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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 PART I

2 SECTION 1. Section 26-19, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "**§26-19 Department of transportation.** (a) The department  
5 of transportation shall be headed by a single executive to be  
6 known as the director of transportation. The department shall  
7 establish, maintain, and operate transportation facilities of  
8 the State, including highways, airports, harbors, and any other  
9 transportation facilities and activities as may be authorized by  
10 law.

11 (b) The department shall plan, develop, promote, and  
12 coordinate various transportation systems management programs  
13 that shall include but not be limited to alternate work and  
14 school hours programs, bicycling programs, and ridesharing  
15 programs.

16 (c) The department shall develop and promote ridesharing  
17 programs that shall include but not be limited to carpool and



1 vanpool programs, and may assist organizations interested in  
 2 promoting similar programs, arrange for contracts with private  
 3 organizations to manage and operate these programs, and assist  
 4 in the formulation of ridesharing arrangements. Ridesharing  
 5 programs include informal arrangements in which two or more  
 6 persons ride together in a motor vehicle.

7 (d) The functions and authority heretofore exercised by  
 8 the department of public works with respect to highways are  
 9 transferred to the department of transportation established by  
 10 this chapter.

11 (e) On July 1, 1961, the Hawaii aeronautics commission,  
 12 the board of harbor commissioners and the highway commission  
 13 shall be abolished and their remaining functions, duties, and  
 14 powers shall be transferred to the department of transportation.

15 (f) Notwithstanding any law to the contrary, the  
 16 department of transportation may:

17 (1) Acquire, or contract to acquire, by grant or purchase  
 18 any real, personal, or mixed property or any interest  
 19 therein for immediate or future use for the purposes  
 20 of:

21 (A) Climate mitigation and adaptation;



1 (B) Noise and visual buffer zones and barriers;  
2 (C) Transportation projects pursuant to section 264-  
3 142;  
4 (D) This section; or  
5 (E) Title 15;  
6 (2) Own, hold, improve, and rehabilitate any real,  
7 personal, or mixed property acquired pursuant to this  
8 subsection; and  
9 (3) Sell, assign, exchange, transfer, convey, lease or  
10 otherwise dispose of, or encumber any real, personal,  
11 or mixed property acquired pursuant to this  
12 subsection. Upon making a finding that it is  
13 necessary to acquire any real property for immediate  
14 or future use for the purposes of this section or  
15 title 15, the department of transportation may acquire  
16 the property by condemnation pursuant to chapter 101;  
17 provided that the property shall not thereafter be  
18 acquired for any other public use without the consent  
19 of the department of transportation;  
20 provided that for the purposes of this subsection, the director  
21 of transportation shall be authorized to exercise all the powers



1 vested in the board of land and natural resources for functions  
2 subject to chapter 171; provided further that if state lands,  
3 other than public lands, under the control and management of  
4 another department or agency are required by the department of  
5 transportation for the purposes of this section or title 15, the  
6 department or agency having control and management of the  
7 required lands shall, upon a request by the department of  
8 transportation and with the approval of the governor, transfer  
9 title to or lease those lands to the department of  
10 transportation under terms and conditions as may be agreed to by  
11 the parties.

12 (g) There is established within the department of  
13 transportation the administrative hearings division to conduct  
14 administrative hearings pursuant to chapter 91 for matters under  
15 the jurisdiction of the department of transportation for which  
16 an administrative hearing pursuant to chapter 91 has been  
17 specified.

18 The director of transportation shall appoint a hearings  
19 officer or officers not subject to chapter 76 to hear and decide  
20 any case or controversy regarding matters under the jurisdiction  
21 of the department of transportation for which an administrative



1 hearing pursuant to chapter 91 has been specified. Each hearing  
2 officer shall have the power to issue subpoenas, administer  
3 oaths, hear testimony, find facts, and make conclusions of law  
4 and recommend a decision."

5 SECTION 2. Chapter 279J, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8 "§279J- Administrative hearing. (a) A transportation  
9 network company may request an administrative hearing conducted  
10 pursuant to chapter 91.

11 (b) A request for an administrative hearing shall be filed  
12 with the administrative hearings division of the department  
13 within thirty days after receipt of the order, notice, or  
14 decision being contested.

15 (c) A decision of the administrative hearings division  
16 under this section shall constitute a final decision and order  
17 under chapter 91, subject to judicial review pursuant to section  
18 91-14."

19 SECTION 3. Chapter 291J, Hawaii Revised Statutes, is  
20 amended by adding two new sections to be appropriately  
21 designated and to read as follows:



1       "§291J- Administrative hearing. (a) Any person may  
2 request an administrative hearing conducted pursuant to chapter  
3 91.

4       (b) A request for an administrative hearing shall be filed  
5 with the administrative hearings division of the department  
6 within thirty days after receipt of the order, notice, or  
7 decision being contested.

