

A Bill for an Act Relating to Traffic Safety.

Be It Enacted by the Legislature of the State of Hawaii:

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

The legislature further finds that it should be a priority to ensure dedicated funding necessary to support accelerating improvements in the most dangerous transit corridors.

Accordingly, the purpose of this Act is to:

- (1) Establish a safe routes to school program vehicle registration surcharge on certain motor vehicle registrations, to be imposed and collected no later than December 31, 2025;
- (2) Prohibit the use of facial recognition software in the operation of any photo red light imaging detector system; and
- (3) Clarify the summons and citations processes for the automated speed enforcement systems program.

SECTION 2. Chapter 249, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§249- Safe routes to school program vehicle registration surcharge.

(a) In addition to any other fees required by law, each county shall impose and collect a \$5 surcharge on every motor vehicle registration issued under section 249-31 or 249-31.5, no later than December 31, 2025.

(b) The director of finance shall notify the department of transportation in writing of the county’s intended start date at least ninety days before implementing this section.

(c) The surcharge shall be deposited into the safe routes to school program special fund established under section 291C-4.”

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

“§291J- Facial recognition software; prohibited. (a) No photo red light imaging detector system authorized under this chapter shall use or be equipped with facial recognition software or biometric identification technology.

(b) This section shall not apply to:

- (1) Automated license plate reader systems; or
- (2) Any non-biometric technology used to verify vehicle identity, registration status, or to generate photographic evidence of a traffic violation.

(c) For the purposes of this section:

“Biometric identification” includes but is not limited to recognition of facial features, iris scans, retinal scans, fingerprints, or voice patterns.

“Facial recognition software” means technology that analyzes facial features to identify or verify the identity of an individual.”

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

“§291L- Facial recognition software; prohibited. (a) No automated speed enforcement system authorized under this chapter shall use or be equipped with facial recognition software or biometric identification technology.

(b) This section shall not apply to:

- (1) Automated license plate reader systems; or
- (2) Any non-biometric technology used to verify vehicle identity, registration status, or to generate photographic evidence of a traffic violation.

(c) For the purposes of this section:

“Biometric identification” includes but is not limited to recognition of facial features, iris scans, retinal scans, fingerprints, or voice patterns.

“Facial recognition software” means technology that analyzes facial features to identify or verify the identity of an individual.”

SECTION 5. Section 291C-4, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) Assessments collected for speeding in a school zone, pursuant to section 291C-104; ~~and~~
- (2) Safe routes to school program surcharges collected in accordance with sections 291-16 and 291C-5~~[-]; and~~
- (3) The surcharge collected pursuant to section 249- .”

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

“~~§291L-5~~ Summons or citation. (a) Notwithstanding any law to the contrary and except as otherwise provided in this chapter, beginning January 1, 2025, whenever any motor vehicle is determined, by means of an automated speed enforcement system, to have exceeded the posted maximum speed limit by not less than five miles per hour in violation of section 291C-108, the State’s third-party contractor shall cause a summons or citation, as described in this section, to be sent by first-class mail, ~~that is postmarked within ten calendar days after the date of the incident,~~ to the registered owner of the motor vehicle ~~[at the].~~ The summons or citation shall be mailed to the registered owner’s address on record at the vehicle licensing division~~[-]~~ and submitted to the post office within ten calendar days after the date of the incident. The State, the county, or the State’s or county’s third-party contractor shall implement a process to record the date on which the summons or citation was submitted to the post office, and the record shall be prima facie evidence of the date the summons or citation was submitted to the post office. If the end of the ten-calendar-day period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or holiday. The registered owner shall be determined by the identification of the motor vehicle license plate.

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

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

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

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

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

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

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 8. This Act shall take effect upon its approval.

(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.