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# A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii has among the  
2 highest rates of traffic related fatalities. The implementation  
3 of photo red light imaging detector systems at intersections  
4 with the most dangerous and highest risk transit infrastructure,  
5 as well as photo speed detector systems in school zones with the  
6 most dangerous and high-risk transit infrastructure, can help  
7 prevent drivers from running red lights, and slow speeders in  
8 key areas, to help reduce fatalities and injuries.

9           The legislature further finds that it should be a priority  
10 to ensure dedicated funding necessary to support accelerating  
11 improvements in the most dangerous transit corridors serving  
12 state schools, to reduce student deaths and injuries, which may  
13 not otherwise be a priority for federal funding or other  
14 agencies.

15           Accordingly, the purpose of this Act is to:



- 1 (1) Prohibit the use of facial recognition software in the
- 2 operation of any photo red light imaging detector
- 3 system;
- 4 (2) Authorize the state highway safety and modernization
- 5 council to recommend dangerous intersections;
- 6 (3) Authorize the safe routes to schools advisory
- 7 committee to recommend dangerous school zones;
- 8 (4) Increase vehicle weight taxes for the safe routes to
- 9 school program special fund;
- 10 (5) Clarify the summons and citations processes for the
- 11 automated speed enforcement systems program; and
- 12 (6) Appropriate funds.

13 SECTION 2. Chapter 291J, Hawaii Revised Statutes, is  
 14 amended by adding a new section to be appropriately designated  
 15 and to read as follows:

16 "§291J- Facial recognition software; prohibited. (a)  
 17 The State or any county shall not use any facial recognition  
 18 software with any photo red light imaging detector system,  
 19 automated speed enforcement system, or other camera monitoring  
 20 an outdoor public space, operated pursuant to this chapter.



1           **(b) For the purposes of this section, "facial recognition**  
2 **software" means any type of technology that identifies or**  
3 **verifies the identity of an individual captured in images or**  
4 **video."**

5           SECTION 3. Section 249-33, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7           **"§249-33 State vehicle weight tax, exemptions.** (a) All  
8 vehicles and motor vehicles in the State as defined in section  
9 249-1, including antique motor vehicles, except as otherwise  
10 provided in sections 249-4, 249-5.5, 249-6, and 249-6.5, in  
11 addition to all other fees and taxes levied by this chapter,  
12 shall be subject to an annual state vehicle weight tax. The tax  
13 shall be levied by the county director of finance at the rate of  
14 1.75 cents a pound according to the net weight of each vehicle  
15 as the "net weight" is defined in section 249-1 up to and  
16 including four thousand pounds net weight; vehicles over four  
17 thousand pounds and up to and including seven thousand pounds  
18 net weight shall be taxed at the rate of [~~2.00~~] 3.00 cents a  
19 pound; vehicles over seven thousand pounds and up to and  
20 including ten thousand pounds net weight shall be taxed at the  
21 rate of [~~2.25~~] 3.75 cents a pound; vehicles over ten thousand



1 pounds net weight shall be taxed at a flat rate of \$300.;

2 provided that for each vehicle taxed:

3 (1) One cent a pound for vehicles over four thousand  
4 pounds and up to and including seven thousand pounds  
5 net weight; and

6 (2) 1.5 cents a pound for vehicles over seven thousand  
7 pounds net weight,

8 shall be deposited into the safe routes to school program  
9 special fund."

10 SECTION 4. Section 291C-4, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§291C-4 Safe routes to school program special fund;**

13 **establishment.** There is established in the state treasury the  
14 safe routes to school program special fund, into which shall be  
15 deposited:

16 (1) Assessments collected for speeding in a school zone,  
17 pursuant to section 291C-104; [~~and~~]

18 (2) Safe routes to school program surcharges collected in  
19 accordance with sections 291-16 and 291C-5[~~-~~]; and

20 (3) Taxes collected pursuant to section 249-33."



1 SECTION 5. Section 291L-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~291L-2] **Automated speed enforcement systems**  
4 **program; established.** (a) There shall be established the  
5 automated speed enforcement systems program, which shall be  
6 implemented by the State to enforce the speed restriction laws  
7 of the State. The automated speed enforcement [~~system~~] systems  
8 program shall be limited to only those locations where a photo  
9 red light imaging detector system has been implemented pursuant  
10 to chapter 291J.

11 (b) Automated speed enforcement systems may be implemented  
12 along a road or highway by the State or counties within two  
13 hundred feet of a school zone identified by the safe routes to  
14 school advisory committee for the promotion of public health,  
15 safety, and welfare."

