



GOV. MSG. NO. 1213

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 27, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2024, the following bill was signed into law:

SB2443 SD2 HD2 CD1

RELATING TO HIGHWAY SAFETY.
ACT 112

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO. 2443
S.D. 2
H.D. 2
C.D. 1

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:

18 "CHAPTER



1 **AUTOMATED SPEED ENFORCEMENT SYSTEMS**

2 § -1 **Definitions.** As used in this chapter, unless the
3 context otherwise requires:

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

13 "Department" means the department of transportation.

14 "Motor vehicle" has the same meaning as defined in section
15 291C-1.

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

18 § -2 **Automated speed enforcement systems program;**
19 **established.** There shall be established the automated speed
20 enforcement systems program, which shall be implemented by the
21 State to enforce the speed restriction laws of the State. The



1 automated speed enforcement system program shall be limited to
2 only those locations where a photo red light imaging detector
3 system has been implemented pursuant to chapter 291J.

4 **§ -3 State powers and duties.** (a) The State shall
5 establish and implement, in accordance with this chapter, an
6 automated speed enforcement system imposing monetary liability
7 on the registered owner of a motor vehicle for violations of
8 section 291C- . The State shall provide for the:

9 (1) Procurement, location, and oversight of an automated
10 speed enforcement system; and

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

14 Where the automated speed enforcement system affects county
15 property, the department shall cooperate with and assist the
16 county as needed to install, maintain, and repair the automated
17 speed enforcement system established pursuant to this chapter.

18 (b) The compensation paid by the State to establish an
19 automated speed enforcement system under this chapter to a
20 manufacturer or vendor of the equipment used shall be based upon
21 the value of the equipment and services provided or rendered in



1 support of the automated speed enforcement system and shall not
2 be based upon a portion of the fine or civil penalty imposed or
3 the revenue generated by the equipment.

4 (c) Before the installation and operation of any automated
5 speed enforcement system, for each location considered for
6 enforcement via the automated speed enforcement system, the
7 State shall conduct:

8 (1) A comprehensive engineering review and study of each
9 location and implement all necessary and appropriate
10 engineering, design, and traffic-control signal
11 measures; and

12 (2) A study to acquire a baseline average of the number of
13 motor vehicles violating the posted maximum speed
14 limit, over a period of not less than one week;
15 provided that the baseline average shall be determined
16 before the installation of any signs or other official
17 traffic-control devices that indicate that a location
18 is being considered for an automated speed enforcement
19 system.

20 (d) At least sixty days before the automated speed
21 enforcement system becomes operational, the department, in



1 conjunction with any county in which an automated speed
2 enforcement systems program is implemented pursuant to this
3 chapter, shall conduct a comprehensive informational and
4 educational campaign to inform motorists and the general public
5 about the program.

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

12 (f) For the purposes of this section:

13 "Intersection" has the same meaning as defined in section
14 291C-1.

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

17 **§ -4 Automated speed enforcement system requirements.**

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



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

7 (c) Proof of a violation of section 291C- shall be
8 evidenced by information obtained from an automated speed
9 enforcement system authorized pursuant to this chapter. A
10 certificate, sworn to or affirmed by the reviewing county police
11 department, or a facsimile thereof, based upon inspection of any
12 clear and unobstructed photographs, microphotographs, video, or
13 other recorded images produced by the system, shall be prima
14 facie evidence of the facts contained therein. Any photographs,
15 microphotographs, video, or other recorded images shall be
16 available for inspection in any proceeding to adjudicate the
17 liability for that violation.

18 (d) It shall be a defense to any prosecution for a
19 violation of exceeding the maximum motor vehicle speed limits
20 pursuant to this chapter and section 291C- that the automated



1 speed enforcement system was malfunctioning at the time of the
2 alleged violation.

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

7 (f) As used in this section, "county highway" and "state
8 highway" have the same meaning as defined in section 264-1.

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



1 until the end of the next day that is not a Saturday, Sunday, or
2 holiday. The registered owner shall be determined by the
3 identification of the motor vehicle license plate.

4 (b) The form and content of the summons or citation shall
5 be adopted or prescribed by the administrative judge of the
6 district courts and printed on a form commensurate with the form
7 of other summonses or citations used in modern methods of arrest
8 that are designed to include all necessary information to make
9 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 that 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) Before mailing the summons or citation for a traffic
20 infraction pursuant to subsection (a), the applicable county
21 police department shall review and verify the validity of the



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

4 (e) Upon receipt of the summons or citation, the
5 registered owner shall respond as provided for in section 291D-
6 6. A record of the mailing of the summons or citation prepared
7 in the ordinary course of business shall be prima facie evidence
8 of notification.

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

19 § -6 **Registered owner's responsibility for a summons or**
20 **citation.** In any proceeding pursuant to this chapter, the
21 information contained in the summons or citation mailed in



1 accordance with section -5 shall be deemed prima facie
2 evidence that a violation of section 291C- occurred. The
3 registered owner shall be strictly liable for a violation of
4 section 291C- .

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

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

18 **§ -9 Fines for unauthorized disclosure.** All personal
19 and confidential information made available by an automated
20 speed enforcement system to an officer, employee, or agent of
21 the State or any county, including third-party contractors,



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

10 **§ -10 Automated speed enforcement systems program**
11 **special fund; established.** (a) There is established in the
12 state treasury an automated speed enforcement systems program
13 special fund to be administered by the department, into which
14 shall be deposited all fines collected pursuant to this chapter
15 and section 291C- .

