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

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

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

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



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"CHAPTER

**AUTOMATED SPEED ENFORCEMENT SYSTEMS**

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

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

"County highway" has the same meaning as defined in section 264-1.

"Department" means the department of transportation.

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

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



1 "Motor vehicle" has the same meaning as defined in section  
2 291C-1.

3 "Owner" or "registered owner" has the same meaning as  
4 defined in section 286-2.

5 "State highway" has the same meaning as defined in section  
6 264-1.

7 § -2 **Automated speed enforcement systems program;**  
8 **established.** There is established the automated speed  
9 enforcement systems program, which shall be implemented by the  
10 State in at least one school zone or work zone in each county  
11 throughout the State on any state or county highways to enforce  
12 the speed restriction laws of the State.

13 § -3 **State and county powers and duties.** (a) The State  
14 shall establish and implement, in accordance with this chapter,  
15 an automated speed enforcement system imposing monetary  
16 liability on the registered owner of a motor vehicle for failure  
17 to comply with section 291C-102. The State shall provide for  
18 the:

19 (1) Procurement, location, and oversight of an automated  
20 speed enforcement system; and



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

4   Where the automated speed enforcement system affects county  
5   property, the department shall cooperate with and assist the  
6   county as needed to install, maintain, and repair the automated  
7   speed enforcement system established pursuant to this chapter.

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

15           (c) Prior to the installation and operation of any  
16   automated speed enforcement system, for each location considered  
17   for enforcement via the automated speed enforcement system, the  
18   State shall:

19           (1) Conduct a comprehensive engineering review and study  
20           of each location and implement all necessary and



1 appropriate engineering, design, and traffic-control  
2 signal measures; and

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

11 (d) At least sixty days prior to the automated speed  
12 enforcement system becoming operational, the department, in  
13 conjunction with any county in which an automated speed  
14 enforcement system program is implemented pursuant to this  
15 chapter, shall conduct a comprehensive informational and  
16 educational campaign to inform motorists and the general public  
17 about the program.

18 (e) During the first thirty days of operation of an  
19 automated speed enforcement system at a particular location, a  
20 warning shall be issued for any violation and mailed to the  
21 registered owner of the motor vehicle at the address on record



1 at the vehicle licensing division in lieu of a summons or  
2 citation pursuant to section -5.

3 § -4 Automated speed enforcement system requirements.

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

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

12 (c) Proof of a violation of section 291C-102 shall be as  
13 evidenced by information obtained from an automated speed  
14 enforcement system authorized pursuant to this chapter. A  
15 certificate, sworn to or affirmed by the reviewing county police  
16 department, or a facsimile thereof, based upon inspection of any  
17 clear and unobstructed photographic, digital, or other visual  
18 image of the motor vehicle license plate evidencing a violation  
19 shall be available for inspection in any proceeding to  
20 adjudicate the liability for that violation.



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

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

9 § -5 **Summons or citations.** (a) Notwithstanding any law  
10 to the contrary, beginning January 1, 2025, whenever any motor  
11 vehicle is determined, by means of an automated speed  
12 enforcement system, to have violated the posted speed limit  
13 pursuant to section 291C-102, the State's third party contractor  
14 shall cause a summons or citation, as described in this section,  
15 to be sent by first class mail, that is postmarked within ten-  
16 calendar days after the date of the incident, to the registered  
17 owner of the motor vehicle at the address on record at the  
18 vehicle licensing division. If the end of the ten-calendar day  
19 period falls on a Saturday, Sunday, or holiday, then the ending  
20 period shall run until the end of the next day that is not a  
21 Saturday, Sunday, or holiday.



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

13           (c) Every summons or citation shall be consecutively  
14 numbered and each copy thereof shall bear the number of its  
15 respective original.

16           (d) Prior to the mailing of the summons or citation for a  
17 traffic infraction pursuant to subsection (a), the applicable  
18 county police department shall review and verify the validity of  
19 the clear and unobstructed photographic, digital, or other  
20 visual image of the license plate of the motor vehicle required  
21 under this section.



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

7 (f) Procedures regarding answering, court hearings, and  
8 court actions shall be pursuant to sections 291D-6, 291D-7,  
9 291D-8, and 291D-13; provided that it shall not be a defense of  
10 any citation issued under this chapter that another person was  
11 driving the defendant's motor vehicle at the time of incident,  
12 unless the motor vehicle was stolen as documented by a police  
13 report; provided further that any reference to the defendant's  
14 commission of the traffic infraction or similar language shall  
15 be interpreted to mean commission of the traffic infraction.

