

STAND. COM. REP. NO.

2617

Honolulu, Hawaii

MAR - 2 2006

RE: S.B. No. 2385
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2385, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this measure is to increase the penalties for motorists who violate Hawaii's crosswalk law.

Your Committee received testimony in support of this measure from the Department of Health, the Department of Transportation, and the Honolulu Police Department. Testimony in opposition was received from the Public Defender.

Act 73, Session Laws of Hawaii 2005, amended the crosswalk law to clarify when a motorist has a duty to come to a complete stop for a pedestrian in a crosswalk. However, according to a November 13, 2005 article in the *Honolulu Advertiser*, despite a highly publicized new law to protect pedestrians, the number of people killed in crosswalks has increased forty-three percent this year and the State could have its highest number of pedestrian traffic deaths in five years.

According to testimony of the DOT, pedestrian fatalities continue to be a problem in Hawaii. From 1999 to 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 the total traffic

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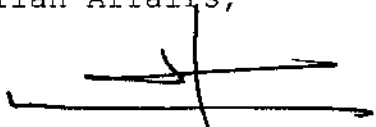
fatalities were pedestrians. Thirteen of the 36 fatalities or 36.1 percent were within crosswalks at the time of the accident.

Your Committee finds that the crosswalk law needs to be strengthened by enhanced penalties as a deterrent and punishment to drivers who do not stop for pedestrians. This measure provides penalties as follows:

- (1) For a first conviction, a fine of not less than \$150 and revocation of license and privilege to operate a vehicle for a period not less than ninety days;
- (2) For a second conviction, a fine of not less than \$300 and revocation of license and privilege to operate a vehicle for a period not less than one-hundred and eighty days; and
- (3) For a third or subsequent conviction, committed within one year of the date of the second offense, a fine of not less than \$1000, revocation of license and privilege to operate a vehicle for a period of one year, and thirty days imprisonment.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2385, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



