

ACT 318

H.B. NO. 2030

A Bill for an Act Relating to the Statewide Traffic Code.

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

SECTION 1. The legislature 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.

The legislature finds that existing law does not address the specific situation of approaching a police vehicle, or of any other emergency vehicle, that is stopped to render assistance to a motorist or another emergency responder.

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

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§291C- Emergency vehicle stopped for emergencies; duty of approaching vehicle. (a) A driver of a vehicle that is approaching an emergency vehicle that is stopped for an emergency, investigation of a possible traffic violation, rendering assistance to a police officer, or other official duties, as indicated by the flashing emergency lights of the stopped emergency vehicle, shall:

- (1) Slow down to a reasonable and prudent speed that is safe under the circumstances of an emergency road situation ahead. Reasonableness and prudence shall take into account weather conditions, road conditions, and vehicular and pedestrian traffic in the immediate

area. If necessary, the driver shall come to a complete stop before making a lane change under paragraph (2); and

- (2) Make a lane change into the adjacent lane if necessary and if it is safe to do so, or if possible, to two lanes over which leaves one lane between the driver and the emergency vehicle.

(b) As used in this section, “emergency vehicle” means a police or fire department vehicle, ocean safety vehicle, emergency medical services vehicle, freeway service patrol vehicle, or a tow truck.

(c) Violation of subsection (a) shall not be subject to section 287-20, relating to furnishing proof of financial responsibility.

A violation of subsection (a) shall constitute a violation if no death or injury results from the violation.

If a death or injury occurs and is attributable to the driver of the vehicle for a violation of subsection (a), then the driver shall instead be charged under section 707-702.5 for negligent homicide in the first degree; section 707-703 for negligent homicide in the second degree; section 707-704, for negligent homicide in the third degree; section 707-705 for negligent injury in the first degree; or section 707-706 for negligent injury in the second degree, as applicable.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved July 10, 2012.)

Note

1. Edited pursuant to HRS §23G-16.5.