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**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'**  
**DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

Thursday, February 19, 2026  
2:00 p.m.  
State Capitol, 325

**HB2031, HD1**  
**RELATING TO TRANSPORTATION**

House Committee on Judiciary & Hawaiian Affairs

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The Department of Transportation (DOT) is in strong support of HB2031, HD 1, which strengthens DOT's capacity to efficiently administer transportation programs while ensuring clear, consistent processes for enforcement and appeals.

Part I establishes an Administrative Hearings Division within DOT to handle transportation-related matters, including automated traffic citations, commercial driver's license appeals, airport and harbor issues, transportation network company permits, and highway encroachments. DOT supports this provision as it consolidates subject-matter expertise within the department, improves administrative efficiency, and provides a predictable and timely process for resolving disputes. As automated speed and red-light camera programs expand, a dedicated hearings division within DOT will also help alleviate potential administrative burdens on the Judiciary by resolving citation appeals through an appropriate administrative forum, while preserving judicial review under Chapter 91.

Overall, HB2031, HD1, enhances DOT's operational effectiveness, supports fair and efficient enforcement of transportation laws, and improves confidence in the administration of Hawai'i's transportation system. For these reasons, DOT urges your support.



*The Judiciary, State of Hawai‘i*  
*Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i*

**Testimony to the Thirty-Third Legislature, 2026 Regular Session**

**House Committee on Judiciary & Hawaiian Affairs**  
Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair

Thursday, February 19, 2026 at 2:00 p.m.  
State Capitol, Conference Room 325

By

Michelle D. Acosta  
Deputy Chief Court Administrator  
District Court of the First Circuit

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**Bill No. and Title:** House Bill No. 2031, H.D. 1, Relating to Transportation

**Purpose:** 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)

**Judiciary's Position:**

While the Judiciary appreciates the Department of Transportation's support for HB2031 and recognizes the potential benefits of consolidating administrative hearings within the Department, we defer to the subject matter experts as to the merits of the bill. The Judiciary, however, offers the following comments as to sections 3 and 4 of HB2031, HD1 as they pertain to the appeal process for administrative decisions.

Photo red light imaging detector systems (commonly referred to as red light cameras) and automated speed enforcement systems (commonly referred to as speed cameras) were established by the legislature and codified in chapters 291J and 291L of the Hawai‘i Revised Statutes. The bill would establish an administrative hearings division within the department of transportation for adjudication of automated traffic citations under chapters 291J and 291L of the



Hawai‘i Revised Statutes.<sup>1</sup> Currently, HB2031, HD1 provides for judicial review of administrative decisions in the circuit court pursuant to Haw. Rev. Stat. § 91-14.

The Judiciary suggests that review of administrative decisions regarding red light camera citations and speed camera citations issued under chapters 291J and 291L be placed with the district court rather than the circuit court. As the vast majority of traffic citations are handled by district court, district court judges are already familiar with traffic laws, including laws pertaining to red light camera citations and speed camera citations issued under chapters 291J and 291L.

We recommend adopting an appeal framework similar to that used for vehicle registration decisions under Haw. Rev. Stat. §§ 286-58, 286-59, and 286-60. This approach would allow for informal, cost-effective procedures and minimize burdens on litigants while maintaining fairness and due process.

To authorize the district court to review administrative decisions regarding red light camera citations issued under chapter 291J, the Judiciary suggests that section 3, page 6, lines 12-21, be stricken and replaced with the following:

§291J-\_\_\_\_\_ Appeals.

(a) Whenever any person is aggrieved by any decision of the director under this part, the person may appeal from the decision of the director to the district court of the circuit in which the county is situated, by filing with the court, within twenty days after the decision, or within such additional time as may have been consented to in writing by the director, an informal notice of appeal setting forth the name of the appellant, the circumstances attending the decision, a general statement as to the ruling appealed from, the date of the decision. A copy of the notice shall be served upon, or mailed, postage prepaid, by registered mail with request for return receipt, to the director within two days after the date of the filing with the court. Informalities in the notice shall not invalidate the notice, and the notice may be amended for good cause shown to the satisfaction of the court.

(b) Upon appeal, the district court shall hold a hearing de novo, and shall have power to enter such judgment or order as in its reasonable judgment may be warranted by all of the circumstances.