8       (c) A decision of the administrative hearings division  
9 under this section shall constitute a final decision and order  
10 under chapter 91, subject to judicial review pursuant to section  
11 91-14.

12       §291J- Appeals. (a) Any person issued a citation  
13 pursuant to this chapter may contest the citation by submitting  
14 a request for an administrative hearing conducted pursuant to  
15 chapter 91 to the administrative hearings division of the  
16 department within thirty days after the date the citation was  
17 received.

18       (b) A decision of the administrative hearings division  
19 under this section shall constitute a final decision and order  
20 under chapter 91, subject to judicial review pursuant to section  
21 91-14."



1 SECTION 4. Chapter 291L Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4 "§291L- Administrative hearing. (a) Any person may  
5 request an administrative hearing conducted pursuant to chapter  
6 91.

7 (b) A request for an administrative hearing shall be filed  
8 with the administrative hearings division of the department  
9 within thirty days after receipt of the order, notice, or  
10 decision being contested.

11 (c) A decision of the administrative hearings division  
12 under this section shall constitute a final decision and order  
13 under chapter 91, subject to judicial review pursuant to section  
14 91-14.

15 §291L- Appeals. (a) Any person issued a citation  
16 pursuant to this chapter may contest the citation by submitting  
17 a request for an administrative hearing conducted pursuant to  
18 chapter 91 to the administrative hearings division of the  
19 department within thirty days after the date the citation was  
20 received.





1 SECTION 6. Section 291J, Hawaii Revised Statutes, is  
2 amended by adding two new definitions to be appropriately  
3 inserted and to read as follows:

4 "Director" means the director of transportation.

5 "Reviewing entity" means a county police department or  
6 authorized employee of the department of law enforcement."

7 SECTION 7. Section 291J-2, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"~~[+]§291J-2[+]~~ Photo red light imaging detector systems**  
10 **program; established.** There is established the photo red light  
11 imaging detector systems program to enforce the traffic-control  
12 signal laws of the State, which may be implemented by the State  
13 or any county following completion of a pilot program in the  
14 city and county of Honolulu, on any state or county highways  
15 within the respective county. ~~[Nothing in this chapter shall be~~  
16 ~~deemed to supersede or override any provision of chapter 291D.]"~~

17 SECTION 8. Section 291J-4, Hawaii Revised Statutes, is  
18 amended as follows:

19 1. By amending subsection (b) to read:

20 "(b) If the State or a county establishes a red light  
21 imaging detector system under this chapter, the compensation



1 paid by the State or county to a manufacturer or vendor of the  
2 equipment used shall be based upon the value of the equipment  
3 and services provided or rendered in support of the photo red  
4 light imaging detector system, and shall not be based upon a  
5 portion of the [~~fine or civil~~] administrative penalty imposed or  
6 the revenue generated by the equipment."

7 2. By amending subsection (e) to read:

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

15 SECTION 9. Section 291J-5, Hawaii Revised Statutes, is  
16 amended by amending subsection (c) to read as follows:

17 "(c) Proof of a violation of section 291C-32(c) shall be  
18 as evidenced by information obtained from the photo red light  
19 imaging detector system authorized pursuant to this chapter. A  
20 certificate, sworn to or affirmed by the reviewing [~~police~~  
21 ~~department,~~] entity, or a facsimile thereof, based upon



1 inspection of photographs, microphotographs, video, or other  
2 recorded images produced by the system, shall be prima facie  
3 evidence of the facts contained therein. Any photograph,  
4 microphotograph, video, or other recorded image, produced by the  
5 system, that contains a clear and unobstructed image of a motor  
6 vehicle license plate shall be prima facie evidence that the  
7 motor vehicle to which the license plate is attached is the  
8 motor vehicle for which the license plate was issued. Any  
9 photographs, microphotographs, video, or other recorded images  
10 evidencing a violation shall be available for inspection in any  
11 administrative proceeding to adjudicate the liability for that  
12 violation."

13 SECTION 10. Section 291J-6, Hawaii Revised Statutes, is  
14 amended as follows:

15 1. By amending subsection (b) to read:

16 "(b) The form and content of the summons or citation shall  
17 be as adopted or prescribed by the [~~administrative judge of the~~  
18 ~~district courts~~] director and shall be printed on a form  
19 commensurate with the form of other summonses or citations [~~used~~  
20 ~~in modern methods of arrest~~], so designed to include all  
21 necessary information to make the summons or citation valid



1 within the laws of the State; provided that any summons or  
2 citation issued pursuant to the photo red light imaging detector  
3 systems program shall contain a clear and unobstructed image of  
4 the motor vehicle license plate, which shall be used as evidence  
5 of the violation."

