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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:**

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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 subsection (a) (1)  
12 or (2), the registered owner of a motor vehicle shall  
13 not be held strictly liable unless otherwise provided  
14 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 pursuant to section 291C-  
21 32(c), 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 produce and record  
3 one or more sequenced photographs, microphotographs, video, or  
4 [~~electronic images~~] other recorded images of the rear of the  
5 motor vehicle and motor vehicle license plate, at the time the  
6 motor vehicle fails to stop when facing a steady red  
7 traffic-control signal [~~in violation of section 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-5, Hawaii Revised Statutes, is  
18 amended by amending subsection (c) to read as follows:

19 "(c) Proof of a violation of section 291C-32(c) shall be  
20 as 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~~] video, or other  
4 recorded images produced by the system, shall be prima facie  
5 evidence of the facts contained therein. Any photographs,  
6 microphotographs, [~~videotape~~] video, or other recorded images  
7 evidencing a violation shall be available for inspection in any  
8 proceeding to adjudicate the liability for that violation."

9 SECTION 5. Section 291J-6, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[~~§~~291J-6] **Summons or citations.** (a) Notwithstanding  
12 any law to the contrary, and except for the time period allowed  
13 pursuant to [~~§~~section] 291J-4(e), beginning January 1, 2021,  
14 whenever any motor vehicle is determined, by means of a photo  
15 red light imaging detector system, to have disregarded a steady  
16 red signal in violation of section 291C-32(c), the State's or  
17 county's third party contractor shall cause a summons or  
18 citation, as described in this section, to be sent by first  
19 class mail [~~, that is postmarked within ten calendar days after~~  
20 ~~the date of the incident,~~] to the registered owner of the motor  
21 vehicle [~~at the address on record at the vehicle licensing~~



1 ~~division]~~. The summons or citation shall be mailed to the  
2 registered owner's address on record at the vehicle licensing  
3 division and postmarked within ten calendar days after the date  
4 of the incident. If the end of the ten calendar day period  
5 falls on a Saturday, Sunday, or holiday, then the ending period  
6 shall run until the end of the next day that is not a Saturday,  
7 Sunday, or holiday.

8 (b) The form and content of the summons or citation shall  
9 be as adopted or prescribed by the administrative judge of the  
10 district courts and shall be printed on a form commensurate with  
11 the form of other summonses or citations used in modern methods  
12 of arrest, so designed to include all necessary information to  
13 make the summons or citation valid within the laws of the State;  
14 provided that any summons or citation issued pursuant to the  
15 photo red light imaging detector systems program shall contain a  
16 clear and unobstructed [~~photographic, digital, or other visual~~]  
17 image of the motor vehicle license plate, which shall be used as  
18 evidence of the violation.

19 (c) Every summons or citation shall be consecutively  
20 numbered and each copy thereof shall bear the number of its  
21 respective original.



1 (d) Prior to the mailing of the summons or citation for a  
2 traffic infraction pursuant to subsection (a), the applicable  
3 county police department shall review and verify the [~~validity~~  
4 ~~of the~~] clear and unobstructed [~~photographic, digital, or other~~  
5 ~~visual~~] image of the license plate of the motor vehicle required  
6 under section 291J-6(b).

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

14 (f) Procedures regarding answering, court hearings, and  
15 court actions shall be pursuant to sections 291D-6, 291D-7,  
16 291D-8, and 291D-13; provided that it shall not be a defense of  
17 any citation issued under this chapter that another person was  
18 driving the defendant's motor vehicle at the time of incident,  
19 unless the motor vehicle was stolen as documented by a police  
20 report; provided further that any reference to the defendant's



1 commission of the traffic infraction or similar language shall  
2 be interpreted to mean commission of the traffic infraction."

3 SECTION 6. Section 291J-7, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[~~+~~]**\$291J-7[~~+~~]** **Registered owner's responsibility for a**  
6 **summons or citation.** [~~(a)~~] In any proceeding for a violation  
7 of this chapter, the information contained in the summons or  
8 citation, mailed in accordance with section 291J-6, shall be  
9 deemed prima facie evidence that a violation of section  
10 291C-32(c) occurred. [~~If the registered owner does not rebut~~  
11 ~~the evidence presented in this subsection by presenting one or~~  
12 ~~more of the defenses listed in subsection (b), the]~~ The  
13 registered owner shall be strictly liable for a violation of  
14 section 291C-32(c).

15 [~~(b) The registered owner of the motor vehicle may present~~  
16 ~~evidence to rebut the evidence in subsection (a) by any one of~~  
17 ~~the following:~~

- 18 (1) ~~Submitting a written statement as provided in section~~  
19 ~~291D-6(b)(2);~~
- 20 (2) ~~Testifying in open court under oath that the person~~  
21 ~~named in the summons or citation was not the~~



- 1           ~~registered owner of the motor vehicle at the time of~~
- 2           ~~the alleged violation;~~
- 3       ~~(3) Calling witnesses to testify in open court under oath~~
- 4           ~~that the person named in the summons or citation was~~
- 5           ~~not the registered owner of the motor vehicle at the~~
- 6           ~~time of the alleged violation;~~
- 7       ~~(4) Submitting evidence that the motor vehicle passed~~
- 8           ~~through the intersection when the traffic light was~~
- 9           ~~red in order to yield the right of way to an emergency~~
- 10          ~~vehiele;~~
- 11       ~~(5) Submitting evidence that the motor vehicle was part of~~
- 12          ~~a funeral procession escorted by the police;~~
- 13       ~~(6) Presenting, prior to the return date established on~~
- 14          ~~the citation or summons issued pursuant to this~~
- 15          ~~chapter, a letter of verification of loss from the~~
- 16          ~~police department indicating that the motor vehicle or~~
- 17          ~~the motor vehicle license plates had been reported~~
- 18          ~~stolen, to the court adjudicating the alleged~~
- 19          ~~violation; or~~





1 as may be necessary for fiscal year 2022-2023 to be deposited  
2 into the photo red light imaging detector systems program  
3 special fund.

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

18 The sum appropriated shall be expended by the department of  
19 transportation for the purposes of this Act; provided that the  
20 department of transportation shall [~~expend \$112,602~~] transfer  
21 \$125,779 in [~~fiscal year 2021-2022,~~] fiscal year 2022-2023,



1 [and] fiscal year 2023-2024 [~~for the funding of one permanent~~  
2 ~~full-time (1.0 FTE) deputy prosecuting attorney position~~  
3 ~~within], and fiscal year 2024-2025 to the department of the  
4 prosecuting attorney of the city and county of Honolulu. The  
5 department of the prosecuting attorney shall expend these funds  
6 exclusively for personnel costs related to the photo red light  
7 imaging detector systems program; provided that any remaining  
8 balances in any of the fiscal years shall be returned to the  
9 department of transportation."~~

10 PART III

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

17 SECTION 10. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 11. This Act shall take effect upon its approval;  
20 provided that part II shall take effect retroactive to June 30,  
21 2021.



**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. (CD1)

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

