

STAND. COM. REP. NO. **2009**

Honolulu, Hawaii

FEB 02 2012

RE: S.B. No. 61
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation and International Affairs,
to which was referred S.B. No. 61 entitled:

"A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to require a driver
to take certain safety precautions when approaching an emergency
vehicle that is stopped ahead of the driver.

Your Committee received testimony in support of this measure
from the State Department of Transportation, Honolulu Prosecuting
Attorney, Honolulu Police Department, Maui Police Department,
Hawaii Transportation Association, Mothers Against Drunk Driving
Hawaii, Hawaii Government Employees Association, and four
individuals. Testimony in opposition was submitted by the State
Public Defender.

Your Committee finds that traffic accident fatalities
involving police officers responding to emergency situations are
tragic and largely avoidable with certain traffic safety
precautions. On September 13, 2011, a police officer was killed
along Farrington highway while assisting another officer during a
traffic stop which also resulted in severe injuries to the officer
being assisted. On January 21, 2012, another police officer was
killed while the officer's vehicle was stopped behind a stalled
vehicle to render assistance on the H-1 freeway.



Your Committee further finds that existing law does not address the specific situation of taking precautions when approaching a police vehicle, or any other emergency vehicle, that is stopped to render assistance to a motorist or another emergency responder.

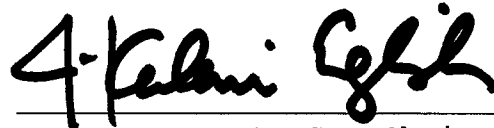
Your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2663 (2012), a substantially similar measure that:
 - (A) Protects against double jeopardy, since criminal penalties exist for motor vehicular homicide and bodily injury;
 - (B) Excludes language deeming a collision with an emergency vehicle as prima facie evidence of a violation; and
 - (C) In cases of death or injury attributable to the driver of the vehicle, directs that the driver be charged with existing criminal offenses for negligent homicide or negligent injury specifically involving motor vehicles;
- (2) Clarifying that an approaching driver must slow down to a reasonable and prudent speed that is safe under the circumstances of an emergency road situation ahead, where reasonableness and prudence shall take into account weather conditions, road conditions, and vehicular and pedestrian traffic in the immediate area; and
- (3) Making the penalty a petty misdemeanor if no death or injury occurs that is attributable to the driver of the vehicle.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 61, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 61, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,



J. KALANI ENGLISH, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and International Affairs
TIA

| | | | | |
|---|--|---|-----|---------|
| Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 61</div> | Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">TIA, JDL</div> | Date: <div style="font-size: 1.5em; font-family: cursive;">1/30/12</div> | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div> | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| ENGLISH, J. Kalani (C) | ✓ | | | |
| ESPERO, Will (VC) | ✓ | | | |
| DELA CRUZ, Donovan M. | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| KAHELE, Gilbert | ✓ | | | |
| KOUCHI, Ronald D. | ✓ | | | |
| SLOM, Sam | ✓ | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | <div style="font-size: 1.5em; font-family: cursive;">7</div> | | | |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> | | | | |
| Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 100px;">Will Espero</div> | | | | |
| <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div> | | | | |

*Only one measure per Record of Votes