

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 PART I

2 SECTION 1. The legislature finds that the prevalence of  
3 drivers who violate Hawaii's traffic laws is intolerable,  
4 particularly drivers who speed. This dangerous behavior puts  
5 the lives of all of Hawaii's roadway users at risk. According  
6 to state traffic data, speeding continues to be the most common  
7 contributing factor in motor vehicle fatalities. Data from the  
8 department of transportation shows that speeding contributed to  
9 almost fifty per cent of all motor vehicle fatalities.

10 Automated speed enforcement cameras are powerful tools that  
11 can reduce motor vehicle crashes and fatalities by augmenting  
12 traditional enforcement efforts or enforcing in locations where  
13 traffic stops are impractical or unsafe.

14 The purpose of this Act is to establish an automated speed  
15 enforcement program to improve enforcement of speeding laws.

16 PART II



1 SECTION 2. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to title 17 to be appropriately designated  
3 and to read as follows:

4 "CHAPTER

5 AUTOMATED SPEED ENFORCEMENT SYSTEMS

6 § -1. **Definitions.** As used in this chapter, unless the  
7 context otherwise requires:

8 "Automated speed enforcement system" means a device, or  
9 combination of devices, used for traffic enforcement pursuant to  
10 section 291C-102 or section 291C- , that includes a vehicle  
11 sensor working in conjunction and synchronization with a speed  
12 measuring device and a camera, to automatically produce and  
13 record one or more sequenced photographs, microphotographs,  
14 video, or other recorded images of a motor vehicle and motor  
15 vehicle license plate, at the time the motor vehicle is  
16 exceeding the applicable speed limit, in violation of section  
17 291C- .

18 "County highway" has the same meaning as used in section  
19 264-1.

20 "Department" means the department of transportation.



1 "Intersection" has the same meaning as used in section  
2 291C-1.

3 "Motor vehicle" has the same meaning as used in section  
4 291C-1.

5 "Owner" or "registered owner" has the same meaning as used  
6 in section 286-2.

7 "Location" means the place, intersection, or roadway where  
8 an automated speed enforcement system is installed and operated.

9 "State highway" has the same meaning as used in section  
10 264-1.

11 **§ -2. Automated speed enforcement systems program;**

12 **established.** There is established the automated speed  
13 enforcement systems program, which may be implemented by the  
14 State or any county, on state or county highways within each  
15 respective county, to enforce the speed restriction laws of the  
16 State.

17 **§ -3. State and county powers and duties.** (a) The  
18 State shall establish and implement, in accordance with this  
19 chapter, an automated speed enforcement system imposing monetary  
20 liability on the registered owner of a motor vehicle for failure



1 to comply with section 291C-102. The State or any county may  
2 provide for the:

3 (1) Procurement, location, and oversight of an automated  
4 speed enforcement system; and

5 (2) Installation, operation, maintenance, and repair of  
6 the automated speed enforcement system through a  
7 third-party contractor.

8 Where the automated speed enforcement system affects state  
9 property, the department shall cooperate with and assist the  
10 county as needed to install, maintain, and repair the automated  
11 speed enforcement system established pursuant to this chapter.

12 (b) The compensation paid by the State to establish an  
13 automated speed enforcement system under this chapter to a  
14 manufacturer or vendor of the equipment used shall be based upon  
15 the value of the equipment and services provided or rendered in  
16 support of the automated speed enforcement system and shall not  
17 be based upon a portion of the fine or civil penalty imposed or  
18 the revenue generated by the equipment.

19 (c) Prior to the installation and operation of any  
20 automated speed enforcement system, for each location considered



1 for enforcement via the automated speed enforcement system, the  
2 State shall:

3 (1) Conduct a comprehensive engineering review and study  
4 of each location and implement all necessary and  
5 appropriate engineering, design, and traffic-control  
6 signal measures; and

7 (2) Conduct a study to acquire a baseline average of the  
8 number of motor vehicles violating the posted speed  
9 limit pursuant to section 291C-102, over a period of  
10 not less than one week; provided that the baseline  
11 average shall be determined prior to the installation  
12 of any signs or other official traffic-control devices  
13 that indicate that a location is being considered for  
14 an automated speed enforcement system.

15 (d) At least sixty days prior to the automated speed  
16 enforcement system becoming operational, the department, in  
17 conjunction with any county that implements an automated speed  
18 enforcement system program pursuant to this chapter, shall  
19 conduct a comprehensive informational and educational campaign  
20 to inform motorists and the general public about the program.



