

DEPARTMENT OF TRANSPORTATION

Adoption of Chapter 19-153
Hawaii Administrative Rules

December 3, 2024

SUMMARY

Chapter 19-153, Hawaii Administrative Rules, entitled "Automated Speed Enforcement Program", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 153

AUTOMATED SPEED ENFORCEMENT PROGRAM

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- §19-153-2 Definitions

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SUBCHAPTER 1

GENERAL PROVISIONS

§19-153-1 Purpose. (a) The purpose of this chapter is to establish an automated speed enforcement program to improve enforcement speeding laws of the State of Hawaii.

(b) This program shall be limited to only those locations where a photo red light imaging detector system has been implemented pursuant to chapter 291J, HRS.

(c) This program may be implemented by the State or any county. [Eff JAN. 13 2025] (Auth: HRS §)
(Imp: HRS §)

§19-153-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"County" means the counties of Hawaii, Kauai, Maui, and the city and county of Honolulu.

"County highway" has the same meaning as used in section 264-1, HRS.

"Department" means the state department of transportation.

"HRS" means Hawaii Revised Statutes.

"Intersection" has the same meaning as defined in section 291C-1, HRS.

"Location" means the place, intersection, or roadway where an automated speed enforcement system is installed and operated.

"Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power but not operated upon rails but excludes a moped.

"Program" means the automated speed enforcement program.

"Registered owner" or "owner" includes a legal owner of a vehicle where there is no security interest held by anyone on the vehicle, a buyer under a purchase money security interest, or a debtor under any security interest.

"Speed enforcement system" means a device used for traffic enforcement that includes a vehicle sensor that works in conjunction with a traffic control signal and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of the motor vehicle and the motor vehicle license plate at the time the motor vehicle exceeds the posted speed limit in violation of section 291C-32(c), HRS.

"Vendor" means the entity selected through the procurement process to provide the speed imaging detector system program services as specified in the contract with the State of Hawaii or any county in the State of Hawaii. [Eff JAN 13 2025] (Auth: HRS §§)
(Imp: HRS §)

SUBCHAPTER 2

MANUFACTURER OR VENDOR COMPENSATION

§19-153-3 Manufacturer or vendor compensation.

(a) The State or any county shall pay compensation to a manufacturer or vendor for the equipment used, compensation shall be based upon the value of the equipment and services provided or rendered in support of the system.

(b) Compensation to a manufacturer or vendor shall not be based upon any portion of the fine or civil penalty imposed or the revenue generated by the equipment. [Eff JAN 13 2025] (Auth: HRS §§,)
(Imp: HRS §)

SUBCHAPTER 3

CAMPAIGNS

- §19-153-4 Informational and educational campaigns.** (a) The department, in conjunction with any county that implements a program shall conduct a comprehensive informational and educational campaign to inform motorists and the public about the program.
- (b) The initial campaign shall be held at least sixty days prior to any system becoming operational.
- (c) The initial campaign should:
- (1) Provide information and data that define the speeding problem;
 - (2) Explain reasons why speeding is dangerous; and
 - (3) Identify the measures currently being initiated to reduce the number of incidents related to speeding.
- (d) During the first thirty days of operation of a system at a particular location, a warning shall be issued for any violation and mailed to the registered owner of the motor vehicle at the address on record at the vehicle licensing division in lieu of a summons or citation pursuant to section xxx.
- (e) The department, in conjunction with any county that implements a program, may continue to conduct an on-going informational and educational campaign throughout the program.

(f) Such on-going informational and educational campaigns shall be facilitated through such means, including but not limited to:

- (1) Public service announcements;
- (2) Press releases;
- (3) Banners;
- (4) Posters; and
- (5) Hand-outs.

(g) Informational and educational campaigns may be funded through the automated speed enforcement systems program special fund as provided in Act xxx, Session Laws of Hawaii xxx. [Eff JAN 13 2025] (Auth: HRS §§) (Imp: HRS §)

SUBCHAPTER 4

RECORDS AND REPORTING

§19-153-5 Retention and storage of motor vehicle and motor vehicle license plate images. (a) A manufacturer or vendor shall obtain clear and unobstructed photograph, digital, or other visual image of the violation and shall make such visual image available for viewing by the registered owner of the motor vehicle of the alleged violation.

(b) The vendor shall obscure the facial images of any individuals that are seated in the bed of a pick-up truck or other motor vehicle that is visible in the image of photograph, digital, or other visual with image of the violation.

(c) The vendor shall make available for viewing to the registered owner of the motor vehicle alleged to be in violation of the evidence of the violation on-line.

(d) The vendor shall remove and dispose of all images of the speed enforcement system violations upon notification by the court that the case has been resolved. [Eff JAN 13 2025] (Auth: HRS §§) (Imp: HRS §)

SUBCHAPTER 6

SEVERABILITY AND EFFECTIVE DATE

§19-153-6 **Severability.** If any section of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections or parts of this chapter. [Eff JAN 13 2025] (Auth: HRS §91-14) (Imp: HRS §)

§19-153-7 **Effective date.** This chapter shall take effect ten days after it is filed with the lieutenant governor. [Eff JAN 13 2025] (Auth: HRS §§, 286-18) (Imp: HRS §)

Chapter 19-153, Title 19, Hawaii Administrative Rules were adopted on December 3, 2024 following a public hearing that was held on December 2, 2024 after notice was given in the Honolulu Star Advertiser, the Maui News, the Garden Island News, the Hawaii Tribune-Herald, and the West Hawaii Today on November 1, 2024.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.



EDWIN H. SNIFFEN
Director of Transportation



JOSH GREEN, M.D.
Governor
State of Hawaii

Dated: January 3, 2025

APPROVED AS TO FORM:



Deputy Attorney General
Denise W. M. Wong

Filed: JAN - 3 2025