

S.B. NO. 2385

JAN 25 2006

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291C-161, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§291C-161 Penalties. (a) It is a violation for any person
4 to violate any of the provisions of this chapter except as
5 otherwise specified in subsections (c) or (d) of this section and
6 unless the violation is by other law of this State declared to be
7 a felony, misdemeanor, or petty misdemeanor.

8 (b) Except as provided in subsections (c) or (d) every
9 person who violates any provision of this chapter for which
10 another penalty is not provided shall be fined:

11 (1) Not more than \$200 for a first conviction thereof;

12 (2) Not more than \$300 for conviction of a second offense
13 committed within one year after the date of the first
14 offense; and

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1 (3) Not more than \$500 for conviction of a third or
2 subsequent offense committed within one year after the
3 date of the first offense;

4 provided that upon a conviction for a violation of section 291C-
5 12, 291C-12.5, 291C-12.6, or 291C-95, the person shall be
6 sentenced in accordance with that section.

7 (c) Every person who violates section 291C-13 or 291C-18
8 shall:

9 (1) Be fined not more than \$200 or imprisoned not more than
10 ten days for a first conviction thereof;

11 (2) Be fined not more than \$300 or imprisoned not more than
12 twenty days or both for conviction of a second offense
13 committed within one year after the date of the first
14 offense; and

15 (3) Be fined not more than \$500 or imprisoned not more than
16 six months or both for conviction of a third or
17 subsequent offense committed within one year after the
18 date of the first offense.

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1 (d) Every person who violates §291C-72(a) or (d), shall be
2 sentenced as follows without the possibility of probation or
3 suspension of sentence:

4 (1) For a first conviction thereof, to a fine of not less
5 than \$150 and revocation of license and privilege to
6 operate a vehicle for a period not less than ninety
7 days;

8 (2) For a conviction of a second offense, to a fine of not
9 less than \$300 and revocation of license and privilege
10 to operate a vehicle for a period not less than one-
11 hundred and eighty days;

12 (3) For a conviction of a third or subsequent offense
13 committed within one year of the date of the second
14 offense, to a fine of not less than \$1000, revocation
15 of license and privilege to operate a vehicle for a
16 period of one year, and thirty days imprisonment.

17 [~~(d)~~] (e) The court may assess a sum not to exceed \$50 for
18 the cost of issuing a penal summons upon any person who fails to
19 appear at the place within the time specified in the citation
20 issued to the person for any traffic violation.

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1 [~~(e)~~] (f) The court may require a person who violates any of
2 the provisions of this chapter to attend a course of instruction
3 in driver retraining as deemed appropriate by the court, in
4 addition to any other penalties imposed.

5 SECTION 2. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun, before its effective date.

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:



BY REQUEST

JUSTIFICATION SHEET

SB. NO. 2385

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY.

PURPOSE: To increase the penalties for motorists who violate Hawaii's crosswalk law.

MEANS: Amend section 291C-161, Hawaii Revised Statutes.

JUSTIFICATION: Pedestrian fatalities continue to be a serious problem in the State of Hawaii. From 1999 - 2004, there were a total of 171 pedestrian fatalities statewide. At the time of these accidents, 37 fatalities or 21.6 percent of the total number of pedestrian fatalities occurred in crosswalks.

In the 2005 calendar year, 36 fatalities or 25.5 percent of our total traffic fatalities were pedestrians. Thirteen of the 36 fatalities or 36.1 percent of the fatally injured pedestrians were within crosswalks at the time of the fatal crashes. Our crash data from 1998 to 2002 (the latest data available) shows that of the 1,625 injuries involving pedestrians attempting to cross the street, 1,110 injured pedestrians or 68 percent of the total injured were using crosswalks.

Furthermore, injury to pedestrians is highest among the youngest age group (0-14) and the oldest age group (65+), with the elderly having a lesser chance of surviving accidents.

DOT commissioned SMS, Inc. to do a marketing research study on senior pedestrians and found the following:

- (1) Forty-eight percent of the people in Hawaii do not feel that our roads are pedestrian friendly.
- (2) Seniors aged 65 and older constitute a significant percentage of pedestrian fatalities and make up a large segment of the population. In 2000 there were 160,601 Hawaii residents that are aged 65 and older. Pedestrians over 65 years old constitute 11 percent of the population, but make up over 50 percent of the pedestrian fatalities.
- (3) If senior walkers believed that crosswalks were safer, they would be more likely to use crosswalks all the time. Ninety percent of the population believes that pedestrians should use crosswalks and 93 percent of the population believes that drivers should not proceed when pedestrians are in the crosswalk. However, 67 percent of seniors look for a safe place to cross whether in a crosswalk or not. Only 62 percent of pedestrians feel safer crossing at crosswalks with signals.

In response to these distressing statistics on pedestrian fatalities and injuries, the department of transportation has funded an educational program for senior citizens called "Walk Wise Kupuna" to help them understand how to cross streets in a safer manner. We are also funding a Drive Wise Hawaii campaign to educate drivers about being aware of senior pedestrians. However, we do not believe that education alone will stem

the trend toward increased pedestrian fatalities and injuries. Consequently, we are proposing to increase the fines, revoke driver's licenses, and impose terms of imprisonment for drivers who violate the crosswalk law, section 291C-72(a) or (d), Hawaii Revised Statutes.

Impact on the public: The operators of vehicles will incur additional fines and penalties for violating crosswalk laws that provide for pedestrians' right of way.

Impact on the department and other agencies: There may be an impact to the police departments, prosecuting agencies, and judiciary due to an increase in citations due to the strengthening of the crosswalk law.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: TRN 595

OTHER AFFECTED
AGENCIES: County police departments, county prosecuting attorneys, and judiciary.

EFFECTIVE DATE: Upon approval.