1 (e) During the first thirty days of operation of an  
2 automated speed enforcement system at a particular location, a  
3 warning shall be issued for any violation and mailed to the  
4 registered owner of the motor vehicle at the address on record  
5 at the vehicle licensing division in lieu of a summons or  
6 citation pursuant to section -5.

7 **§ -4 Automated speed enforcement system requirements.**

8 (a) Automated speed enforcement system equipment shall be  
9 operated from a fixed pole, post, or other fixed structure on a  
10 state or county highway.

11 (b) Signs or other traffic-control signal devices  
12 indicating that traffic signal laws are enforced by an automated  
13 speed enforcement system shall be posted on major routes  
14 entering the area in question to provide, as far as practicable,  
15 notice to drivers of the existence and operation of the system.

16 (c) Proof of a violation of section 291C-102 shall be as  
17 evidenced by information obtained from an automated speed  
18 enforcement system authorized pursuant to this chapter. A  
19 certificate, sworn to or affirmed by the reviewing county police  
20 department, or a facsimile thereof, based upon inspection of any  
21 clear and unobstructed photographic, digital, or other visual



1 image of the motor vehicle license plate evidencing a violation  
2 shall be available for inspection in any proceeding to  
3 adjudicate the liability for that violation.

4 (d) It shall be a defense to any prosecution for a  
5 violation of motor vehicle speed limits pursuant to this chapter  
6 that the automated speed enforcement system was malfunctioning  
7 at the time of the alleged violation.

8 (e) The conditions specified in this section shall not  
9 apply when the information gathered is used for highway safety  
10 research or to issue warning citations not involving a fine or  
11 court appearance.

12 § -5 **Summons or citations.** (a) Notwithstanding any law  
13 to the contrary, beginning January 1, 2025, whenever any motor  
14 vehicle is determined, by means of an automated speed  
15 enforcement system, to have violated the posted speed limit  
16 pursuant to section 291C-102, the State's third party contractor  
17 shall cause a summons or citation, as described in this section,  
18 to be sent by first class mail, that is postmarked within ten-  
19 calendar days after the date of the incident, to the registered  
20 owner of the motor vehicle at the address on record at the  
21 vehicle licensing division. If the end of the ten-calendar day



1 period falls on a Saturday, Sunday, or holiday, then the ending  
2 period shall run until the end of the next day that is not a  
3 Saturday, Sunday, or holiday.

4 (b) The form and content of the summons or citation shall  
5 be as adopted or prescribed by the administrative judge of the  
6 district courts and shall be printed on a form commensurate with  
7 the form of other summonses or citations used in modern methods  
8 of arrest, so designed to include all necessary information to  
9 make the summons or citation valid within the laws of the State;  
10 provided that any summons or citation issued pursuant to the  
11 automated speed enforcement systems program shall contain a  
12 clear and unobstructed photographic, digital, or other visual  
13 image of the motor vehicle license plate, and speed units  
14 measured by the speed reader, which shall be used as evidence of  
15 the violation.

16 (c) Every summons or citation shall be consecutively  
17 numbered and each copy thereof shall bear the number of its  
18 respective original.

19 (d) Prior to the mailing of the summons or citation for a  
20 traffic infraction pursuant to subsection (a), the applicable  
21 county police department shall review and verify the validity of



1 the clear and unobstructed photographic, digital, or other  
2 visual image of the license plate of the motor vehicle required  
3 under this section.

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

10 **§ -6 Registered owner's responsibility for a summons or**

11 **citation.** (a) In any proceeding for a violation of this  
12 chapter, the information contained in the summons or citation  
13 mailed in accordance with section -5 shall be deemed prima  
14 facie evidence that a violation of section 291C-102 occurred.  
15 If the registered owner does not rebut the evidence presented in  
16 this subsection by presenting one or more of the defenses listed  
17 in subsection (b), the registered owner shall be strictly liable  
18 for a violation of section 291C-102.

19 (b) The registered owner of the vehicle may present the  
20 following evidence to rebut the evidence in subsection (a):



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

3 (2) Testifying in open court under oath that the person  
4 named in the summons or citation was not the  
5 registered owner of the motor vehicle at the time of  
6 the alleged violation;

7 (3) Calling witnesses to testify in open court under oath  
8 that the person named in the summons or citation was  
9 not the registered owner of the motor vehicle at the  
10 time of the alleged violation; or

11 (4) Submitting to the court adjudicating the alleged  
12 violation, prior to the return date established on the  
13 citation or summons issued pursuant to this chapter, a  
14 letter of verification of loss from the county police  
15 department indicating that the motor vehicle or the  
16 motor vehicle license plates had been reported stolen.