(c) The supreme court may prescribe rules of procedure relating to the appeals and hearings before the district courts. An appeal shall lie from the judgment or order of the district court to the intermediate appellate court, subject to chapter 602. The rules shall provide for informal procedure and for minimizing

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<sup>1</sup> Section 2 references administrative hearings for transportation network companies and Section 5 references administrative hearings for commercial driver’s license appeals. Clarification regarding these matters is needed before the Judiciary is able to assess any operational impact or provide comment.



expense and delay to litigants therein. The costs upon such appeal to the district court shall be \$1, which may be waived by the court for good cause shown. No costs shall be chargeable against the director.

To authorize the district court to review administrative decisions regarding speed camera citations under chapter 291L, the Judiciary suggests that section 4, page 7, lines 15-20 and page 8, lines 1-4 be replaced with the following:

§291L-\_\_\_\_\_ Appeals.

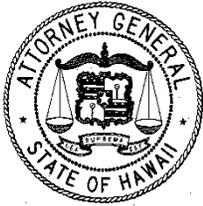
(a) Whenever any person is aggrieved by any decision of the director under this part, the person may appeal from the decision of the director to the district court of the circuit in which the county is situated, by filing with the court, within twenty days after the decision, or within such additional time as may have been consented to in writing by the director, an informal notice of appeal setting forth the name of the appellant, the circumstances attending the decision, a general statement as to the ruling appealed from, the date of the decision. A copy of the notice shall be served upon, or mailed, postage prepaid, by registered mail with request for return receipt, to the director within two days after the date of the filing with the court. Informalities in the notice shall not invalidate the notice, and the notice may be amended for good cause shown to the satisfaction of the court.

(b) Upon appeal, the district court shall hold a hearing de novo, and shall have power to enter such judgment or order as in its reasonable judgment may be warranted by all of the circumstances.

(c) The supreme court may prescribe rules of procedure relating to the appeals and hearings before the district courts. An appeal shall lie from the judgment or order of the district court to the intermediate appellate court, subject to chapter 602. The rules shall provide for informal procedure and for minimizing expense and delay to litigants therein. The costs upon such appeal to the district court shall be \$1, which may be waived by the court for good cause shown. No costs shall be chargeable against the director.

Should this measure be passed, the Judiciary would require time for coordination and implementation, but given the Department of Transportation's broader implementation requirements, we defer to the Department for an appropriate timeline. The Judiciary appreciates the testimony submitted to the Transportation committee from the Department of the Attorney General and the Department of Transportation to build on this framework and continue discussions regarding this measure.

Thank you for the opportunity to provide comments on HB2031, HD1.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2031, H.D. 1, RELATING TO TRANSPORTATION.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**DATE:** Thursday, February 19, 2026      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Marjorie A. Lau, Deputy Attorney General

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Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

This bill establishes within the Department of Transportation (DOT) an administrative hearings division (Division) to conduct administrative hearings pursuant to chapter 91, Hawaii Revised Statutes (HRS). This bill includes moving the process for handling violations under the automated speed enforcement systems program and the photo red light imaging detector systems program to the Division from the current process under the Statewide Traffic Code, chapter 291C, HRS. New sections providing for administrative hearings by the Division for certain matters are added into statutes, and amendments are made to existing statutes currently addressing processing such violations.

The Department respectfully submits a draft proposed H.D. 2 (attached hereto) of this bill for the Committee's consideration. This draft proposed H.D. 2, among other things: (1) adds a provision for adoption of administrative rules as needed to implement this bill, (2) adds amendments to certain sections of the Traffic Code, (3) adds a section to amend section 291L-10, HRS, to provide for the Department of Transportation to set fines for violations of chapter 291L, (4) reorders certain sections to group together new statutory sections, amended statutory sections, and repealed statutory sections, respectively, (5) removes certain sections or provisions that appear to be duplicative or

are not being amended, (6) adds clarifying wording to the new section added to chapter 279J, and (7) adds a section for funding to support implementation of this bill.

Thank you for the opportunity to provide comments.

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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

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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;

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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

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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 The director of transportation may adopt such rules as are  
6 necessary to implement the provisions of this subsection."

7 PART II

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

11 "§279J- Administrative hearing. (a) A transportation  
12 network company aggrieved by a decision of the department taken  
13 pursuant to this chapter may request an administrative hearing  
14 conducted pursuant to chapter 91.

15 (b) A request for an administrative hearing shall be filed  
16 with the administrative hearings division of the department  
17 within thirty days after receipt of the order, notice, or  
18 decision being contested.

19 (c) A decision of the administrative hearings division  
20 under this section shall constitute a final decision and order

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1 under chapter 91, subject to judicial review pursuant to section  
2 91-14."

3 SECTION 3. Chapter 291J, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§291J- Appeals. (a) Any person issued a citation  
7 pursuant to this chapter may contest the citation by submitting  
8 a request for an administrative hearing conducted pursuant to  
9 chapter 91 to the administrative hearings division of the  
10 department within thirty days after the date the citation was  
11 received.

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

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

19 "§291L- Appeals. (a) Any person issued a citation  
20 pursuant to this chapter may contest the citation by submitting  
21 a request for an administrative hearing conducted pursuant to

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1 chapter 91 to the administrative hearings division of the  
2 department within thirty days after the date the citation was  
3 received.

4 (b) A decision of the administrative hearings division  
5 under this section shall constitute a final decision and order  
6 under chapter 91, subject to judicial review pursuant to section  
7 91-14.

8 ~~§291L-~~ **Penalty.** (a) The penalties for all  
9 consequences of a violation initiated by the automated speed  
10 enforcement systems program shall be set as provided in section  
11 291C-108 and in section 291C-161.

12 (b) Any summons or citations issued or convictions  
13 resulting from this chapter shall not be recorded on a person's  
14 traffic abstract and shall not be used for insurance purposes in  
15 the provision of motor vehicle insurance coverage."

16 PART III

17 SECTION 5. Section 286-241.6, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "~~[+]§286-241.6[-] Appeal to circuit court.~~ **Appeals.** Any  
20 suspension, revocation, or cancellation of a commercial driver's  
21 license under section 286-241.4 may be appealed to the [circuit

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1 ~~court in which the applicant or licensee resides]~~ administrative  
2 hearings division of the department of transportation by filing  
3 a ~~[notice of appeal in that court]~~ request for administrative  
4 hearing with the administrative hearings division of the  
5 department within thirty days after being notified of the  
6 suspension, revocation, or cancellation. The appeal shall not  
7 operate as a stay to the order or decision appealed from. The  
8 appeal shall be subject to procedures and rules as may be  
9 prescribed by the ~~[court]~~ administrative hearings division and  
10 the decision ~~[of the court]~~ shall be final except as otherwise  
11 provided in chapter 91."

12 SECTION 6. Section 291C-32, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) to read as follows:

14 "(c) Whenever traffic is controlled by traffic-control  
15 signals exhibiting different colored lights, or colored lighted  
16 arrows, successively one at a time or in combination, and  
17 actively monitored by an official photo red light imaging  
18 detector system, all registered owners of all motor vehicles in  
19 vehicular traffic at the intersection shall be held strictly  
20 liable for the motor vehicle's compliance with the traffic-  
21 control signal, to the extent that registered owners may be

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1 cited and held accountable for non-compliance [~~via civil traffic~~  
2 ~~infractions~~] pursuant to chapter 291J. The traffic-control  
3 signal lights shall apply to the registered owners of motor  
4 vehicles as follows:

5 (1) Steady red indication:

6 (A) Vehicular traffic facing a steady red signal  
7 alone shall stop at a clearly marked stop line  
8 or, if none, before entering the crosswalk on the  
9 near side of the intersection or, if none, then  
10 before entering the intersection and shall remain  
11 standing until an indication to proceed is shown,  
12 except as provided in subparagraphs (B) and (C).

13 (B) Vehicular traffic that is stopped in obedience to  
14 a steady red indication may make a right turn but  
15 shall yield the right-of-way to pedestrians and  
16 other traffic proceeding as directed by the  
17 signal at the intersection, except that counties  
18 by ordinance may prohibit any right turn against  
19 a steady red indication, which ordinance shall be  
20 effective when a sign is erected at the  
21 intersection giving notice thereof.

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1           (C) Vehicular traffic on a one-way street that  
2                           intersects another one-way street on which  
3                           traffic moves to the left shall stop in obedience  
4                           to a steady red indication but may then make a  
5                           left turn into the one-way street, but shall  
6                           yield right-of-way to pedestrians proceeding as  
7                           directed by the signal at the intersection,  
8                           except that counties by ordinance may prohibit  
9                           any left turn against a steady red indication,  
10                          which ordinance shall be effective when a sign is  
11                          erected at the intersection giving notice  
12                          thereof.

13           (2) To the extent a registered owner's motor vehicle fails  
14                           to comply with any other law or ordinance related to  
15                           traffic-control signals, including subsection (a) (1)  
16                           or (2), the registered owner of a motor vehicle shall  
17                           not be held strictly liable unless otherwise provided  
18                           by law."

19           SECTION 7. Section 291C-108, Hawaii Revised Statutes, is  
20           amended by amending subsection (a) to read as follows:

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1           "(a) Whenever a motor vehicle travels through a location  
2 actively monitored by an automated speed enforcement system, all  
3 registered owners of all motor vehicles in vehicular traffic  
4 shall be held strictly liable for their motor vehicle's  
5 compliance with the maximum speed limit, to the extent that  
6 registered owners may be cited and held accountable for their  
7 motor vehicle traveling at a speed not less than five miles per  
8 hour over the posted maximum speed limit[, ~~via civil traffic~~  
9 ~~infractions~~] pursuant to chapter 291L. The department may  
10 increase the minimum speed threshold for issuance of a citation  
11 pursuant to administrative rules adopted pursuant to chapter  
12 91."

13           SECTION 8. Section 291C-161, Hawaii Revised Statutes, is  
14 amended by amending subsections (f) and (g) to read as follows:

15           "(f) Fines collected for a violation of section 291C-32(c)  
16 pursuant to the photo red light imaging detector system  
17 established pursuant to chapter 291J shall be deposited into the  
18 photo red light imaging detector systems program special fund  
19 established under chapter 291J [~~and shall be expended in the~~  
20 ~~county in which the fine was imposed, for purposes that include~~  
21 ~~the establishment, implementation, operation, oversight,~~

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1 ~~management, repair, and maintenance of a photo red light imaging~~  
2 ~~detector system].~~

3 (g) Notwithstanding any other law to the contrary, fines  
4 collected pursuant to chapter 291L and section 291C-108 shall be  
5 deposited into the automated speed enforcement systems special  
6 fund established under section 291L-10 [~~and shall be expended in~~  
7 ~~the county in which the fine was imposed, for purposes that~~  
8 ~~include the establishment, implementation, operation, oversight,~~  
9 ~~management, maintenance, and repair of an automated speed~~  
10 ~~enforcement system and implementation of the automated speed~~  
11 ~~enforcement systems program]."~~

12 SECTION 9. Section 291J-1, Hawaii Revised Statutes, is  
13 amended by adding two new definitions to be appropriately  
14 inserted and to read as follows:

15 "Director" means the director of transportation.

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

18 SECTION 10. Section 291J-2, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[+]§291J-2[+] **Photo red light imaging detector systems**  
21 **program; established.** There is established the photo red light

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1 imaging detector systems program to enforce the traffic-control  
2 signal laws of the State, which may be implemented by the State  
3 or any county following completion of a pilot program in the  
4 city and county of Honolulu, on any state or county highways  
5 within the respective county. [~~Nothing in this chapter shall be~~  
6 ~~deemed to supersede or override any provision of chapter 291D.~~]"

7 SECTION 11. Section 291J-4, Hawaii Revised Statutes, is  
8 amended as follows:

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

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

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

19 "(e) During the first thirty days of operation of an  
20 individual photo red light imaging detector system at a  
21 particular traffic signal, a warning shall be issued for any

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1 violation of section 291C-32(c), and mailed to the registered  
2 owner of the motor vehicle at the address on record at the  
3 vehicle licensing division [~~, in lieu of a summons or citation~~  
4 ~~pursuant to section 291J-6~~]."

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

7 "(c) Proof of a violation of section 291C-32(c) shall be  
8 as evidenced by information obtained from the photo red light  
9 imaging detector system authorized pursuant to this chapter. A  
10 certificate, sworn to or affirmed by the reviewing [~~police~~  
11 ~~department,~~] entity, or a facsimile thereof, based upon  
12 inspection of photographs, microphotographs, video, or other  
13 recorded images produced by the system, shall be prima facie  
14 evidence of the facts contained therein. Any photograph,  
15 microphotograph, video, or other recorded image, produced by the  
16 system, that contains a clear and unobstructed image of a motor  
17 vehicle license plate shall be prima facie evidence that the  
18 motor vehicle to which the license plate is attached is the  
19 motor vehicle for which the license plate was issued. Any  
20 photographs, microphotographs, video, or other recorded images  
21 evidencing a violation shall be available for inspection in any

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1 administrative proceeding to adjudicate the liability for that  
2 violation."

