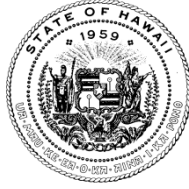


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 25, 2020
12:00 P.M.
State Capitol, Room 016

LATE

S.B. 2508, S.D. 1
RELATING TO THE STATEWIDE TRAFFIC CODE

Senate Committee on Judiciary

The Department of Transportation (DOT) **supports** S.B. 2508, S.D. 1, relating to the Statewide Traffic Code. This bill clarifies the term “accident” to mean collision for certain provisions of the statewide traffic code.

For a long time, the National Highway Traffic Safety Administration (NHTSA) has been encouraging the term “accident” to be a collision or crash. This was due to the definition of the word “accident” to mean an unplanned event resulting in unintended consequences. In relation to a motor vehicle, all events are planned and intended, i.e. if a driver speeds or drinks, they knowingly believe that some consequences can occur, namely striking another vehicle and injuring or killing someone. It was because of this that NHTSA encouraged everyone to use the term collision because it infers that it was not an unplanned event.

The DOT urges the committee to pass S.B.2508, S.D. 1 as it will add consistency and education for the term collision and not “accident.”

Thank you for the opportunity to provide testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

LATE

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i

February 25, 2020

RE: S.B. 2508, S.D. 1; RELATING TO THE STATEWIDE TRAFFIC CODE.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 2508, S.D. 1.

The purpose of this bill is to clarify that the term “accident”—as used in sections of the Hawaii Revised Statutes (“HRS”) regarding “leaving the scene of an accident”—actually means (and has always meant) “collision.” Because the word “accident” *could* be interpreted to mean an incident that occurs purely without any fault, negligence, or state of mind involved, there is currently an argument that “leaving the scene of an accident” should never be charged in conjunction with other offenses such as Negligent Homicide (HRS §707-702.5, -703, -704); or Negligent Injury (HRS §707-705, -706); as those offenses always require that the State prove an offender had a certain state of mind at the time of offense.

From April 2019 through December 2019, our Department was part of a highly dedicated working group—coordinated and facilitated by the Department of Transportation, Highway Safety Division—which spent numerous hours identifying and developing recommendations that would effectively strengthen Hawaii’s OVUII laws, and we believe S.B. 2508, S.D. 1, is reflective of that effort.

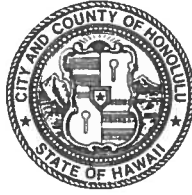
For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 2508, S.D. 1. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org

LATE

KIRK CALDWELL
MAYOR



SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE CT-LC

February 25, 2020

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2508, S.D. 1, Relating to the Statewide Traffic Code

I am Stephen J. Silva, Jr., Acting Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2508, S.D. 1, Relating to the Statewide Traffic Code.

The HPD supports the proposal to clarify that the term "accident" includes a "collision" in the statewide traffic code. As a department, we replaced the term accident with collision several years ago. We believe that the great majority of collisions on our roads are preventable and should not be considered accidents. This change in the statewide traffic code would be more in line with our department's policies and procedures.

The HPD urges you to support Senate Bill No. 2508, S.D. 1, Relating to the Statewide Traffic Code.

Thank you for the opportunity to testify.

APPROVED:

Handwritten signature of Susan Ballard in cursive script.

Susan Ballard
Chief of Police

Sincerely,

Handwritten signature of Stephen J. Silva, Jr. in cursive script.
Stephen J. Silva, Jr., Acting Major
Traffic Division

SB-2508-SD-1

Submitted on: 2/24/2020 10:34:23 AM

Testimony for JDC on 2/25/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Testifying for Hawaii Bicycling League	Support	Yes

Comments:

Hawaii Bicycling League supports replacing accident with collision in our laws.

Accident implies the lack of individual control to prevent a collision through legal, responsible actions.

Collision describes what occurred. Two things collided with force, causing damage or injury.

Words matter and using the word collision is taking us in the right direction.

We will be more conscious of our role to take more responsibility to prevent collisions.

Vision Zero: no more deaths or serious injuries on our public places we use to get from here to there!

Mahalo! Envision Safe Streets.

SB-2508-SD-1

Submitted on: 2/24/2020 2:26:00 PM

Testimony for JDC on 2/25/2020 12:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
John Rogers	Individual	Support	No

Comments:

I support SB 2508. Words matter! A collision actually describes what it is when two vehicles collide. It is important to use words precisely in the state's traffic laws. This will help bring us one step closer to a vision zero future.

LATE

SB-2508-SD-1

Submitted on: 2/25/2020 10:51:53 AM

Testimony for JDC on 2/25/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Oppose	No

Comments: