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

3       **"§291C-4 Safe routes to school program special fund;**  
4 **establishment.** There is established in the state treasury the  
5 safe routes to school program special fund, into which shall be  
6 deposited:

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

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

11       (3) Fines as may be collected pursuant to section 291C-  
12 161(g)."

13       SECTION 2. Section 291C-161, Hawaii Revised Statutes, is  
14 amended to read as follows:

15       **"§291C-161 Penalties; photo red light imaging detector**  
16 **system fines; automated speed enforcement system fines.** (a) It  
17 shall be a violation for any person to violate any of the



1 provisions of this chapter, except as otherwise specified in  
2 subsections (c) and (d) and unless the violation is by other law  
3 of this State declared to be a felony, misdemeanor, or petty  
4 misdemeanor.

5 (b) Except as provided in subsections (c) and (d), every  
6 person who is determined to have violated any provision of this  
7 chapter for which another penalty is not provided shall be fined  
8 ~~[not]~~ no more than:

9 (1) \$250 for a first violation thereof;

10 (2) \$300 for a second violation committed within one year  
11 after the date of the first violation; and

12 (3) \$500 for a third or subsequent violation committed  
13 within one year after the date of the first violation.

14 (c) Every person convicted under or found in violation of  
15 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-  
16 15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,  
17 291C-104, or 291C-105 shall be sentenced or fined in accordance  
18 with those sections.

19 (d) Every person who violates section 291C-13 or 291C-18  
20 shall:



(1) Be fined [~~not~~] no more than \$250 or imprisoned not more than ten days for a first conviction thereof;

(2) Be fined [~~not~~] no more than \$300 or imprisoned not more than twenty days or both for conviction of a second offense committed within one year after the date of the first offense; and

(3) Be fined [~~not~~] no more than \$500 or imprisoned not more than six months or both for conviction of a third or subsequent offense committed within one year after the date of the first offense.

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

(f) [~~Fines~~] Except as provided in subsection (g), fines collected for a violation of section 291C-32(c) pursuant to the photo red light imaging detector system established pursuant to chapter 291J shall be deposited into the photo red light imaging detector systems program special fund established under section 291J-12 and shall be expended in the county in which the fine was imposed, for purposes that include the establishment,



1 implementation, operation, oversight, management, repair, and  
2 maintenance of a photo red light imaging detector system.

3 (g) per cent of fines collected for a violation of  
4 section 291C-32(c) pursuant to the photo red light imaging  
5 detector system installed in a school zone as provided under  
6 section 291J-4(b) may be deposited into the safe routes to  
7 school program special fund established pursuant to section  
8 291C-4; provided that no more than \$ shall be  
9 deposited into the safe routes to school program special fund  
10 each year.

11 [~~g~~] (h) Notwithstanding any other law to the contrary,  
12 fines collected pursuant to chapter 291L and section 291C-108  
13 shall be deposited into the automated speed enforcement systems  
14 program special fund established under section 291L-10 and shall  
15 be expended in the county in which the fine was imposed, for  
16 purposes that include the establishment, implementation,  
17 operation, oversight, management, maintenance, and repair of an  
18 automated speed enforcement system and implementation of the  
19 automated speed enforcement systems program.

20 [~~h~~] (i) The court may require a person who violates any  
21 of the provisions of this chapter to attend a course of



1 instruction in driver retraining as deemed appropriate by the  
2 court, in addition to any other penalties imposed."

3 SECTION 3. Section 291C-194, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) Any person who is convicted of violating this section  
6 shall be subject to penalties as provided under section 291C-  
7 161(b) and ~~[(h)-]~~ (i)."

8 SECTION 4. Section 291J-4, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§291J-4 [County] State and county powers and duties.** (a)

11 The State or any county may establish and implement, in  
12 accordance with this chapter, a photo red light imaging detector  
13 system imposing monetary liability on the registered owner of a  
14 motor vehicle for failure to comply with traffic-control signal  
15 laws. The State or any county may provide for the:

16 (1) Procurement, location, and oversight of a photo red  
17 light imaging detector system; and

18 (2) Installation, operation, maintenance, and repair of  
19 the photo red light imaging detector system through a  
20 third party contractor.



