
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:

1 PART I

2 SECTION 1. Section 291C-32, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "§291C-32 Traffic-control signal legend. (a) Whenever
5 traffic is controlled by traffic-control signals exhibiting
6 different colored lights, or colored lighted arrows,
7 successively one at a time or in combination, only the colors
8 green, red, and yellow shall be used, except for special
9 pedestrian signals carrying a word or symbol legend, and the
10 lights shall indicate and apply to drivers of vehicles and
11 pedestrians as follows:

12 (1) Green indication:

13 (A) Vehicular traffic facing a circular green signal
14 may proceed straight through or turn right or
15 left unless a sign at the place prohibits either
16 such turn. But vehicular traffic, including



1 vehicles turning right or left, shall yield the
2 right-of-way to other vehicles and to pedestrians
3 lawfully within the intersection or an adjacent
4 crosswalk at the time such signal is exhibited.

5 (B) Vehicular traffic facing a green arrow signal,
6 shown alone or in combination with another
7 indication, may cautiously enter the intersection
8 only to make the movement indicated by such
9 arrow, or such other movement as is permitted by
10 other indications shown at the same time. Such
11 vehicular traffic shall yield the right-of-way to
12 pedestrians lawfully within an adjacent crosswalk
13 and to other traffic lawfully using the
14 intersection.

15 (C) Unless otherwise directed by a pedestrian-control
16 signal, as provided in section 291C-33,
17 pedestrians facing any green signal, except when
18 the sole green signal is a turn arrow, may
19 proceed across the roadway within any marked or
20 unmarked crosswalk.

21 (2) Steady yellow indication:



1 (A) Vehicular traffic facing a steady yellow signal
2 is thereby warned that the related green movement
3 is being terminated or that a red indication will
4 be exhibited immediately thereafter when
5 vehicular traffic shall not enter the
6 intersection.

7 (B) Pedestrians facing a steady yellow signal, unless
8 otherwise directed by a pedestrian-control signal
9 as provided in section 291C-33, are thereby
10 advised that there is insufficient time to cross
11 the roadway before a red indication is shown and
12 no pedestrian shall then start to cross the
13 roadway.

14 (3) Steady red indication:

15 (A) Vehicular traffic facing a steady red signal
16 alone shall stop at a clearly marked stop line,
17 but if none, before entering the crosswalk on the
18 near side of the intersection or, if none, then
19 before entering the intersection and shall remain
20 standing until an indication to proceed is shown,



1 except as provided in the next succeeding
2 paragraphs.

3 (B) The driver of a vehicle which is stopped in
4 obedience to a steady red indication may make a
5 right turn but shall yield the right-of-way to
6 pedestrians and other traffic proceeding as
7 directed by the signal at said intersection,
8 except that counties by ordinance may prohibit
9 any such right turn against a steady red
10 indication, which ordinance shall be effective
11 when a sign is erected at such intersection
12 giving notice thereof.

13 (C) The driver of a vehicle on a one-way street which
14 intersects another one-way street on which
15 traffic moves to the left shall stop in obedience
16 to a steady red indication but may then make a
17 left turn into said one-way street, but shall
18 yield right-of-way to pedestrians, proceeding as
19 directed by the signal at said intersection
20 except that counties by ordinance may prohibit
21 any such left turn as above described which



1 ordinance shall be effective when a sign is
2 erected at such intersection giving notice
3 thereof.

4 (D) Unless otherwise directed by a pedestrian-control
5 signal as provided in section 291C-33,
6 pedestrians facing a steady red signal alone
7 shall not enter the roadway.

8 (b) In the event an official traffic-control signal is
9 erected and maintained at a place other than an intersection,
10 the provisions of this section shall be applicable except as to
11 those provisions which by their nature can have no application.
12 Any stop required shall be made at a sign or marking on the
13 pavement indicating where the stop shall be made, but in the
14 absence of any such sign or marking the stop shall be made at
15 the signal.

16 (c) Whenever traffic is controlled by traffic-control
17 signals exhibiting different colored lights, or colored lighted
18 arrows, successively one at a time or in combination, [~~are~~] and
19 actively monitored by an official photo red light imaging
20 detector system, all registered owners of all motor vehicles in
21 vehicular traffic at the intersection shall be held strictly



1 liable for the motor vehicle's compliance with the traffic-
2 control signal, to the extent that registered owners may be
3 cited and held accountable for non-compliance via civil traffic
4 infractions pursuant to chapter 291J. The traffic-control
5 signal lights shall apply to the registered owners [~~and~~] of
6 motor vehicles as follows:

7 (1) Steady red indication:

8 (A) Vehicular traffic facing a steady red signal
9 alone shall stop at a clearly marked stop line,
10 but if none, before entering the crosswalk on the
11 near side of the intersection or, if none, then
12 before entering the intersection and shall remain
13 standing until an indication to proceed is shown,
14 except as provided in the next succeeding
15 paragraphs.

16 (B) Vehicular traffic that is stopped in obedience to
17 a steady red indication may make a right turn but
18 shall yield the right-of-way to pedestrians and
19 other traffic proceeding as directed by the
20 signal at said intersection, except that counties
21 by ordinance may prohibit any such right turn



1 against a steady red indication, which ordinance
2 shall be effective when a sign is erected at such
3 intersection giving notice thereof.

4 (C) Vehicular traffic on a one-way street that
5 intersects another one-way street on which
6 traffic moves to the left shall stop in obedience
7 to a steady red indication but may then make a
8 left turn into said one-way street, but shall
9 yield right-of-way to pedestrians, proceeding as
10 directed by the signal at said intersection
11 except that counties by ordinance may prohibit
12 any such left turn as above described which
13 ordinance shall be effective when a sign is
14 erected at such intersection giving notice
15 thereof.