17 § -7 **Failure to comply with summons or citation.** If the  
18 registered owner of the motor vehicle fails to respond to a  
19 summons or citation within thirty days from the date of the  
20 mailing of the summons or citation, the district court shall



1 issue a notice of entry of judgment of default to the registered  
2 owner of the motor vehicle pursuant to section 291D-7(e).

3       **§ -8 Liability for rental or U-drive motor vehicle.**

4 Notwithstanding any law to the contrary, any registered owner of  
5 record who is the lessor of a rental or U-drive motor vehicle,  
6 including those defined in section 286-2, shall be liable for  
7 any summons or citation issued pursuant to this chapter. The  
8 registered owner shall not be precluded from pursuing  
9 reimbursement from any applicable renter or lessee.

10       **§ -9 Fines for unauthorized disclosure.** All personal  
11 and confidential information made available by an automated  
12 speed enforcement system to an officer, employee, or agent of  
13 the State or any county, including third party contractors,  
14 shall be kept confidential and shall be used only for the  
15 purposes for which the information was furnished. Any officer,  
16 employee, or agent of the State or any county, including a  
17 third-party contractor, who intentionally discloses or provides  
18 a copy of personal and confidential information obtained from an  
19 automated speed enforcement system to any person or agency  
20 without authorization shall be fined not more than \$500;



1 provided that the fine shall not preclude the application of  
2 penalties or fines otherwise provided for by law.

3       **§ -10 Automated speed enforcement systems program**  
4 **special fund; established.** (a) There is established in the  
5 state treasury an automated speed enforcement system program  
6 special fund to be administered by the department, into which  
7 shall be deposited all fines collected pursuant to this chapter.

8       (b) Moneys in the fund shall be expended by the department  
9 in the county in which the fine was imposed, for the  
10 establishment, implementation, operation, oversight, management,  
11 repair, and maintenance of an automated speed enforcement  
12 system.

13       **§ -11 Rules.** The department shall adopt rules pursuant  
14 to chapter 91 to effectuate the purposes of this chapter;  
15 provided that the department may adopt interim rules to carry  
16 out the purposes of this chapter without regard to chapter 91 or  
17 201M; provided further that:

18       (1) The department shall hold at least one public hearing  
19 before the adoption of the interim rules; and

20       (2) The interim rules shall be effective for no more than  
21 two years after adoption."



1 PART III

2 SECTION 3. Chapter 291C, Hawaii Revised Statutes, is  
3 amended by adding a new section to be appropriately designated  
4 and to read as follows:

5 "§291C- Noncompliance with speed limit under automated

6 speed enforcement system (a) Whenever a motor vehicle travels  
7 through a location actively monitored by an automated speed  
8 enforcement system, all registered owners of all motor vehicles  
9 in vehicular traffic shall be held strictly liable for their  
10 motor vehicle's compliance with the maximum speed limit, to the  
11 extent that registered owners may be cited and held accountable  
12 for their motor vehicle traveling at a speed greater than the  
13 maximum speed limit, via civil traffic infractions pursuant to  
14 chapter .

15 (b) In the event a registered owner is cited for their  
16 motor vehicle violating this section, and the driver of the  
17 motor vehicle is cited pursuant to section 291C-102 or section  
18 291C-105 for the same incident, the citation issued under this  
19 paragraph shall be dismissed.

20 (c) If the maximum speed limit is exceeded by more than  
21 ten miles per hour, an additional surcharge of \$10 shall be



1 imposed and this surcharge shall be deposited into the  
2 neurotrauma special fund.

3 (d) If the motor vehicle is traveling at a speed  
4 exceeding:

5 (1) The maximum speed limit by thirty miles per hour or  
6 more; or

7 (2) Eighty miles per hour or more irrespective of the  
8 maximum speed limit;

9 the registered owner shall pay a fine of \$250.

10 (e) To the extent a registered owner's motor vehicle fails  
11 to comply with any other law or ordinance related to traffic-  
12 control signals the registered owner of a motor vehicle shall  
13 not be held strictly liable unless otherwise provided by law.

14 (f) For purposes of this section, "maximum speed limit"  
15 means the maximum speed limit established by county ordinance or  
16 by official signs placed by the director of transportation on  
17 highways under the director's jurisdiction."

