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# A BILL FOR AN ACT

RELATING TO THE PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS  
PROGRAM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

**PART I**

SECTION 1. Section 291C-32, Hawaii Revised Statutes, is  
amended by amending subsection (c) to read as follows:

"(c) Whenever traffic is controlled by traffic-control  
signals exhibiting different colored lights, or colored lighted  
arrows, successively one at a time or in combination, ~~[are]~~ and  
actively monitored by an official photo red light imaging  
detector system, all registered owners of all motor vehicles in  
vehicular traffic at the intersection shall be held strictly  
liable for the motor vehicle's compliance with the traffic-  
control signal, to the extent that registered owners may be  
cited and held accountable for non-compliance via civil traffic  
infractions pursuant to chapter 291J. The traffic-control  
signal lights shall apply to the registered owners ~~[and]~~ of  
motor vehicles as follows:

(1) 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.

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

18          (C) Vehicular traffic on a one-way street that  
19          intersects another one-way street on which  
20          traffic moves to the left shall stop in obedience  
21          to a steady red indication but may then make a



1 left turn into said one-way street, but shall  
2 yield right-of-way to pedestrians, proceeding as  
3 directed by the signal at said intersection  
4 except that counties by ordinance may prohibit  
5 any such left turn as above described which  
6 ordinance shall be effective when a sign is  
7 erected at such intersection giving notice  
8 thereof.

9 (2) To the extent a registered owner's motor vehicle fails  
10 to comply with any other law or ordinance related to  
11 traffic-control signals, including section 291C-  
12 32(a)(1) or (2), the registered owner of a motor  
13 vehicle shall not be held strictly liable unless  
14 otherwise provided by law."

15 SECTION 2. Section 291J-1, Hawaii Revised Statutes, is  
16 amended by amending the definition of "photo red light imaging  
17 detector" to read as follows:

18 ""Photo red light imaging detector" or "photo red light  
19 imaging detector system" means a device, or combination of  
20 devices, used for traffic enforcement of section 291C-32(c),  
21 that includes a vehicle sensor [~~that works~~] working in



1 conjunction and synchronization with a traffic-control signal  
2 and a camera [~~synchronized~~] to automatically record one or more  
3 sequenced photographs, microphotographs, or electronic images of  
4 the rear of the motor vehicle and motor vehicle license plate at  
5 the time the motor vehicle fails to stop when facing a steady  
6 red traffic-control signal [~~in violation of section~~  
7 ~~291C-32(e)~~]."

8 SECTION 3. Section 291J-4, Hawaii Revised Statutes, is  
9 amended by amending subsection (e) to read as follows:

10 "(e) During the first thirty days of operation of an  
11 individual photo red light imaging detector system at a  
12 particular traffic signal, a warning shall be issued for any  
13 violation of section 291C-32(c), and mailed to the registered  
14 owner of the motor vehicle at the address on record [~~as~~] at the  
15 vehicle licensing division, in lieu of a summons or citation  
16 pursuant to section 291J-6."

17 SECTION 4. Section 291J-6, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) Notwithstanding any law to the contrary, and except  
20 for the time period allowed pursuant to [~~f~~]section[~~t~~] 291J-4(e),  
21 beginning January 1, 2021, whenever any motor vehicle is



1 determined, by means of a photo red light imaging detector  
2 system, to have disregarded a steady red signal in violation of  
3 section 291C-32(c), the State's or county's third party  
4 contractor shall cause a summons or citation, as described in  
5 this section, to be sent by first class mail~~[, that is~~  
6 ~~postmarked within ten calendar days after the date of the~~  
7 ~~incident,]~~ to the registered owner of the motor vehicle ~~[at the~~  
8 ~~address on record at the vehicle licensing division]~~. The  
9 summons or citation shall be mailed to the registered owner's  
10 address on record at the vehicle licensing division and  
11 postmarked within ten calendar days after the date of the  
12 incident. If the end of the ten calendar day period falls on a  
13 Saturday, Sunday, or holiday, then the ending period shall run  
14 until the end of the next day that is not a Saturday, Sunday, or  
15 holiday."

16 SECTION 5. Section 291J-7, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "[~~§~~291J-7~~]~~ **Registered owner's responsibility for a**  
19 **summons or citation.** (a) In any proceeding for a violation of  
20 this chapter, the information contained in the summons or  
21 citation, mailed in accordance with section 291J-6, shall be



1 deemed prima facie evidence that a violation of section  
2 291C-32(c) occurred. ~~[If the registered owner does not rebut~~  
3 ~~the evidence presented in this subsection by presenting one or~~  
4 ~~more of the defenses listed in subsection (b), the]~~ The  
5 registered owner shall be strictly liable for a violation of  
6 section 291C-32(c) ~~[.]~~, unless the registered owner presents one  
7 or more of the defenses listed in subsection (b) by a  
8 preponderance of the evidence.