16 **§ -6 Registered owner's responsibility for a summons or**  
17 **citation.** In any proceeding for a violation of this chapter,  
18 the information contained in the summons or citation mailed in  
19 accordance with section -5 shall be deemed prima facie  
20 evidence that a violation of section 291C-102 occurred. The



1 registered owner shall be strictly liable for a violation of  
2 section 291C-102.

3       **§ -7 Failure to comply with summons or citation.** If the  
4 registered owner of the motor vehicle fails to respond to a  
5 summons or citation within thirty days from the date of the  
6 mailing of the summons or citation, the district court shall  
7 issue a notice of entry of judgment of default to the registered  
8 owner of the motor vehicle pursuant to section 291D-7(e).

9       **§ -8 Liability for rental or U-drive motor vehicle.**  
10 Notwithstanding any law to the contrary, any registered owner of  
11 record who is the lessor of a rental or U-drive motor vehicle,  
12 including those defined in section 286-2, shall be liable for  
13 any summons or citation issued pursuant to this chapter. The  
14 registered owner shall not be precluded from pursuing  
15 reimbursement from any applicable renter or lessee.

16       **§ -9 Fines for unauthorized disclosure.** All personal  
17 and confidential information made available by an automated  
18 speed enforcement system to an officer, employee, or agent of  
19 the State or any county, including third party contractors,  
20 shall be kept confidential and shall be used only for the  
21 purposes for which the information was furnished. Any officer,



1 employee, or agent of the State or any county, including a  
2 third-party contractor, who intentionally discloses or provides  
3 a copy of personal and confidential information obtained from an  
4 automated speed enforcement system to any person or agency  
5 without authorization shall be fined not more than \$500;  
6 provided that the fine shall not preclude the application of  
7 penalties or fines otherwise provided for by law.

8       **§ -10 Automated speed enforcement systems program**

9 **special fund; established.** (a) There is established in the  
10 state treasury an automated speed enforcement system program  
11 special fund to be administered by the department, into which  
12 shall be deposited all fines collected pursuant to this chapter.

13       (b) Moneys in the special fund shall be expended by the  
14 department in the county in which the fine was imposed, for the  
15 establishment, implementation, operation, oversight, management,  
16 repair, and maintenance of an automated speed enforcement  
17 system.

18       **§ -11 Rules.** The department shall adopt rules pursuant  
19 to chapter 91 to effectuate the purposes of this chapter;  
20 provided that the department may adopt interim rules to carry



1 out the purposes of this chapter without regard to chapter 91 or  
2 201M; provided further that:

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

5 (2) The interim rules shall be effective for not more than  
6 two years after adoption."

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

10 "§291C- Noncompliance with speed limit under automated  
11 speed enforcement system (a) Whenever a motor vehicle travels  
12 through a location actively monitored by an automated speed  
13 enforcement system, all registered owners of all motor vehicles  
14 in vehicular traffic shall be held strictly liable for their  
15 motor vehicle's compliance with the maximum speed limit, to the  
16 extent that registered owners may be cited and held accountable  
17 for their motor vehicle traveling at a speed greater than the  
18 maximum speed limit, via civil traffic infractions pursuant to  
19 chapter .

20 (b) In the event a registered owner is cited for their  
21 motor vehicle violating chapter , and the driver of the



1 motor vehicle is cited pursuant to section 291C-102 or section  
2 291C-105 for the same incident, the citation issued pursuant to  
3 chapter            shall be dismissed.

4        (c) If the maximum speed limit is exceeded by more than  
5 ten miles per hour, an additional surcharge of \$10 shall be  
6 imposed, and shall be deposited into the neurotrauma special  
7 fund.

8        (d) If the motor vehicle is traveling at a speed  
9 exceeding:

10        (1) The maximum speed limit by thirty miles per hour or  
11        more; or

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

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

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

19        (f) For purposes of this section, "maximum speed limit"  
20 means the maximum speed limit established by county ordinance or



1 by official signs placed by the director of transportation on  
2 highways under the director's jurisdiction."

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

5 "**§291C-161 Penalties; photo red light imaging detector**  
6 **system fines[-]; automated speed enforcement system fines.** (a)

7 It shall be a violation for any person to violate any of the  
8 provisions of this chapter, except as otherwise specified in  
9 subsections (c) and (d) and unless the violation is by other law  
10 of this State declared to be a felony, misdemeanor, or petty  
11 misdemeanor.

