

H.B. NO. 1422

A BILL FOR AN ACT

RELATING TO PEDESTRIAN SAFETY.

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

1 SECTION 1. Section 291C-161, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§291C-161 Penalties.** (a) It is a violation for any
4 person to violate any of the provisions of this chapter, except
5 as otherwise specified in subsections (c) [~~and~~], (d), and (e) or
6 unless the violation is by other law of this State declared to be
7 a felony, misdemeanor, or petty misdemeanor.

8 (b) Except as provided in subsections (c) [~~and~~], (d), and
9 (e), every person who violates any provision of this chapter for
10 which another penalty is not provided shall be fined:

11 (1) Not more than \$200 for a first conviction thereof;

12 (2) Not more than \$300 for conviction of a second offense
13 committed within one year after the date of the first
14 offense; and

15 (3) Not more than \$500 for conviction of a third or
16 subsequent offense committed within one year after the
17 date of the first offense.

1 (c) Every person convicted of violating section 291C-12,
2 291C-12.5, 291C-12.6, 291C-95 or 291C-105 shall be sentenced in
3 accordance with those sections.

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

6 (1) Be fined not more than \$200 or imprisoned not more than
7 ten days for a first conviction thereof;

8 (2) Be fined not more than \$300 [~~e~~], imprisoned not more
9 than twenty days, or both, for conviction of a second
10 offense committed within one year after the date of the
11 first offense; and

12 (3) Be fined not more than \$500 [~~e~~], imprisoned not more
13 than six months, or both, for conviction of a third or
14 subsequent offense committed within one year after the
15 date of the first offense.

16 (e) Every person who violates section 291C-72(a) or (d),
17 shall be sentenced as follows without the possibility of
18 probation or suspension of sentence:

19 (1) For a first conviction thereof, to a fine of not less
20 than \$150 and revocation of license and privilege to
21 operate a vehicle for a period not less than ninety
22 days;

- 1 (2) For a conviction of a second offense committed within
2 one year of the date of a conviction for a first
3 offense, to a fine of not less than \$300 and revocation
4 of license and privilege to operate a vehicle for a
5 period not less than one hundred and eighty days; and
6 (3) For a conviction of a third or subsequent offense
7 committed within one year of the date of a conviction
8 for a second offense, to a fine of not less than
9 \$1,000, revocation of license and privilege to operate
10 a vehicle for a period of one year, and thirty days
11 imprisonment.

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

16 [~~f~~] (g) The court may require a person who violates any
17 of the provisions of this chapter to attend a course of
18 instruction in driver retraining as deemed appropriate by the
19 court, in addition to any other penalties imposed."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.

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

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin H. Boy
BY REQUEST

JAN 22 2007

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JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO PEDESTRIAN SAFETY.

PURPOSE: To strengthen pedestrians' right of way within crosswalks by establishing enhanced sentencing for drivers who violate the right of way of pedestrians within crosswalks.

MEANS: Amend section 291C-161, Hawaii Revised Statutes.

JUSTIFICATION: Pedestrian fatalities continue to be a problem in the State of Hawaii. From 2001-2006, there were a total of 185 pedestrian fatalities statewide. At the time of the accidents, 44 or 23.8 percent of these pedestrians were in crosswalks. In the 2006 calendar year, 32 fatalities or 19.9% of our total traffic fatalities were pedestrians. Five (5) of the 32 fatalities or 15.6% of the fatally injured pedestrians were within crosswalks at the time of the accidents. Our crash data from 2000 to 2003 (the latest data available) shows that of the 2,287 pedestrians injured in motor vehicle crashes, 851 or 37.2 percent of them were using crosswalks. Furthermore, injury to pedestrians is highest among the youngest (0-14) and the oldest (65+); however, the elderly have a greater chance of not surviving crashes compared to the young.

DOT commissioned SMS, Inc. to do a marketing research on senior pedestrians and found the following:

- (1) Forty-eight percent of the people in Hawaii do not feel that our roads are pedestrian friendly.
- (2) Seniors age 65 and older constitute a significant percent of pedestrian fatalities. Pedestrians age 65+ constitute 11 percent of the population,

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but make up over 50 percent of the pedestrian fatalities.

If senior walkers believe that crosswalks are safer, they would be more likely to use crosswalks all the time. Ninety percent of the population believes that pedestrians should use crosswalks and 93 percent of the population believes that drivers should not proceed when pedestrians are in the crosswalk. However, 67 percent of seniors look for a safe place to cross whether in a crosswalk or not. Only 62 percent of pedestrians feel safer crossing at crosswalks with signals.

In response to the growing statistics on pedestrian fatalities and injuries, DOT has funded an educational program for senior citizens called Walk Wise Kupuna to help them understand how to cross streets safer. We are also funding a Drive Wise Hawaii campaign to educate drivers of being aware of senior pedestrians.

We do not believe that education alone will stem the trend of pedestrian fatalities and injuries. Part of the problem is the inadequacy of the sanctions imposed upon drivers who violate the pedestrians' right of way when crossing a roadway within a crosswalk. Ideally, enhanced sentencing should be established to address violations of pedestrians' right of way when crossing the roadway within a crosswalk, and then communicate those sanctions to the general driving public which will cause drivers to be more attentive to pedestrians when driving.

Impact on the public: Operators of motor vehicles must be more vigilant of pedestrians crossing roadways within crosswalks. Establishing enhanced sentencing for violating a pedestrian's right of way within a crosswalk, in addition to educating the driving public, will cause drivers to exercise a greater degree of cautiousness

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when encountering pedestrians crossing a roadway within a crosswalk.

Impact on the department and other agencies:
There may be an increase of calls from the general driving public to the DOT, police departments and judiciary expressing concerns with the statute if passed.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 595

OTHER AFFECTED AGENCIES: County police departments.

EFFECTIVE DATE: Upon Approval.