

JAN 26 2022

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 by amending subsection (c) to read as follows:

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

16 (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
17 [~~such~~] an 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~~] an 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 paragraphs (a)(1)
12 and (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~~] the enforcement [~~that~~] of section
21 291C-32(c). "Photo red light imaging detector" or "photo red



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

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

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

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

20 "(a) Notwithstanding any law to the contrary, and except
21 for the time period allowed pursuant to [~~+~~]section[~~+~~] 291J-4(e),



1 beginning January 1, 2021, whenever any motor vehicle is
2 determined, by means of a photo red light imaging detector
3 system, to have disregarded a steady red signal in violation of
4 section 291C-32(c), the State's or county's third party
5 contractor shall cause a summons or citation, as described in
6 this section, to be sent by first class mail[, ~~that is~~
7 ~~postmarked within ten calendar days after the date of the~~
8 ~~incident,~~] to the registered owner of the motor vehicle [~~at the~~
9 ~~address on record at the vehicle licensing division~~]. The
10 summons or citation shall be mailed to the registered owner's
11 address on record at the vehicle licensing division and
12 postmarked within ten calendar days after the date of the
13 incident. If the end of the ten calendar day period falls on a
14 Saturday, Sunday, or holiday, then the ending period shall run
15 until the end of the next day that is not a Saturday, Sunday, or
16 holiday."

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

19 "[+]§291J-7[+] **Registered owner's responsibility for a**
20 **summons or citation.** (a) In any proceeding for a violation of
21 this chapter, the information contained in the summons or



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

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

13 ~~[(1) Submitting a written statement as provided in section~~
14 ~~291D-6(b)(2),~~

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

19 ~~[(3) Calling witnesses to testify in open court under oath~~
20 ~~that the person named in the summons or citation was~~



1 ~~not the registered owner of the motor vehicle at the~~
2 ~~time of the alleged violation;~~

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

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

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

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



1 SECTION 6. 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
10 photo red light imaging detector system program."

11 PART II

12 SECTION 7. Act 30, Session Laws of Hawaii 2020, as amended
13 by Act 133, Session Laws of Hawaii 2021, is amended by amending
14 sections 9 and 10 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 10. 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~~] each respective fiscal year; provided
11 further that all moneys appropriated for fiscal year 2020-2021,
12 fiscal year 2021-2022, and fiscal year 2022-2023 that are
13 unexpended or unencumbered as of June 30, [~~2022,~~] 2025, shall
14 lapse to the credit of the photo red light imaging detector
15 systems special fund.

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



1 ~~within], and fiscal year 2024-2025 to~~ the department of the
2 prosecuting attorney of the city and county of Honolulu[-];
3 provided further that the department of the prosecuting attorney
4 of the city and county of Honolulu shall expend these moneys
5 exclusively for personnel costs related to the photo red light
6 imaging detector systems program; and provided further that any
7 remaining balances at the end of each fiscal year shall be
8 returned to the department of transportation."

9 PART III

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

16 SECTION 9. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.



1 SECTION 10. This Act shall take effect upon its approval;
2 provided that part II of this Act shall take effect
3 retroactively on June 30, 2021.

4

INTRODUCED BY: _____

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal stroke.

S.B. NO. 3312

Report Title:

Photo Red Light Imaging Detector Systems; Appropriations

Description:

Makes clarifying amendments to chapter 291J, Hawaii Revised Statutes, to reflect legislative intent, including repealing or changing certain defenses to violations of the photo red light imaging detector systems program. Amends the appropriations made pursuant to Act 133, Session Laws of Hawaii 2021, to account for the photo red light imaging detector system program's current timetable.

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