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

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

6 "(b) The form and content of the summons or citation shall  
7 be as adopted or prescribed by the [~~administrative judge of the~~  
8 ~~district courts~~] director and shall be printed on a form  
9 commensurate with the form of other summonses or citations [~~used~~  
10 ~~in modern methods of arrest~~], so designed to include all  
11 necessary information to make the summons or citation valid  
12 within the laws of the State; provided that any summons or  
13 citation issued pursuant to the photo red light imaging detector  
14 systems program shall contain a clear and unobstructed image of  
15 the motor vehicle license plate, which shall be used as evidence  
16 of the violation."

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

18 "(d) Prior to the mailing of the summons or citation [~~for~~  
19 ~~a traffic infraction~~] pursuant to subsection (a), the applicable  
20 [~~county police department~~] reviewing entity shall review and

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1 verify the clear and unobstructed image of the license plate of  
2 the motor vehicle required under section 291J-6(b).

3 (e) Upon receipt of the summons or citation the registered  
4 owner shall answer [~~as provided for in section 291D-6.~~]  
5 accordingly to the rules designated by the department as the  
6 director deems necessary for the purposes of carrying out this  
7 chapter. A record of the mailing of the summons or citations  
8 prepared in the ordinary course of business is prima facie  
9 evidence of notification. The registered owner shall be  
10 determined by the identification of the motor vehicle license  
11 plate.

12 (f) Procedures regarding answering, [~~court hearings, and~~  
13 ~~court actions~~] a notice, administrative actions, and  
14 administrative hearings shall be [~~pursuant to sections 291D-6,~~  
15 ~~291D-7, 291D-8, and 291D-13;~~] set by the department as the  
16 director deems necessary for the purposes of carrying out this  
17 chapter; provided that it shall not be a defense of any citation  
18 issued under this chapter that another person was driving the  
19 defendant's motor vehicle at the time of incident, unless the  
20 motor vehicle was stolen as documented by a police report;  
21 provided further that any reference to the defendant's

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1 commission of the [~~traffic infraction~~] administrative violation  
2 or similar language shall be interpreted to mean commission of  
3 the [~~traffic infraction.~~] administrative violation."

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

7 "Director" means the director of transportation.

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

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

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

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

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

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1           "(e) During the first thirty days of operation of an  
2 automated speed enforcement system at a particular location, a  
3 warning shall be issued for any violation and mailed to the  
4 registered owner of the motor vehicle at the address on record  
5 at the vehicle licensing division [~~in lieu of a summons or~~  
6 ~~citation pursuant to section 291L-5~~]."

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

9           "(c) Proof of a violation of section 291C-108 shall be  
10 evidenced by information obtained from an automated speed  
11 enforcement system authorized pursuant to this chapter. A  
12 certificate, sworn to or affirmed by the reviewing [~~county~~  
13 ~~police department,~~] entity, or a facsimile thereof, based upon  
14 inspection of any clear and unobstructed photographs,  
15 microphotographs, video, or other recorded images produced by  
16 the system, shall be prima facie evidence of the facts contained  
17 therein. Any photographs, microphotographs, video, or other  
18 recorded images shall be available for inspection in any  
19 administrative proceeding to adjudicate the liability for that  
20 violation.

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1 (d) It shall be a defense [~~to any prosecution~~] in a  
2 requested administrative hearing for a violation of exceeding  
3 the maximum motor vehicle speed limits pursuant to this chapter  
4 and section 291C-108 that the automated speed enforcement system  
5 was malfunctioning at the time of the alleged violation.

6 (e) The conditions specified in this section shall not  
7 apply when the information gathered is used for highway safety  
8 research or to issue warning citations not involving [~~a fine~~] an  
9 administrative penalty or court appearance."