6 2. By amending subsections (d) to (f) to read:

7 "(d) Prior to the mailing of the summons or citation [~~for~~  
8 ~~a traffic infraction~~] pursuant to subsection (a), the applicable  
9 [~~county police department~~] reviewing entity shall review and  
10 verify the clear and unobstructed image of the license plate of  
11 the motor vehicle required under section 291J-6(b).

12 (e) Upon receipt of the summons or citation the registered  
13 owner shall answer [~~as provided for in section 291D-6.~~]  
14 accordingly to the rules designated by the department as the  
15 director deems necessary for the purposes of carrying out this  
16 part. A record of the mailing of the summons or citations  
17 prepared in the ordinary course of business is prima facie  
18 evidence of notification. The registered owner shall be  
19 determined by the identification of the motor vehicle license  
20 plate.



1 (f) Procedures regarding answering, [~~court hearings, and~~  
2 ~~court actions~~] a notice, administrative actions, and  
3 administrative hearings shall be [pursuant to sections 291D-6,  
4 291D-7, 291D-8, and 291D-13;] set by the department as the  
5 director deems necessary for the purposes of carrying out this  
6 part; provided that it shall not be a defense of any citation  
7 issued under this chapter that another person was driving the  
8 defendant's motor vehicle at the time of incident, unless the  
9 motor vehicle was stolen as documented by a police report;  
10 provided further that any reference to the defendant's  
11 commission of the [~~traffic infraction~~] administrative violation  
12 or similar language shall be interpreted to mean commission of  
13 the [~~traffic infraction.~~] administrative violation."

14 SECTION 11. Section 291J-10, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) The penalties for all consequences of a violation for  
17 disregarding a steady red signal initiated by the use of a photo  
18 red light imaging detector system shall be [~~as provided in~~  
19 ~~section 291C-161.~~] set by the department as the director deems  
20 necessary for the purposes of carrying out this part."



1 SECTION 12. Section 291J-8, Hawaii Revised Statutes, is  
2 repealed.

3 [~~"§291J-8 Failure to comply with summons or citation.  
4 If the registered owner of the motor vehicle does not return an  
5 answer in response to a summons or citation within a period of  
6 thirty days from the date of the mailing of the summons or  
7 citation, the district court shall issue, pursuant to section  
8 291D-7(e), a notice of entry of judgment of default to the  
9 registered owner of the motor vehicle."~~]

10 PART III

11 SECTION 13. Chapter 291L, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14 "§291L- Penalty. (a) The penalties for all  
15 consequences of a violation initiated by the automated speed  
16 enforcement systems program shall be set by the department as  
17 the director deems necessary for the purposes of carrying out  
18 this part.

19 (b) Any summons or citations issued or convictions  
20 resulting from this chapter shall not be recorded on a person's



1 traffic abstract and shall not be used for insurance purposes in  
2 the provision of motor vehicle insurance coverage."

3 SECTION 14. Section 291L-1, Hawaii Revised Statutes, is  
4 amended by adding two new definitions to be appropriately  
5 inserted and to read as follows:

6 "Director" means the director of transportation.

7 "Reviewing entity" means a county police department or  
8 authorized employee of the department of law enforcement."

9 SECTION 15. Section 291L-3, Hawaii Revised Statutes, is  
10 amended as follows:

11 1. By amending subsection (b) to read:

12 "(b) The compensation paid by the State to establish an  
13 automated speed enforcement system under this chapter to a  
14 manufacturer or vendor of the equipment used shall be based upon  
15 the value of the equipment and services provided or rendered in  
16 support of the automated speed enforcement system and shall not  
17 be based upon a portion of the [~~fine or civil~~] administrative  
18 penalty imposed or the revenue generated by the equipment."

19 2. By amending subsection (e) to read:

20 "(e) During the first thirty days of operation of an  
21 automated speed enforcement system at a particular location, a



1 warning shall be issued for any violation and mailed to the  
2 registered owner of the motor vehicle at the address on record  
3 at the vehicle licensing division [~~in lieu of a summons or~~  
4 ~~citation pursuant to section 291L-5~~]."

5 SECTION 16. Section 291L-4, Hawaii Revised Statutes, is  
6 amended by amending subsections (c) to (e) to read as follows:

7 "(c) Proof of a violation of section 291C-108 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~~  
11 ~~police department,~~] entity, or a facsimile thereof, based upon  
12 inspection of any clear and unobstructed photographs,  
13 microphotographs, video, or other recorded images produced by  
14 the system, shall be prima facie evidence of the facts contained  
15 therein. Any photographs, microphotographs, video, or other  
16 recorded images shall be available for inspection in any  
17 administrative proceeding to adjudicate the liability for that  
18 violation.