16 SECTION 6. Section 291L-5, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "[~~§~~291L-5] **Summons or citation.** (a) Notwithstanding  
19 any law to the contrary and except as otherwise provided in this  
20 chapter, beginning January 1, 2025, whenever any motor vehicle  
21 is determined, by means of an automated speed enforcement



1 system, to have exceeded the posted maximum speed limit by not  
2 less than [~~five~~] \_\_\_\_\_ miles per hour in violation of section  
3 291C-108, the State's or county's third-party contractor shall  
4 cause a summons or citation, as described in this section, to be  
5 sent by first-class mail [~~, that is postmarked within ten~~  
6 ~~calendar days after the date of the incident,~~] to the registered  
7 owner of the motor vehicle [~~at the~~]. The summons or citation  
8 shall be mailed to the registered owner's address on record at  
9 the vehicle licensing division[-] and submitted to the post  
10 office within ten calendar days after the date of the incident.  
11 The State, the county, or the State's or county's third-party  
12 contractor shall implement a process to record the date on which  
13 the summons or citation was submitted to the post office, and  
14 the record shall be prima facie evidence of the date the summons  
15 or citation was submitted to the post office. If the end of the  
16 ten-calendar-day period falls on a Saturday, Sunday, or holiday,  
17 then the ending period shall run until the end of the next day  
18 that is not a Saturday, Sunday, or holiday. The registered  
19 owner shall be determined by the identification of the motor  
20 vehicle license plate.



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

13 (c) Every summons or citation shall be consecutively  
14 numbered and each copy thereof shall bear the number of its  
15 respective original.

16 (d) Before mailing the summons or citation for a traffic  
17 infraction pursuant to subsection (a), the applicable county  
18 police department shall review and verify the validity of the  
19 clear and unobstructed photographic, digital, or other visual  
20 image of the license plate of the motor vehicle required under  
21 this section.



1 (e) Upon receipt of the summons or citation, the  
2 registered owner shall respond as provided for in section  
3 291D-6. A record of the mailing of the summons or citation  
4 prepared in the ordinary course of business shall be prima facie  
5 evidence of notification.

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

16 (g) Any summons or citations issued or convictions  
17 resulting from this chapter shall not be recorded on a person's  
18 traffic abstract and shall not be used for insurance purposes in  
19 the provision of motor vehicle insurance coverage."

20 SECTION 7. The state highway safety and modernization  
21 council shall recommend twenty-five dangerous intersections



1 where the department of transportation may install photo red  
2 light imaging detector systems in addition to those currently  
3 operating, pursuant to chapter 291J; provided that signals shall  
4 be changed so pedestrians have not less than a four-second lead  
5 time to begin crossing the intersection prior to vehicles being  
6 permitted to proceed at each intersection where a photo red  
7 light imaging detector system is installed.

8 SECTION 8. (a) The safe routes to school advisory  
9 committee shall recommend twenty-five dangerous school zones in  
10 the State based on fatality, injury, and crash data since  
11 January 1, 2014, and any outreach and complaints from schools  
12 and the surrounding community.

13 (b) The department of transportation or county agencies  
14 may install additional automated speed enforcement systems  
15 pursuant to chapter 291L, at school zone locations that the safe  
16 routes to school advisory committee identifies as dangerous;  
17 provided that any enforcement system shall be positioned not  
18 more than two hundred feet from the school property in each  
19 school zone.

20 SECTION 9. There is appropriated out of the state highway  
21 fund the sum of \$ or so much thereof as may be



1 necessary for fiscal year 2025-2026 to be deposited into the  
2 automated speed enforcement systems program special fund  
3 established under section 291L-10, Hawaii Revised Statutes.

4 SECTION 10. There is appropriated out of the automated  
5 speed enforcement systems program special fund the sum of  
6 \$ or so much thereof as may be necessary for fiscal  
7 year 2025-2026 for the establishment and maintenance of the  
8 automated speed enforcement systems program.

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

11 SECTION 11. Notwithstanding any provision of this Act to  
12 the contrary, the appropriation authorized under this Act shall  
13 not lapse at the end of the fiscal year for which the  
14 appropriation is made. Any unexpended and unencumbered balance  
15 of the appropriation made in this Act as of the close of  
16 business on June 30, 2029, shall lapse back to the credit of the  
17 state highway fund.

18 SECTION 12. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 13. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Transportation; State Highway Safety and Modernization Council; Safe Routes to School Advisory Committee; Photo Red light Imaging Systems; Automated Speed Enforcement Systems; School Zones; Fines; Vehicle Weight Tax; Safe Routes to School Program Special Fund

**Description:**

Prohibits the use of facial recognition software in the operation of any photo red light imaging detector systems. Increases vehicle weight taxes to be deposited into the Safe Routes to School Program Special Fund. Clarifies the citations and summons procedures for the Automated Speed Enforcement Detector Systems Program. Authorizes automated speed enforcement systems to be implemented along a road or highway by the State or counties within two hundred feet of a school zone identified by the safe routes to school advisory committee. Authorizes the State Highway Safety and Modernization Council to recommend twenty-five dangerous intersections for photo red light imaging systems. Authorizes the Safe Routes to School Advisory Council to recommend twenty-five dangerous school zones for automated speed enforcement systems. Appropriates funds out of the State Highway Fund for deposit into and out of the Automated Speed Enforcement Systems Program Special Fund for fiscal year 2025-2026. Effective 7/1/3000. (SD1)

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

