
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 Hawai'i's traffic laws is intolerable,
7 particularly drivers who speed. This dangerous behavior puts
8 the lives of all of Hawai'i'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 The purpose of this Act is to establish an automated speed
2 enforcement program to improve enforcement of speeding laws.

3 PART II

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

7 "CHAPTER
8 AUTOMATED SPEED ENFORCEMENT SYSTEMS

9 § -1 Definitions. As used in this chapter, unless the
10 context otherwise requires:

11 "Automated speed enforcement system" means a device, or
12 combination of devices, used for traffic enforcement pursuant to
13 section 291C-102 or section 291C- , that includes a vehicle
14 sensor working in conjunction and synchronization with a speed
15 measuring device and a camera, to automatically produce and
16 record one or more sequenced photographs, microphotographs,
17 video, or other recorded images of a motor vehicle and motor
18 vehicle license plate, at the time the motor vehicle is
19 exceeding the applicable speed limit, in violation of section
20 291C- .



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

3 "Department" means the department of transportation.

4 "Intersection" has the same meaning as defined 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 defined in section
9 291C-1.

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

12 "State highway" has the same meaning as defined 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 State
21 shall establish and implement, in accordance with this chapter,



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



1 § -6 Registered owner's responsibility for a summons or
2 citation. In any proceeding for a violation of this chapter,
3 the information contained in the summons or citation mailed in
4 accordance with section -5 shall be deemed prima facie
5 evidence that a violation of section 291C-102 occurred. The
6 registered owner shall be strictly liable for a violation of
7 section 291C-102.

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

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



1 § -9 **Fines for unauthorized disclosure.** All personal
2 and confidential information made available by an automated
3 speed enforcement system to an officer, employee, or agent of
4 the State or any county, including third party contractors,
5 shall be kept confidential and shall be used only for the
6 purposes for which the information was furnished. Any officer,
7 employee, or agent of the State or any county, including a
8 third-party contractor, who intentionally discloses or provides
9 a copy of personal and confidential information obtained from an
10 automated speed enforcement system to any person or agency
11 without authorization shall be fined not more than \$500;
12 provided that the fine shall not preclude the application of
13 penalties or fines otherwise provided for by law.

14 § -10 **Automated speed enforcement systems program**
15 **special fund; established.** (a) There is established in the
16 state treasury an automated speed enforcement system program
17 special fund to be administered by the department, into which
18 shall be deposited all fines collected pursuant to this chapter.
19 (b) Moneys in the fund shall be expended by the department
20 in the county in which the fine was imposed, for the
21 establishment, implementation, operation, oversight, management,



1 repair, and maintenance of an automated speed enforcement
2 system.

3 § -11 Rules. The department shall adopt rules pursuant
4 to chapter 91 to effectuate the purposes of this chapter;
5 provided that the department may adopt interim rules to carry
6 out the purposes of this chapter without regard to chapter 91 or
7 201M; provided further that:

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

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

12 PART III

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

16 "§291C- Noncompliance with speed limit under automated
17 speed enforcement system (a) Whenever a motor vehicle travels
18 through a location actively monitored by an automated speed
19 enforcement system, all registered owners of all motor vehicles
20 in vehicular traffic shall be held strictly liable for their
21 motor vehicle's compliance with the maximum speed limit, to the



1 extent that registered owners may be cited and held accountable
2 for their motor vehicle traveling at a speed greater than the
3 maximum speed limit, via civil traffic infractions pursuant to
4 chapter _____.

5 (b) In the event a registered owner is cited for their
6 motor vehicle violating this section, and the driver of the
7 motor vehicle is cited pursuant to section 291C-102 or section
8 291C-105 for the same incident, the citation issued under this
9 paragraph shall be dismissed.

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

14 (d) If the motor vehicle is traveling at a speed
15 exceeding:

16 (1) The maximum speed limit by thirty miles per hour or
17 more; or

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

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



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

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

9 SECTION 5. Section 291C-161, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§291C-161 Penalties; photo red light imaging detector**
12 **system fines[-]; automated speed enforcement system fines.** (a)

13 It shall be a violation for any person to violate any of the
14 provisions of this chapter, except as otherwise specified in
15 subsections (c) and (d) and unless the violation is by other law
16 of this State declared to be a felony, misdemeanor, or petty
17 misdemeanor.