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



1 implementation of the automated speed enforcement systems
2 program.

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

15 "§291C- Noncompliance with maximum speed limit under
16 automated speed enforcement system. (a) Whenever a motor
17 vehicle travels through a location actively monitored by an
18 automated speed enforcement system, all registered owners of all
19 motor vehicles in vehicular traffic shall be held strictly
20 liable for their motor vehicle's compliance with the maximum
21 speed limit, to the extent that registered owners may be cited



1 and held accountable for their motor vehicle traveling at a
2 speed not less than five miles per hour over the posted maximum
3 speed limit, via civil traffic infractions pursuant to
4 chapter . The department may increase the minimum speed
5 threshold for issuance of a citation pursuant to administrative
6 rules adopted pursuant to chapter 91.

7 (b) In the event a registered owner is cited pursuant to
8 chapter , and the driver of the motor vehicle is cited
9 pursuant to another section in this part for the same incident,
10 the citation issued pursuant to chapter shall be dismissed.

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

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

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

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

21 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 4. 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[+] not more than:



- 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
7 violation committed within one year after the date of
8 the first 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 pursuant to chapter and section 291C- shall be
20 deposited into the automated speed enforcement systems program
21 special fund established under section -10 and shall be



1 expended in the county in which the fine was imposed, for
2 purposes that include the establishment, implementation,
3 operation, oversight, management, maintenance, and repair of an
4 automated speed enforcement system and implementation of the
5 automated speed enforcement systems program.

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

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

12 "**§291C-165 Summons or citation.** (a) There shall be
13 provided for use by authorized police officers, or county
14 employees designated by the county chiefs of police, a form of
15 summons or citation for use in citing violators of those traffic
16 laws that do not mandate the physical arrest of violators. The
17 form and content of the summons or citation shall be as adopted
18 or prescribed by the administrative judge of the district courts
19 and shall be printed on a form commensurate with the form of
20 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~~] first-class mail within ten
14 calendar days from the time of the incident for motor vehicles
15 disregarding a steady red light signal in violation of section
16 291C-32(c), as determined by means of a photo red light imaging
17 system, to the registered owner of the motor vehicle at the
18 address on record at the vehicle licensing division. If the end
19 of the applicable [~~ten-calendar-day~~] ten-calendar-day period
20 falls on a Saturday, Sunday, or holiday, then the ending period



1 shall run until the end of the next day [~~which~~] that is not a
2 Saturday, Sunday, or holiday.

3 (d) In the case of a motor vehicle determined by means of
4 a speed enforcement system established pursuant to
5 chapter _____ to have exceeded a maximum speed limit in
6 violation of section 291C- _____, the original of the citation shall
7 be sent by first-class mail within ten calendar days from the
8 time of the incident, to the registered owner of the motor
9 vehicle at the address on record at the vehicle licensing
10 division. If the end of the applicable ten-calendar-day period
11 falls on a Saturday, Sunday, or holiday, then the ending period
12 shall run until the end of the next day that is not a Saturday,
13 Sunday, or holiday.

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

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

19 "(c) Any person who is convicted of violating this section
20 shall be subject to penalties as provided under section 291C-
21 161(b) and [~~(g)~~] (h)."



1 SECTION 7. Section 321H-4, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There [~~is~~] shall be established the neurotrauma
4 special fund to be administered by the department with advisory
5 recommendations from the neurotrauma advisory board. The fund
6 shall consist of:

7 (1) Moneys raised pursuant to the surcharges levied under
8 sections 291-11.5, 291-11.6, 291C-12, 291C-12.5, 291C-
9 12.6, 291C-102, 291C-105, 291C-, and 291E-61;

10 (2) Federal funds granted by Congress or executive order,
11 for the purpose of this chapter; provided that the
12 acceptance and use of federal funds shall not commit
13 state funds for services and shall not place an
14 obligation upon the legislature to continue the
15 purpose for which the federal funds are made
16 available; and

17 (3) Funds appropriated by the legislature for the purpose
18 of this chapter."

19 SECTION 8. There is appropriated out of the state highway
20 fund the sum of \$5,000,000 or so much thereof as may be



1 necessary for fiscal year 2024-2025 to be deposited into the
2 automated speed enforcement systems program special fund.

3 SECTION 9. There is appropriated out of the automated
4 speed enforcement systems program special fund the sum of
5 \$5,000,000 or so much thereof as may be necessary for fiscal
6 year 2024-2025 for ten radar devices and for the operation of
7 the automated speed enforcement program.

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

10 SECTION 10. 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 11. If any provision of this Act, or the
16 application thereof to any person or circumstance, is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 12. 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 13. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

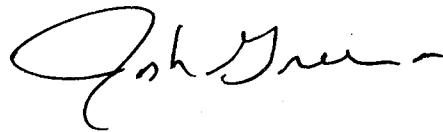
6 SECTION 14. This Act shall take effect on July 1, 2024.



S.B. NO.

2443
S.D. 2
H.D. 2
C.D. 1

APPROVED this **27th** day of **June**, 2024


A handwritten signature in black ink, appearing to read "Josh Green", with a long horizontal flourish extending to the right.


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

SB No. 2443, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives