

STAND. COM. REP. NO. 3012

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 2443  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 2443, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the Automated Speed Enforcement Systems Program for ten school zones;
- (2) Authorize the state or counties to administer the Automated Speed Enforcement Systems Program;
- (3) Require fines collected beginning January 1, 2025, for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program;
- (4) Create a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System; and
- (5) Appropriate funds.

Your Committees received testimony in support of this measure from the Department of Transportation, Disability and



Communication Access Board, Department of Transportation Services of the City and County of Honolulu, Oahu Metropolitan Planning Organization, and two individuals.

Your Committees received testimony in opposition to this measure from the Office of the Public Defender and two individuals.

Your Committees received comments on this measure from the Judiciary and Department of Budget and Finance.

Your Committees find that pedestrians and other roadway users are increasingly at risk of bodily harm due to the prevalence of drivers speeding and violating other state traffic laws. According to the Department of Transportation, speeding has been one of the top contributing factors in motor vehicle fatalities for the past decade. Due to the dangers of speeding to pedestrians, your Committees recognize the need for automated speed enforcement cameras, which can be powerful tools to reduce motor vehicle crashes and fatalities. This measure will ensure the safety of pedestrians by establishing an Automated Speed Enforcement Systems Program.

Your Committees have amended this measure by:

- (1) Inserting language specifying that:
  - (A) The procedures regarding answering, court hearings, and court actions in chapter 291D, Hawaii Revised Statutes, apply to summons or citations issued under the Automated Speed Enforcement Systems Program;
  - (B) It is not a defense of any citation issued under the Automated Speed Enforcement Systems Program that another person was driving the defendant's motor vehicle at the time of the incident, unless the motor vehicle was stolen as documented by a police report; and
  - (C) Any reference to the defendant's commission of the traffic infraction or similar language must be



interpreted to mean commission of the traffic infraction;

- (2) Deleting language that would have allowed the owner of a vehicle cited under the Automated Speed Enforcement Systems Program to present certain evidence to rebut the violation;
- (3) Clarifying that the registered owner is strictly liable for a speeding violation; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2443, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2443, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair





