
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. This Act is recommended by the governor for
3 immediate passage in accordance with article VII, section 9, of
4 the Hawaii State Constitution.

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

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



1 "County highway" has the same meaning as used in section
2 264-1.

3 "Department" means the department of transportation.

4 "Intersection" has the same meaning as used in section
5 291C-1.

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

8 "Motor vehicle" has the same meaning as used in section
9 291C-1.

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

12 "State highway" has the same meaning as used in section
13 264-1.

14 § -2. **Automated speed enforcement systems program;**
15 **established.** There is established the automated speed
16 enforcement systems program, which may be implemented by the
17 State or any county, in not more than ten school zones
18 throughout the state on any state or county highways to enforce
19 the speed restriction laws of the State.

20 § -3. **State and county powers and duties.** (a) The
21 State shall establish and implement, in accordance with this



1 chapter, an automated speed enforcement system imposing monetary
2 liability on the registered owner of a motor vehicle for failure
3 to comply with section 291C-102. The State or any county may
4 provide for the:

- 5 (1) Procurement, location, and oversight of an automated
6 speed enforcement system; and
- 7 (2) Installation, operation, maintenance, and repair of
8 the automated speed enforcement system through a
9 third-party contractor.

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

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



1 (c) Prior to the installation and operation of any
2 automated speed enforcement system, for each location considered
3 for enforcement via the automated speed enforcement system, the
4 State shall:

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

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

17 (d) At least sixty days prior to the automated speed
18 enforcement system becoming operational, the department, in
19 conjunction with any county that implements an automated speed
20 enforcement system program pursuant to this chapter, shall



1 conduct a comprehensive informational and educational campaign
2 to inform motorists and the general public about the program.

3 (e) During the first thirty days of operation of an
4 automated speed enforcement system at a particular location, a
5 warning shall be issued for any violation and mailed to the
6 registered owner of the motor vehicle at the address on record
7 at the vehicle licensing division in lieu of a summons or
8 citation pursuant to section 291C-102-5.

9 **§ -4 Automated speed enforcement system requirements.**

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

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

18 (c) Proof of a violation of section 291C-102 shall be as
19 evidenced by information obtained from an automated speed
20 enforcement system authorized pursuant to this chapter. A
21 certificate, sworn to or affirmed by the reviewing county police



1 department, or a facsimile thereof, based upon inspection of any
2 clear and unobstructed photographic, digital, or other visual
3 image of the motor vehicle license plate evidencing a violation
4 shall be available for inspection in any proceeding to
5 adjudicate the liability for that violation.

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

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

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



1 owner of the motor vehicle at the address on record at the
2 vehicle licensing division. If the end of the ten-calendar day
3 period falls on a Saturday, Sunday, or holiday, then the ending
4 period shall run until the end of the next day that is not a
5 Saturday, Sunday, or holiday.

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

18 (c) Every summons or citation shall be consecutively
19 numbered and each copy thereof shall bear the number of its
20 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 of
4 the clear and unobstructed photographic, digital, or other
5 visual image of the license plate of the motor vehicle required
6 under this section.

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

13 § -6 Registered owner's responsibility for a summons or
14 citation. (a) In any proceeding for a violation of this
15 chapter, the information contained in the summons or citation
16 mailed in accordance with section -5 shall be deemed prima
17 facie evidence that a violation of section 291C-102 occurred.
18 If the registered owner does not rebut the evidence presented in
19 this subsection by presenting one or more of the defenses listed
20 in subsection (b), the registered owner shall be strictly liable
21 for a violation of section 291C-102.



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

3 (1) Submitting a written statement as provided in section
4 291D-6(b)(2);

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

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

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

19 § -7 Failure to comply with summons or citation. If the
20 registered owner of the motor vehicle fails to respond to a
21 summons or citation within thirty days from the date of the



1 mailing of the summons or citation, the district court shall
2 issue a notice of entry of judgment of default to the registered
3 owner of the motor vehicle pursuant to section 291D-7(e).

4 **§ -8 Liability for rental or U-drive motor vehicle.**

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

11 **§ -9 Fines for unauthorized disclosure.** All personal
12 and confidential information made available by an automated
13 speed enforcement system to an officer, employee, or agent of
14 the State or any county, including third party contractors,
15 shall be kept confidential and shall be used only for the
16 purposes for which the information was furnished. Any officer,
17 employee, or agent of the State or any county, including a
18 third-party contractor, who intentionally discloses or provides
19 a copy of personal and confidential information obtained from an
20 automated speed enforcement system to any person or agency
21 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 not more than
21 two years after adoption."



1 PART III

2 SECTION 4. 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 5. 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 6. 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
15 of section 291C-_____, the original of the citation shall be sent
16 by first class mail within ten calendar days from the time of
17 the incident for motor vehicles disregarding a speed limit sign,
18 to 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 SECTION 7. Section 291C-194, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) Any person who is convicted of violating this section
9 shall be subject to penalties as provided under section 291C-
10 161(b) and [~~g~~] (h)."

11 PART IV

12 SECTION 8. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2024-2025 for
15 the establishment and implementation of the automated speed
16 enforcement systems program to operate in not more than ten
17 school zones.

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

20 SECTION 9. There is appropriated out of the highway safety
21 fund the sum of \$230,000 or so much thereof as may be necessary



1 for fiscal year 2023-2024 to be deposited into the automated
2 speed enforcement systems program special fund.

3 SECTION 10. There is appropriated out of the automated
4 speed enforcement systems program special fund the sum of
5 \$230,000 or so much thereof as may be necessary for fiscal year
6 2023-2024 for ten radar devices and one full-time equivalent
7 (1.0 FTE) consultant position.

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

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

15 SECTION 12. In accordance with section 9 of article VII of
16 the Hawaii State Constitution and sections 37-91 and 37-93,
17 Hawaii Revised Statutes, the legislature has determined that the
18 appropriations contained in H.B. No. , will cause the state
19 general fund expenditure ceiling for fiscal year 2024-2025 to be
20 exceeded by \$ or per cent. In addition, the
21 appropriation contained in this Act will cause the general fund



1 expenditure ceiling for fiscal year 2024-2025 to be further
2 exceeded by \$ or per cent. The combined total
3 amount of general fund appropriations contained in only these
4 two Acts will cause the state general fund expenditure ceiling
5 for fiscal year 2024-2025 to be exceeded by
6 \$ or per cent. The reasons for exceeding the
7 general fund expenditure ceiling are that:

- 8 (1) The appropriation made in this Act is necessary to
9 serve the public interest; and
- 10 (2) The appropriation made in this Act meets the needs
11 addressed by this Act.

12 SECTION 13. 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 14. 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 15. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 16. This Act shall take effect on January 1, 2050.



Report Title:

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

Description:

Establishes the Automated Speed Enforcement Systems Program for ten school zones. 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. Declares that the general fund expenditure ceiling in exceeded. Makes an appropriation. Takes effect 1/1/2050. (SD1)

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