18 SECTION 4. Section 291C-161, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§291C-161 Penalties; photo red light imaging detector**  
21 **system fines[-]; automated speed enforcement system fines.** (a)



1 It shall be a violation for any person to violate any of the  
2 provisions of this chapter, except as otherwise specified in  
3 subsections (c) and (d) and unless the violation is by other law  
4 of this State declared to be a felony, misdemeanor, or petty  
5 misdemeanor.

6 (b) Except as provided in subsections (c) and (d), every  
7 person who is determined to have violated any provision of this  
8 chapter for which another penalty is not provided shall be  
9 fined:

- 10 (1) Not more than [~~\$200~~] \$250 for a first violation  
11 thereof;
- 12 (2) Not more than \$300 for a second violation committed  
13 within one year after the date of the first violation;  
14 and
- 15 (3) Not more than \$500 for a third or subsequent violation  
16 committed within one year after the date of the first  
17 violation.

18 (c) Every person convicted under or found in violation of  
19 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14,  
20 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,



1 291C-104, or 291C-105 shall be sentenced or fined in accordance  
2 with those sections.

3 (d) Every person who violates section 291C-13 or 291C-18  
4 shall:

5 (1) Be fined not more than [~~\$200~~] \$250 or imprisoned not  
6 more than ten days for a first conviction thereof;

7 (2) Be fined not more than \$300 or imprisoned not more  
8 than twenty days or both for conviction of a second  
9 offense committed within one year after the date of  
10 the first offense; and

11 (3) Be fined not more than \$500 or imprisoned not more  
12 than six months or both for conviction of a third or  
13 subsequent offense committed within one year after the  
14 date of the first offense.

15 (e) The court may assess a sum not to exceed \$50 for the  
16 cost of issuing a penal summons upon any person who fails to  
17 appear at the place within the time specified in the citation  
18 issued to the person for any traffic violation.

19 (f) Fines collected for a violation of section 291C-32(c)  
20 pursuant to the photo red light imaging detector system  
21 established pursuant to chapter 291J shall be deposited into the



1 photo red light imaging detector systems program special fund  
2 established under section 291J-12 and shall be expended in the  
3 county in which the fine was imposed, for purposes that include  
4 the establishment, implementation, operation, oversight,  
5 management, repair and maintenance of a photo red light imaging  
6 detector system.

7 (g) Notwithstanding any other law to the contrary, fines  
8 collected for a violation of section 291C- pursuant to an  
9 automated speed enforcement system established by  
10 chapter shall be deposited into the automated speed  
11 enforcement systems program special fund established under  
12 section -10 and shall be expended in the county in which the  
13 fine was imposed, for purposes that include the establishment,  
14 implementation, operation, oversight, repair and maintenance of  
15 an automated speed enforcement system and implementation of the  
16 automated speed enforcement systems program.

17 [~~g~~] (h) The court may require a person who violates any  
18 of the provisions of this chapter to attend a course of  
19 instruction in driver retraining as deemed appropriate by the  
20 court, in addition to any other penalties imposed."



1 SECTION 5. Section 291C-165, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291C-165 Summons or citation.** (a) There shall be  
4 provided for use by authorized police officers, or county  
5 employees designated by the county chiefs of police, a form of  
6 summons or citation for use in citing violators of those traffic  
7 laws that do not mandate the physical arrest of violators. The  
8 form and content of the summons or citation shall be as adopted  
9 or prescribed by the administrative judge of the district courts  
10 and shall be printed on a form commensurate with the form of  
11 other summonses or citations used in modern methods of arrest,  
12 so designed to include all necessary information to make the  
13 same valid within the laws and regulations of the State.

14 (b) In every case when a citation is issued, the original  
15 of the citation shall be given to the violator; provided that:

16 (1) In the case of an unattended vehicle, the original of  
17 the citation shall be affixed to the vehicle as  
18 provided for in section 291C-167; or

19 (2) In the case of:

20 (A) A vehicle utilizing the high occupancy vehicle  
21 lane illegally; or



1           (B) A vehicle illegally utilizing a parking space  
2                   reserved for persons with disabilities, where the  
3                   violator refuses the citation;  
4 the original of the citation shall be sent by certified or  
5 registered mail, with a return receipt that is postmarked within  
6 forty-eight hours of the time of the incident, as provided in  
7 section 291C-223 for vehicles illegally utilizing the high  
8 occupancy vehicle lane, or within seventy-two hours of the time  
9 of the incident for vehicles illegally utilizing a parking space  
10 reserved for persons with disabilities, to the registered owner  
11 of the vehicle at the address on record at the vehicle licensing  
12 division. If the end of the applicable forty-eight or seventy-  
13 two hour period falls on a Saturday, Sunday, or holiday, then  
14 the ending period shall run until the end of the next day  
15 [~~which~~] that is not a Saturday, Sunday, or holiday; provided  
16 that the administrative judge of the district courts may allow a  
17 carbon copy of the citation to be given to the violator or  
18 affixed to the vehicle and provide for the disposition of the  
19 original and any other copies of the citation.

20           (c) In the case of a motor vehicle determined by means of  
21 a photo red light imaging detector system established pursuant



1 to chapter 291J to have disregarded a steady red signal in  
2 violation of section 291C-32(c); the original of the citation  
3 shall be sent by first class mail within ten calendar days from  
4 the time of the incident for motor vehicles disregarding a  
5 steady red light signal in violation of section 291C-32(c), as  
6 determined by means of a photo red light imaging system, to the  
7 registered owner of the motor vehicle at the address on record  
8 at the vehicle licensing division. If the end of the applicable  
9 ten calendar day period falls on a Saturday, Sunday, or holiday,  
10 then the ending period shall run until the end of the next day  
11 ~~[which]~~ that is not a Saturday, Sunday, or holiday.

12 (d) In the case of a motor vehicle determined by means of  
13 a speed enforcement system established pursuant to  
14 chapter to have exceeded a speed restriction in violation of  
15 section 291C- , the original of the citation shall be sent by  
16 first class mail within ten calendar days from the time of the  
17 incident for motor vehicles disregarding a speed limit sign, to  
18 the registered owner of the motor vehicle at the address on  
19 record at the vehicle licensing division. If the end of the  
20 applicable ten calendar day period falls on a Saturday, Sunday,



1 or holiday, then the ending period shall run until the end of  
2 the next day that is not a Saturday, Sunday, or holiday.

3 [~~d~~] (e) Every citation shall be consecutively numbered  
4 and each carbon copy shall bear the number of its respective  
5 original."

6 PART IV

7 SECTION 6. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2024-2025 to be  
10 deposited into the automated speed enforcement systems program  
11 special fund.

12 SECTION 7. There is appropriated out of the automated  
13 speed enforcement systems program special fund the sum of  
14 \$ or so much thereof as may be necessary for fiscal  
15 year 2024-2025 for the establishment and implementation of the  
16 automated speed enforcement systems program.

17 The sum appropriated shall be expended by the department of  
18 transportation for the purposes of this Act.

19 SECTION 8. In accordance with section 9 of article VII of  
20 the Hawaii State Constitution and sections 37-91 and 37-93,  
21 Hawaii Revised Statutes, the legislature has determined that the



1 appropriations contained in H.B. No. , will cause the state  
2 general fund expenditure ceiling for fiscal year 2024-2025 to be  
3 exceeded by \$ or per cent. In addition, the  
4 appropriation contained in this Act will cause the general fund  
5 expenditure ceiling for fiscal year 2024-2025 to be further  
6 exceeded by \$ or per cent. The combined total  
7 amount of general fund appropriations contained in only these  
8 two Acts will cause the state general fund expenditure ceiling  
9 for fiscal year 2024-2025 to be exceeded by  
10 \$ or per cent. The reasons for exceeding the  
11 general fund expenditure ceiling are that:

- 12 (1) The appropriation made in this Act is necessary to  
13 serve the public interest; and
- 14 (2) The appropriation made in this Act meets the needs  
15 addressed by this Act.

16 SECTION 9. If any provision of this Act, or the  
17 application thereof to any person or circumstance, is held  
18 invalid, the invalidity does not affect other provisions or  
19 applications of the Act that can be given effect without the  
20 invalid provision or application, and to this end the provisions  
21 of this Act are severable.



1 SECTION 10. This Act does not affect rights and duties  
2 that matured, penalties that were incurred, and proceedings that  
3 were begun before its effective date.

4 SECTION 11. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 12. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, consisting of several loops and flourishes, is written over a horizontal line.

# S.B. NO. 2443

**Report Title:**

Department of Transportation; Highway Safety; Automated Speed Enforcement System; Automated Speed Enforcement Systems Program Special Fund; Appropriation; Expenditure Ceiling

**Description:**

Establishes the Automated Speed Enforcement Systems Program. Authorizes the state or counties to administer the Automated Speed Enforcement Systems Program. Requires fines collected beginning 1/1/2025 for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program. Creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System. Appropriates funds.

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