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

- 16 (1) Not more than [~~\$200~~] \$250 for a first violation  
17 thereof;
- 18 (2) Not more than \$300 for a second violation committed  
19 within one year after the date of the first violation;  
20 and



1 (3) Not more than \$500 for a third or subsequent violation  
2 committed within one year after the date of the first  
3 violation.

4 (c) Every person convicted under or found in violation of  
5 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14,  
6 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,  
7 291C-104, or 291C-105 shall be sentenced or fined in accordance  
8 with those sections.

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

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

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

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



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

5 (f) Fines collected for a violation of section 291C-32(c)  
6 pursuant to the photo red light imaging detector system  
7 established pursuant to chapter 291J shall be deposited into the  
8 photo red light imaging detector systems program special fund  
9 established under section 291J-12 and shall be expended in the  
10 county in which the fine was imposed, for purposes that include  
11 the establishment, implementation, operation, oversight,  
12 management, repair and maintenance of a photo red light imaging  
13 detector system.

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



1 an automated speed enforcement system and implementation of the  
2 automated speed enforcement systems program.

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

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

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

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



1 (1) In the case of an unattended vehicle, the original of  
2 the citation shall be affixed to the vehicle as  
3 provided for in section 291C-167; or  
4 (2) In the case of:  
5 (A) A vehicle utilizing the high occupancy vehicle  
6 lane illegally; or  
7 (B) A vehicle illegally utilizing a parking space  
8 reserved for persons with disabilities, where the  
9 violator refuses the citation;  
10 the original of the citation shall be sent by certified or  
11 registered mail, with a return receipt that is postmarked within  
12 forty-eight hours of the time of the incident, as provided in  
13 section 291C-223 for vehicles illegally utilizing the high  
14 occupancy vehicle lane, or within seventy-two hours of the time  
15 of the incident for vehicles illegally utilizing a parking space  
16 reserved for persons with disabilities, to the registered owner  
17 of the vehicle at the address on record at the vehicle licensing  
18 division. If the end of the applicable forty-eight or seventy-  
19 two hour period falls on a Saturday, Sunday, or holiday, then  
20 the ending period shall run until the end of the next day  
21 [~~which~~] that is not a Saturday, Sunday, or holiday; provided



1 that the administrative judge of the district courts may allow a  
2 carbon copy of the citation to be given to the violator or  
3 affixed to the vehicle and provide for the disposition of the  
4 original and any other copies of the citation.

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

18 (d) In the case of a motor vehicle determined by means of  
19 a speed enforcement system established pursuant to  
20 chapter \_\_\_\_\_ to have exceeded a speed restriction in violation  
21 of section 291C- \_\_\_\_\_, the original of the citation shall be sent



1 by first class mail within ten calendar days from the time of  
2 the incident for motor vehicles disregarding a speed limit sign,  
3 to the registered owner of the motor vehicle at the address on  
4 record at the vehicle licensing division. If the end of the  
5 applicable ten calendar day period falls on a Saturday, Sunday,  
6 or holiday, then the ending period shall run until the end of  
7 the next day that is not a Saturday, Sunday, or holiday.

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

11 SECTION 6. Section 291C-194, Hawaii Revised Statutes, is  
12 amended by amending subsection (c) to read as follows:

13 "(c) Any person who is convicted of violating this section  
14 shall be subject to penalties as provided under section 291C-  
15 161(b) and [~~g~~] (h)."

16 SECTION 7. There is appropriated out of the highway safety  
17 fund the sum of \$ or so much thereof as may be  
18 necessary for fiscal year 2024-2025 to be deposited into the  
19 automated speed enforcement systems program special fund.

20 SECTION 8. There is appropriated out of the automated  
21 speed enforcement systems program special fund the sum of



1 \$ or so much thereof as may be necessary for fiscal  
2 year 2024-2025 for ten radar devices and full-time  
3 equivalent ( FTE) consultant position for the automated  
4 speed enforcement program.

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

7 SECTION 9. The appropriations authorized by this Act shall  
8 not lapse at the end of the fiscal biennium for which the  
9 appropriations are made; provided that all moneys from the  
10 appropriations unencumbered as of June 30, 2026, shall lapse as  
11 of that date.

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

18 SECTION 11. This Act does not affect rights and duties  
19 that matured, penalties that were incurred, and proceedings that  
20 were begun before its effective date.



1 SECTION 12. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3 SECTION 13. This Act shall take effect on July 1, 3000.



**Report Title:**

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

**Description:**

Establishes the Automated Speed Enforcement Systems Program, to be implemented in at least one school or work zone in each county. Authorizes the State to administer 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. Effective 7/1/3000. (HD1)

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

