

ACT 316

H.B. NO. 1666

A Bill for an Act Relating to the Penal Code.

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

SECTION 1. Section 707-700, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

“Public highway” shall have the same meaning as in section 264-1.

“Street” shall have the same meaning as in section 291C-1.

“Vulnerable user” means:

- (1) A pedestrian legally within a street or public highway;
- (2) A roadway worker actually engaged in work upon a street or public highway or in work upon utility facilities along a street or public highway, or engaged in the provision of emergency services within a street or public highway, including but not limited to:
 - (A) Construction and maintenance workers; and
 - (B) Police, fire, and other emergency responders; or
- (3) A person legally operating any of the following within the street or public highway:
 - (A) A bicycle;
 - (B) A moped;
 - (C) An electric personal assistive mobility device; or
 - (D) A wheelchair conveyance or other personal mobility device.”

SECTION 2. Section 707-702.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person ~~is guilty of~~ commits the offense of negligent homicide in the first degree if that person causes the death of ~~another~~;

- (a) Another person by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol[-]; or
- (b) A vulnerable user by the operation of a vehicle in a negligent manner.”

SECTION 3. Section 707-703, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person ~~[is guilty of]~~ commits the offense of negligent homicide in the second degree if that person causes the death of ~~[another]~~:

- (a) ~~Another~~ person by the operation of a vehicle in a negligent manner~~[-]; or~~
- (b) A vulnerable user by the operation of a vehicle in a manner that constitutes simple negligence as defined in section 707-704(2).”

SECTION 4. Section 707-705, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person ~~[is guilty of]~~ commits the offense of negligent injury in the first degree if that person causes ~~[serious]~~:

- (a) Serious bodily injury to another person by the operation of a motor vehicle in a negligent manner~~[-]; or~~
- (b) Substantial bodily injury to a vulnerable user by the operation of a motor vehicle in a negligent manner.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 10, 2012.)