STAND. COM. REP. NO. 3012

Honolulu, Hawaii

MAR 0 1 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,

KARL RHOADS, Chair

DONOVAN M. DELA CRUZ, Chair

The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral: Date:							
SB 2443 SDI	TCA PSM, JPC WAM 03 01 24							
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
RHOADS, Karl (C)				-				
GABBARD, Mike (VC)								
ELEFANTE, Brandon J.C.								
SAN BUENAVENTURA, Joy A	١.		V					
AWA, Brenton								
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TOTAL		3		1				
Recommendation:				·············				
Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

*Only one measure per Record of Votes

The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	Committee Referral:		Date:					
SB 2443, SD1	TCA/PSM, JDC/WAH			3/1/24				
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (W	R) Nay	/ Excused			
DELA CRUZ, Donovan M. (C)		Х						
MORIWAKI, Sharon Y. (VC)		X						
AQUINO, Henry J.C.		X						
DECOITE, Lynn		X						
HASHIMOTO, Troy N.		X						
INOUYE, Lorraine R.		Х						
KANUHA, Dru Mamo					X			
KIDANI, Michelle N.		X						
KIM, Donna Mercado			×					
LEE, Chris		X						
SHIMABUKURO, Maile S.L.					×			
WAKAI, Glenn		X						
FEVELLA, Kurt		X						
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			<u></u>					
TOTAL		10	1		2			
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

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