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



- 1 (1) Not more than [~~\$200~~] \$250 for a first violation
2 thereof;
- 3 (2) Not more than \$300 for a second violation committed
4 within one year after the date of the first violation;
5 and
- 6 (3) Not more than \$500 for a third or subsequent violation
7 committed within one year after the date of the first
8 violation.
- 9 (c) Every person convicted under or found in violation of
10 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14,
11 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,
12 291C-104, or 291C-105 shall be sentenced or fined in accordance
13 with those sections.
- 14 (d) Every person who violates section 291C-13 or 291C-18
15 shall:
- 16 (1) Be fined not more than [~~\$200~~] \$250 or imprisoned not
17 more than ten days for a first conviction thereof;
- 18 (2) Be fined not more than \$300 or imprisoned not more
19 than twenty days or both for conviction of a second
20 offense committed within one year after the date of
21 the first offense; and



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

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

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

18 (g) Notwithstanding any other law to the contrary, fines
19 collected for a violation of section 291C- pursuant to an
20 automated speed enforcement system established by
21 chapter shall be deposited into the automated speed



1 enforcement systems program special fund established under
2 section -10 and shall be expended in the county in which the
3 fine was imposed, for purposes that include the establishment,
4 implementation, operation, oversight, repair, and maintenance of
5 an automated speed enforcement system and implementation of the
6 automated speed enforcement systems program.

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

11 SECTION 6. Section 291C-165, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§291C-165 Summons or citation.** (a) There shall be
14 provided for use by authorized police officers, or county
15 employees designated by the county chiefs of police, a form of
16 summons or citation for use in citing violators of those traffic
17 laws that do not mandate the physical arrest of violators. The
18 form and content of the summons or citation shall be as adopted
19 or prescribed by the administrative judge of the district courts
20 and shall be printed on a form commensurate with the form of
21 other summonses or citations used in modern methods of arrest,



1 so designed to include all necessary information to make the
2 same valid within the laws and regulations of the State.

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

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

8 (2) In the case of:

9 (A) A vehicle utilizing the high occupancy vehicle
10 lane illegally; or

11 (B) A vehicle illegally utilizing a parking space
12 reserved for persons with disabilities, where the
13 violator refuses the citation;

14 the original of the citation shall be sent by certified or
15 registered mail, with a return receipt that is postmarked within
16 forty-eight hours of the time of the incident, as provided in
17 section 291C-223 for vehicles illegally utilizing the high
18 occupancy vehicle lane, or within seventy-two hours of the time
19 of the incident for vehicles illegally utilizing a parking space
20 reserved for persons with disabilities, to the registered owner
21 of the vehicle at the address on record at the vehicle licensing



1 division. If the end of the applicable forty-eight or seventy-
2 two hour period falls on a Saturday, Sunday, or holiday, then
3 the ending period shall run until the end of the next day
4 [~~which~~] that is not a Saturday, Sunday, or holiday; provided
5 that the administrative judge of the district courts may allow a
6 carbon copy of the citation to be given to the violator or
7 affixed to the vehicle and provide for the disposition of the
8 original and any other copies of the citation.

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



1 SECTION 8. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2024-2025 for
4 the establishment and implementation of the automated speed
5 enforcement systems program to operate in not more than ten
6 school zones.

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

9 SECTION 9. There is appropriated out of the highway safety
10 fund the sum of \$230,000 or so much thereof as may be necessary
11 for fiscal year 2023-2024 to be deposited into the automated
12 speed enforcement systems program special fund.

13 SECTION 10. There is appropriated out of the automated
14 speed enforcement systems program special fund the sum of
15 \$230,000 or so much thereof as may be necessary for fiscal year
16 2023-2024 for ten radar devices and one full-time equivalent
17 (1.0 FTE) consultant position.

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

20 SECTION 11. The appropriations authorized by this Act
21 shall not lapse at the end of the fiscal biennium for which the



1 appropriations are made; provided that all moneys from the
2 appropriations unencumbered as of June 30, 2026, shall lapse as
3 of that date.

4 SECTION 12. In accordance with section 9 of article VII of
5 the Hawaii State Constitution and sections 37-91 and 37-93,
6 Hawaii Revised Statutes, the legislature has determined that the
7 appropriations contained in H.B. No. , will cause the state
8 general fund expenditure ceiling for fiscal year 2024-2025 to be
9 exceeded by \$ or per cent. In addition, the
10 appropriation contained in this Act will cause the general fund
11 expenditure ceiling for fiscal year 2024-2025 to be further
12 exceeded by \$ or per cent. The combined total
13 amount of general fund appropriations contained in only these
14 two Acts will cause the state general fund expenditure ceiling
15 for fiscal year 2024-2025 to be exceeded by
16 \$ or per cent. The reasons for exceeding the
17 general fund expenditure ceiling are that:

- 18 (1) The appropriation made in this Act is necessary to
19 serve the public interest; and
- 20 (2) The appropriation made in this Act meets the needs
21 addressed by this Act.



1 SECTION 13. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 14. This Act does not affect rights and duties
8 that matured, penalties that were incurred, and proceedings that
9 were begun before its effective date.

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

12 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 is exceeded. Makes an appropriation. Takes effect 1/1/2050. (SD2)

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