16 (2) To the extent a registered owner's motor vehicle fails
17 to comply with any other law or ordinance related to
18 traffic-control signals, including subsection (a)(1)
19 or (2), the registered owner of a motor vehicle shall
20 not be held strictly liable unless otherwise provided
21 by law.



1 (d) Whenever traffic is controlled by traffic-control
2 signals exhibiting different colored lights, or colored lighted
3 arrows, successively one at a time or in combination, the steady
4 yellow indication shall be displayed for not less than a
5 duration of three seconds. Whenever traffic is controlled by
6 traffic-control signals exhibiting different colored lights, or
7 colored lighted arrows, successively one at a time or in
8 combination, and actively monitored by an official photo red
9 light imaging detector system, the steady yellow indication
10 shall be displayed for not less than a duration of
11 seconds.

12 [~~(d)~~] (e) For purposes of this section, a pedestrian is
13 lawfully within an intersection or adjacent crosswalk when any
14 part or extension of the pedestrian, including any part of the
15 pedestrian's body, wheelchair, cane, crutch, or bicycle, is
16 beyond the curb or the edges of the traversable roadway or moves
17 onto the roadway within an intersection or crosswalk."

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



1 "Photo red light imaging detector" or "photo red light
2 imaging detector system" means a device, or combination of
3 devices, used for traffic enforcement relevant to section
4 291C-32(c), that includes a vehicle sensor [~~that works~~] working
5 in conjunction with and in synchronization with a traffic-
6 control signal and a camera [~~synchronized~~], to automatically
7 produce and record one or more sequenced photographs,
8 microphotographs, video, or [~~electronic images~~] other recorded
9 images of the rear of the motor vehicle and motor vehicle
10 license plate at the time the motor vehicle fails to stop when
11 facing a steady red traffic-control signal [~~in violation of~~
12 ~~section 291C-32(e)~~]."

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

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



1 SECTION 4. Section 291J-5, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Proof of a violation of section 291C-32(c) 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 reviewing police
7 department, or a facsimile thereof, based upon inspection of
8 photographs, microphotographs, [~~videotape,~~] video, or other
9 recorded images produced by the system, shall be prima facie
10 evidence of the facts contained therein. Any photographs,
11 microphotographs, [~~videotape,~~] video, or other recorded images
12 evidencing a violation shall be available for inspection in any
13 proceeding to adjudicate the liability for that violation."

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

16 "[+]§291J-6[+] **Summons or citations.** (a) Notwithstanding
17 any law to the contrary, and except for the time period allowed
18 pursuant to [+]section[+] 291J-4(e), beginning January 1, 2021,
19 whenever any motor vehicle is determined, by means of a photo
20 red light imaging detector system, to have disregarded a steady
21 red signal in violation of section 291C-32(c), the State's or



1 county's third party contractor shall cause a summons or
2 citation, as described in this section, to be sent by first
3 class mail [~~, that is postmarked within ten calendar days after~~
4 ~~the date of the incident,~~] to the registered owner of the motor
5 vehicle [~~at the address on record at the vehicle licensing~~
6 ~~division~~]. The summons or citation shall be mailed to the
7 registered owner's address on record at the vehicle licensing
8 division and postmarked within ten calendar days after the date
9 of the incident. If the end of the ten calendar day period
10 falls on a Saturday, Sunday, or holiday, then the ending period
11 shall run until the end of the next day that is not a Saturday,
12 Sunday, or holiday.

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



1 image of the motor vehicle license plate, which shall be used as
2 evidence of the violation.

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

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

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

19 (f) Procedures regarding answering, court hearings, court
20 actions, and any applicable defenses shall be pursuant to
21 sections 291D-6, 291D-7, 291D-8, and 291D-13."



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

3 " ~~[†] §291J-7 [†]~~ Registered owner's responsibility for a
4 summons or citation. ~~[(a)]~~ In any proceeding for a violation
5 of this chapter, the information contained in the summons or
6 citation, mailed in accordance with section 291J-6, shall be
7 deemed prima facie evidence that a violation of section
8 291C-32(c) occurred. ~~[If the registered owner does not rebut~~
9 ~~the evidence presented in this subsection by presenting one or~~
10 ~~more of the defenses listed in subsection (b), the]~~ The
11 registered owner shall be strictly liable for a violation of
12 section 291C-32(c).

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

- 16 ~~(1) Submitting a written statement as provided in section~~
17 ~~291D-6(b)(2);~~
- 18 ~~(2) Testifying in open court under oath that the person~~
19 ~~named in the summons or citation was not the~~
20 ~~registered owner of the motor vehicle at the time of~~
21 ~~the alleged violation;~~



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



1 SECTION 7. Section 291J-12, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

11 PART II

12 SECTION 8. Act 30, Session Laws of Hawaii 2020, sections 9
13 and 10, as amended by section 1 of Act 133, Session Laws of
14 Hawaii 2021, are amended to read as follows:

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



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

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



1 prosecuting attorney of the city and county of Honolulu. The
2 department of the prosecuting attorney shall expend these funds
3 exclusively for personnel costs related to the photo red light
4 imaging detector systems program; provided that any remaining
5 balances in any of the fiscal years shall be returned to the
6 department of transportation."

7 PART III

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

14 SECTION 11. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 12. This Act shall take effect on July 1, 2050;
17 provided that part II shall take effect retroactive to June 30,
18 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. Establishes minimum display times for yellow lights on traffic-control signals. 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. Effective 7/1/2050. (SD2)

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