

JAN 25 2006

A BILL FOR AN ACT

RELATING TO HIGHWAY HAZARD EVALUATION DATA.

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

1 SECTION 1. Chapter 264, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§264- Discovery and admission as evidence of highway
5 hazard evaluation data. (a) Notwithstanding any other
6 provision of law, the following shall not be subject to
7 discovery or admitted into evidence in a federal or state court
8 proceeding or considered for other purposes in any action for
9 damages arising from any occurrence at a location mentioned or
10 addressed in the highway hazard evaluation data:

11 (1) Highway hazard evaluation analysis, including reports,
12 surveys, schedules, lists, or data that are compiled
13 or collected for the purpose of identifying,
14 evaluating, or planning the safety enhancement of
15 potential accident sites, hazardous roadway
16 conditions, or railway-highway crossings, pursuant to
17 Title 23 United States Code sections 130, 144, and
18 152, or for the purpose of developing any highway



1 safety construction improvement project that may be
2 implemented using federal-aid highway funds; and

3 (2) Motor vehicle accident reports completed and
4 maintained by the police departments of the various
5 counties when such reports are compiled or collected
6 for the purpose of evaluating highway hazards.

7 (b) The prohibition against discovery or admission applies
8 whether the motor vehicle accident reports are sought from the
9 various counties or from the State.

10 (c) This section does not prohibit:

11 (1) The discovery or admission of a motor vehicle accident
12 report about the accident that is the subject of the
13 action for damages; and

14 (2) The discovery of any source data found within the
15 highway hazard evaluation analysis referred to in
16 subsection (a). For purposes of this section, "source
17 data" means the names and addresses of individuals
18 involved in the accident, the date and time of the
19 accident, or any diagram of the accident.







20 (d) Nothing in this section shall be construed to prevent
21 the release of information under chapter 92."

1 SECTION 2. New statutory material is underscored.

2 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



Report Title:

Highway Hazard Evaluation Data

SB 2583

Description:

Prohibits discovery of safety hazard analysis. Clarifies that the motor vehicle accident reports completed by the police of the various counties is included in the prohibition against discovery. Permits the release of source data.

