAND. COM. REP. NO.

3775

Honolulu, Hawaii

JUL 02 2020

RE: H.B. No. 1676
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 1676, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the Photo Red Light Imaging Detector Systems Program (Program); and
- (2) Authorize the counties to administer the Program and require proceeds of fines to be expended in the county in which the violation occurred for operation of the Program.

Your Committees received testimony in support of this measure from the Department of Transportation; Department of Transportation Services of the City and County of Honolulu; Peoples Advocacy for Trails Hawai'i; Keiki Injury prevention Coalition; Obesity Prevention Task Force of the Hawai'i Public Health Institute; Kauai Path, Inc.; Blue Zones Project; Hawaii Bicycling League; MADD Hawaii, and thirty-two individuals. Your Committees received testimony in opposition to this measure from four individuals. Your Committees received comments on this



measure from the Judiciary, Office of the Public Defender, Department of Budget and Finance, and Honolulu Police Department.

Your Committees find that drivers who run red lights endanger the lives of motorists and pedestrians and compound the already hazardous conditions on Hawaii's roads and highways. Your Committees further find that in response to concerns of increasing traffic violations in the State, Act 131, Session Laws of Hawaii 2019, required the Department of Transportation to establish a Red Light Running Committee to develop policy recommendations for red light running pilot programs in each county. This measure reflects the recommendations of the Red Light Running Committee and aims to increase public safety on Hawaii's roads and highways.

Your Committees have amended this measure by:

- (1) Adding data, statistics, and examples to section 1 to further illustrate the legislative intent;
- (2) Clarifying that only a photo of the motor vehicle license plate is required;
- (3) Inserting definitions of "owner" and "registered owner";
- (4) Clarifying that the State may establish and oversee the Program;
- (5) Establishing a minimum two-year Photo Red Light Imaging Detector Systems Pilot Program (Pilot Program) which may be implemented within certain areas of the City and County of Honolulu;
- (6) Stipulating that the outer island counties may implement a photo red light imaging detector system following the completion of the Pilot Program;
- (7) Allowing the State and Counties to contract a third-party contractor to install, operate, maintain and repair the red light imaging detector system;
- (8) Requiring an engineering review and study for each intersection to be conducted prior to the installation



and operation of any photo red light imaging detector system;

- (9) Requiring a baseline study of the average number of red light violations at each intersection being considered for installation of any photo red light imaging detector system;
- (10) Requiring a public education and information program to be conducted at least sixty days before any photo red light imaging detector system cameras become operational for issuing citations at any intersection;
- (11) Providing a grace period in which warning notices shall be issued for violations in lieu of summons or citations during the first thirty days that a photo red light imaging detector system becomes operational at any given intersection;
- (12) Requiring the applicable county police department to review and verify the validity of the image of the license plate before the summons and citation are mailed;
- (13) Requiring only a certificate sworn to or affirmed by the reviewing police department to establish the validity of the photographs or digital images and equipment;
- (14) Requiring summons or citations be issued for violations of a steady red signal determined by means of a photo red light imaging detector system beginning January 1, 2021;
- (15) Deleting language that would have required the county, county's agent or employee, to be available to testify as to the authenticity of information provided;
- (16) Deleting language that would have required a summons or citation to be reissued to a person that a lessor identifies as the lessee of the vehicle at the time of the infraction;

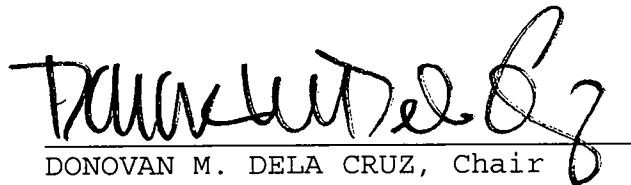


- (17) Inserting language to hold liable any registered owner who is the lessor of a rental or U-drive motor vehicle issued a summons or citation and allowing the lessor to pursue reimbursement from the applicable lessee;
- (18) Clarifying that a citation shall not be recorded on the motor vehicle owner's traffic abstract nor used for insurance purposes in the provision of motor vehicle insurance coverage;
- (19) Clarifying confidentiality requirements and setting the fine for unauthorized disclosure of confidential information at \$500;
- (20) Adding a new subsection 291C-32(c), Hawaii Revised Statutes, relating to photo red light imaging detector system traffic-control signal violations;
- (21) Requiring the Department of Transportation, in consultation with any county that implements a photo red light imaging detector system pilot program, to submit an annual report to the Legislature no later than twenty days prior to the convening of the Regular Sessions of 2021, 2022, 2023, and 2024;
- (22) Inserting an appropriation from the state highway fund to the photo red light imaging detector system special fund to be expended by the City and County of Honolulu and the Department of the Prosecuting Attorney;
- (23) Making it effective upon its approval with provisions relating to the appropriation taking effect retroactively to July 1, 2020; and
- (24) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1676, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1676, H.D. 1, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,



DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1676 HD/SD/	TRS, JDC/WAM	07/02/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado			/	
FEVELLA, Kurt			/	
TOTAL	3		2	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1676, HD1, SD1	TRS, JDC/WAM	7/2/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani		X		
HARIMOTO, Breene				
INOUE, Lorraine R.	X			
KAHELE, Kaiali'i	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.		X		
RIVIERE, Gil			X	
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.		X		
FEVELLA, Kurt			X	
TOTAL	7	3	2	
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

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