

STAND. COM. REP. NO.

166A

Honolulu, Hawaii

APR 08 , 2021

RE: S.B. No. 151
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred S.B. No. 151, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE,"
begs leave to report as follows:

The purpose of this measure is to replace the term "accident"
with the term "collision" under certain provisions of the
Statewide Traffic Code.

Your Committee received testimony in support of this measure
from the Department of Transportation, Honolulu Police Department,
Department of the Prosecuting Attorney of the City and County of
Honolulu, and one individual.

Your Committee finds that the term "accident" could be
interpreted to mean an incident that occurs without any fault,
negligence, or state of mind involved. In the context of the
Statewide Traffic Code, this is typically not the case as many
collisions occur due to a driver's knowing action that increases
the likelihood of a collision, such as speeding or drinking
alcohol.

Your Committee further finds that this interpretation could
be used to prevent a person from being charged with leaving the
scene of an accident and other offenses that require the State to

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prove that an offender had a certain state of mind at the time of the offense, such as negligent homicide or negligent injury. This measure replaces the term "accident" with "collision" to avoid any potential ambiguity. Your Committee notes that this change of terminology is consistent with guidance by the National Highway Traffic Safety Administration.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 151, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



AARON LING JOHANSON, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

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Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB 151 HD1	Committee Referral: JHA, CPC	Date: 4/1/21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.	✓			
6. KONG, Sam Satoru				✓
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				