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

12 "**§291L-5 Summons or citation.** (a) Notwithstanding any  
13 law to the contrary and except as otherwise provided in this  
14 chapter, beginning January 1, 2025, whenever any motor vehicle  
15 is determined, by means of an automated speed enforcement  
16 system, to have violated section 291C-108, the State's third-  
17 party contractor shall cause a summons or citation, as described  
18 in this section, to be sent by first-class mail to the  
19 registered owner of the motor vehicle. The summons or citation  
20 shall be mailed to the registered owner's address on record at  
21 the vehicle licensing division and submitted to the post office

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

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

1 units measured by the speed reader that shall be used as  
2 evidence of the violation.

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

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

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

19 (f) Procedures regarding answering a notice, [~~court~~  
20 ~~actions, and court hearings~~] administrative actions, and  
21 administrative hearings shall be [~~pursuant to sections 291D-6,~~

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

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

15 SECTION 18. Section 291L-10, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) There is established in the state treasury an  
18 automated speed enforcement systems program special fund to be  
19 administered by the department, into which shall be deposited  
20 all fines collected pursuant to this chapter and section 291C-  
21 108. The fines for all consequences of a violation of the speed

1 restriction laws under this chapter shall be set by the  
2 department as the director deems necessary for the purposes of  
3 carrying out this chapter."

4 PART IV

5 SECTION 19. Section 291J-8, Hawaii Revised Statutes, is  
6 repealed.

7 ~~["§291J-8] Failure to comply with summons or citation.~~  
8 ~~If the registered owner of the motor vehicle does not return an~~  
9 ~~answer in response to a summons or citation within a period of~~  
10 ~~thirty days from the date of the mailing of the summons or~~  
11 ~~citation, the district court shall issue, pursuant to section~~  
12 ~~291D-7(e), a notice of entry of judgment of default to the~~  
13 ~~registered owner of the motor vehicle."]~~

14 SECTION 20. 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 V

2 SECTION 21. There is appropriated out of the state highway  
3 fund the sum of \$ or so much thereof as may be  
4 necessary for fiscal year 2026-2027 for the establishment of the  
5 administrative hearings division of the department for purposes  
6 including implementation of the automated speed enforcement  
7 systems program and photo red light imaging detector systems  
8 program.

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

11 SECTION 22. This Act does not affect rights and duties  
12 that matured, penalties that were incurred, and proceedings that  
13 were begun before its effective date.

14 SECTION 23. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 24. This Act, upon its approval, shall take effect  
17 on July 1, 3000; provided that the implementation of the  
18 administrative hearings division pursuant to this Act shall be  
19 delayed two years after the effective date of this Act; provided  
20 further that nothing shall preclude the department of

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- 1 transportation from implementing the administrative hearings
- 2 division earlier, at its discretion.

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H.D.2  
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**Report Title:**

DOT; Administrative Hearings Division; Administrative Hearings; Photo Red Light Imaging Detector Systems; Speed Enforcement Systems; Commercial Driver's Licenses; 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, commercial driver's license appeals, transportation network company permit appeals. Effective 7/1/3000. (HD2)

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



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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The Thirty-Third Legislature, State of Hawaii  
House of Representatives  
Committee on Judiciary & Hawaiian Affairs

Testimony by  
Hawaii Government Employees Association

February 19, 2026

H.B. 2031, H.D. 1 – RELATING TO TRANSPORTATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes H.B. 2031, H.D. 1, **specifically section one, subsection (g) on page 4 line 18 to 19**, which allows the Director of Transportation to appoint a Hearings Officer or Officers to be exempt from chapter 76, Hawaii Revised Statutes.

While we have no objections to the establishment of the Administrative Hearings Division within the Department of Transportation, we do have concerns for the need to employ staff that would be exempt from civil service law. Employees exempt from civil service law do not have the same rights compared to civil service employees as they are considered “at-will” by the employer. Furthermore, exempt employees do not go through a merit-based hiring process which increases the likelihood that unqualified individuals could be hired, and/or could lead to patronage hires. Over these past few years, we have seen an increase in the use of exempt positions which in large part is due to an inefficient hiring process, and the State’s unwillingness to increase civil service pay to a competitive market rate. Additionally, it is apparent that more state managers seek to assert more control over their employees by hiring individuals that have not applied through the civil service process.

We suggest changes to the language that Hearings Officer or Officers positions should be included in chapter 76, similar to positions in state government.

Thank you for the opportunity to provide testimony in opposition of exemption of Hearings Officer or Officers within H.B. 2031, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director