19 (d) It shall be a defense [~~to any prosecution~~] in a  
20 requested administrative hearing for a violation of exceeding  
21 the maximum motor vehicle speed limits pursuant to this chapter



1 and section 291C-108 that the automated speed enforcement system  
2 was malfunctioning at the time of the 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~~] an  
6 administrative penalty or court appearance."

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

9 "**§291L-5 Summons or citation.** (a) Notwithstanding any  
10 law 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 violated section 291C-108, the State's third-  
14 party contractor shall cause a summons or citation, as described  
15 in this section, to be sent by first-class mail to the  
16 registered owner of the motor vehicle. The summons or citation  
17 shall be mailed to the registered owner's address on record at  
18 the vehicle licensing division and submitted to the post office  
19 within ten calendar days after the date of the incident. The  
20 State, the county, or the State's or county's third-party  
21 contractor shall implement a process to record the date on which



1 the summons or citation was submitted to the post office, and  
2 the record shall be prima facie evidence of the date the summons  
3 or citation was submitted to the post office. If the end of the  
4 ten-calendar-day period falls on a Saturday, Sunday, or holiday,  
5 then the ending period shall run until the end of the next day  
6 that is not a Saturday, Sunday, or holiday. The registered  
7 owner shall be determined by the identification of the motor  
8 vehicle license plate.

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



1 (c) Every summons or citation shall be consecutively  
2 numbered and each copy thereof shall bear the number of its  
3 respective original.

4 (d) Before mailing the summons or citation [~~for a traffic~~  
5 ~~infraction~~] pursuant to subsection (a), the applicable [~~county~~  
6 ~~police department~~] reviewing entity shall review and verify the  
7 clear and unobstructed photographic, digital, or other visual  
8 image of the license plate of the motor vehicle required under  
9 this section.

10 (e) Upon receipt of the summons or citation, the  
11 registered owner shall respond [~~as provided for in section 291D-~~  
12 ~~6.~~] accordingly to the rules designated by the department as the  
13 director deems necessary for the purposes of carrying out this  
14 part. A record of the mailing of the summons or citation  
15 prepared in the ordinary course of business shall be prima facie  
16 evidence of notification.

17 (f) Procedures regarding answering a notice, [~~court~~  
18 ~~actions, and court hearings~~] administrative actions, and  
19 administrative hearings shall be [~~pursuant to sections 291D-6,~~  
20 ~~291D-7, 291D-8, and 291D-13;~~] set by the department as the  
21 director deems necessary for the purposes of carrying out this



1 part; provided that it shall not be a defense to any citation  
2 issued pursuant to this chapter that another person was driving  
3 the defendant's motor vehicle at the time of incident, unless  
4 the motor vehicle was stolen as documented by a police report;  
5 provided further that any reference to the defendant's  
6 commission of the [~~traffic infraction~~] administrative violation  
7 or similar language shall be interpreted to mean commission of  
8 the [~~traffic infraction~~].

9 ~~(g) Any summons or citations issued or convictions~~  
10 ~~resulting from this chapter shall not be recorded on a person's~~  
11 ~~traffic abstract and shall not be used for insurance purposes in~~  
12 ~~the provision of motor vehicle insurance coverage.]~~  
13 administrative violation."

14 SECTION 18. Section 291L-7, Hawaii Revised Statutes, is  
15 repealed.

16 ~~["~~§291L-7~~ Failure to comply with a summons or citation.~~  
17 ~~If the registered owner of the motor vehicle fails to respond to~~  
18 ~~a summons or citation within thirty days from the date of the~~  
19 ~~mailing of the summons or citation, the district court shall~~  
20 ~~issue a notice of entry of judgment of default to the registered~~  
21 ~~owner of the motor vehicle pursuant to section 291D-7(e)."]~~



1 PART IV

2 SECTION 19. Statutory material to be repealed is bracketed  
3 and stricken. New statutory material is underscored.

4 SECTION 20. This Act shall take effect on July 1, 3000;  
5 provided that the implementation of the administrative hearings  
6 division pursuant to this Act shall be delayed two years after  
7 the effective date of this Act; provided further that nothing  
8 shall preclude the department of transportation from  
9 implementing the administrative hearings division earlier, at  
10 its discretion.



**Report Title:**

DOT; Administrative Hearings Division; Administrative Hearings; Highways; Airports; Harbors; Photo Red Light Imaging Detector Systems; Speed Enforcement Systems; Commercial Driver's Licenses; On-Demand Taxi Services; Transportation Network Companies

**Description:**

Establishes the Administrative Hearings Division within the Department of Transportation and transfers certain administrative hearing powers to the Division, including matters related to automated red light camera and speed enforcement traffic citations, oversized and overweight vehicles on state highways, commercial driver's license appeals, on-demand taxi services at airports, transportation network company permit appeals, airport and harbor matters, and highway encroachments. Effective 7/1/3000. (HD1)

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