9 (b) The registered owner of the motor vehicle may present  
10 ~~[evidence]~~ the following to rebut the evidence in subsection (a)  
11 ~~[by any one of the following]:~~

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

14 ~~-(2)]~~ (1) ~~[Testifying in open court under oath]~~ Evidence  
15 that the person named in the summons or citation was  
16 not the registered owner of the motor vehicle at the  
17 time of the alleged violation;

18 ~~[(3) Calling witnesses to testify in open court under oath~~  
19 ~~that the person named in the summons or citation was~~  
20 ~~not the registered owner of the motor vehicle at the~~  
21 ~~time of the alleged violation;~~



1       ~~(4)~~   (2)   ~~[Submitting evidence]~~ Evidence that the motor  
2       vehicle passed through the intersection ~~[when the~~  
3       ~~traffic light was red in order]~~ to yield the right-of-  
4       way to an emergency vehicle;

5       ~~[(5)]~~   (3)   ~~[Submitting evidence]~~ Evidence that the motor  
6       vehicle ~~[was]~~ passed through the intersection as part  
7       of a funeral procession escorted by the police;

8       ~~[(6)]~~   (4)   ~~[Presenting, prior to the return date established~~  
9       ~~on the citation or summons issued pursuant to this~~  
10       ~~chapter, a letter of verification of loss from the~~  
11       ~~police department indicating]~~ Evidence that the motor  
12       vehicle or the motor vehicle license plates ~~[had been]~~  
13       were reported to the police department as stolen, [to  
14       ~~the court adjudicating]~~ prior to the alleged  
15       violation; or

16       ~~[(7)]~~   (5)   ~~[Submitting evidence]~~ Evidence that the motor  
17       vehicle passed through the intersection at the  
18       direction of a law enforcement officer."

19       SECTION 6. Section 291J-12, Hawaii Revised Statutes, is  
20       amended by amending subsection (b) to read as follows:



1       "(b) All fines collected under this chapter shall be  
2 deposited into the photo red light imaging detector systems  
3 program special fund. Moneys in the fund shall be expended by  
4 the department in the county in which the fine was imposed, for  
5 purposes that include the establishment, [~~implementation,~~]  
6 operation, oversight, repair, and maintenance of a photo red  
7 light imaging detector system[~~-~~] and implementation of the photo  
8 red light imaging detector system program."

9                                   **PART II**

10       SECTION 7. Act 30, Session Laws of Hawaii 2020, sections 9  
11 and 10, as amended by section 1 of Act 133, Session Laws of  
12 Hawaii 2021, is amended to read as follows:

13       "SECTION 9. There is appropriated out of the state highway  
14 fund the sum of \$2,000,000 or so much thereof as may be  
15 necessary for fiscal year 2020-2021; \$400,000 or so much as may  
16 be necessary for fiscal year 2021-2022; and \$400,000 or so much  
17 as may be necessary for fiscal year 2022-2023 to be deposited  
18 into the photo red light imaging detector systems program  
19 special fund.

20       SECTION 10. There is appropriated out of the photo red  
21 light imaging detector systems program special fund the sum of





1 \$2,000,000 or so much thereof as may be necessary for fiscal  
2 year 2020-2021; \$400,000 or so much as may be necessary for  
3 fiscal year 2021-2022; and \$400,000 or so much as may be  
4 necessary for fiscal year 2022-2023 for purposes of establishing  
5 the photo red light imaging detector systems pilot program;  
6 provided that the moneys appropriated for fiscal year 2020-2021,  
7 fiscal year 2021-2022, and fiscal year 2022-2023 shall not lapse  
8 at the end of that fiscal year; provided further that all moneys  
9 appropriated for fiscal year 2020-2021, fiscal year 2021-2022,  
10 and fiscal year 2022-2023 that are unexpended or unencumbered as  
11 of June 30, ~~[2022,]~~ 2025, shall lapse to the credit of the photo  
12 red light imaging detector systems special fund.

13 The sum appropriated shall be expended by the department of  
14 transportation for the purposes of this Act; provided that the  
15 department of transportation shall ~~[expend \$112,602]~~ transfer  
16 \$125,779 in ~~[fiscal year 2021-2022,]~~ fiscal year 2022-2023,  
17 ~~[and] fiscal year 2023-2024 [for the funding of one permanent~~  
18 ~~full-time (1.0 FTE) deputy prosecuting attorney position~~  
19 ~~within], and~~ fiscal year 2024-2025 to the department of the  
20 prosecuting attorney of the city and county of Honolulu. The  
21 department of the prosecuting attorney shall expend these funds



1 exclusively for personnel costs related to the photo red light  
2 imaging detector systems program; provided that any remaining  
3 balances in any of the fiscal years shall be returned to the  
4 department of transportation."

5 **PART III**

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

12 SECTION 9. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 10. This Act shall take effect upon its approval;  
15 provided that part II shall take effect retroactive to June 30,  
16 2021.

17  
INTRODUCED BY:



JAN 26 2022



# H.B. NO. 2336

**Report Title:**

Photo Red Light Imaging Detector Systems Program

**Description:**

Clarifies certain provisions in chapter 291J, Hawaii Revised Statutes, to better reflect the legislative intent of the photo red light imaging detector systems program. Amends Act 30, Session Laws of Hawaii 2020, as amended, to account for the current timetable of the photo red light imaging detector systems program.

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