1 Where the photo red light imaging detector system affects state  
2 property, the department shall cooperate with and assist the  
3 county as needed to install, maintain, and repair the photo red  
4 light imaging detector system established pursuant to this  
5 chapter.

6 (b) If the State establishes a photo red light imaging  
7 detector system under this chapter, priority may be given to  
8 installing photo red light imaging detector systems in school  
9 zones. The department of transportation shall consult with the  
10 department education in determining which school zones to  
11 install a photo red light imaging detector system.

12 ~~[(b)]~~ (c) If the State or a county establishes a red light  
13 imaging detector system under this chapter, the compensation  
14 paid by the State or county to a manufacturer or vendor of the  
15 equipment used shall be based upon the value of the equipment  
16 and services provided or rendered in support of the photo red  
17 light imaging detector system, and shall not be based upon a  
18 portion of the fine or civil penalty imposed or the revenue  
19 generated by the equipment.

20 ~~[(c)]~~ (d) ~~[Prior to]~~ Before the installation and operation  
21 of any photo red light imaging detector system, for each



1 intersection considered for enforcement via the photo red light  
2 imaging detector system, the State or county shall:

3 (1) Conduct a comprehensive engineering review and study  
4 of each intersection and implement all necessary and  
5 appropriate engineering, design, and traffic-control-  
6 signal timing measures; and

7 (2) Conduct a study to acquire a baseline average of the  
8 number of motor vehicles violating section 291C-32(c)  
9 over a period of not less than one week; provided that  
10 the baseline average shall be determined prior to the  
11 installation of any signs or other official traffic-  
12 control devices that indicate that an intersection is  
13 being considered for a photo red light imaging  
14 detector system.

15 [~~(d)~~] (e) At least sixty days [~~prior to~~] before the photo  
16 red light imaging detector systems becoming operational, the  
17 department, in conjunction with any county that implements a  
18 photo red light imaging detector systems program pursuant to  
19 this chapter, shall conduct a comprehensive informational and  
20 educational campaign to inform motorists and the general public  
21 about the program.



1        [~~(e)~~] (f) During the first thirty days of operation of an  
2 individual photo red light imaging detector system at a  
3 particular traffic signal, a warning shall be issued for any  
4 violation of section 291C-32(c), and mailed to the registered  
5 owner of the motor vehicle at the address on record at the  
6 vehicle licensing division, in lieu of a summons or citation  
7 pursuant to section 291J-6.

8        (g) As used in this section, "school zone" means every  
9 street and all public property in the vicinity of a school as  
10 designated by the department of transportation."

11        SECTION 5. Section 291J-6, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13        "(a) Notwithstanding any law to the contrary, and except  
14 for the time period allowed pursuant to section [~~291J-4(e)~~],  
15 291J-4(f), beginning January 1, 2021, whenever any motor vehicle  
16 is determined, by means of a photo red light imaging detector  
17 system, to have disregarded a steady red signal in violation of  
18 section 291C-32(c), the State's or county's third party  
19 contractor shall cause a summons or citation, as described in  
20 this section, to be sent by first class mail to the registered  
21 owner of the motor vehicle. The summons or citation shall be





1 mailed to the registered owner's address on record at the  
2 vehicle licensing division and submitted to the post office  
3 within ten calendar days after the date of the incident. The  
4 State, the county, or the State's or county's third party  
5 contractor shall implement a process to record the date on which  
6 the summons or citation was submitted to the post office, and  
7 the record shall be prima facie evidence of the date the summons  
8 or citation was submitted to the post office. If the end of the  
9 ten calendar day period falls on a Saturday, Sunday, or holiday,  
10 then the ending period shall run until the end of the next day  
11 that is not a Saturday, Sunday, or holiday."

12 SECTION 6. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Transportation; Photo Red light Imaging System;  
School Zones; Fines; Safe Routes to School Program Special Fund

**Description:**

Authorizes the State to prioritize the installation of photo red light imaging detector systems in school zones if the State establishes a photo red light imaging detector system. Requires a certain percentage of fines collected for disregarding a steady red signal pursuant to a photo red light imaging detector system installed in a school zone to be deposited into the Safe Routes to School Program Special Fund, capped at an unspecified amount each year. Requires the Department of Transportation to consult with the Department of Education in determining which school zones to install a photo red light imaging system. Effective 7/1/3000. (HD1)

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

