

Honolulu, Hawaii

Apr. 26, 2007

RE: H.B. No. 375
H.D. 1
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 375, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PEDESTRIANS' RIGHT OF WAY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to enhance pedestrian safety by:

- (1) Requiring drivers to stop for pedestrians within a crosswalk under certain conditions;
- (2) Clarifying when it would be safe for a driver to proceed after stopping for a pedestrian in a crosswalk;
- (3) Providing specific monetary penalties for a driver who violates the crosswalk law, as follows:
 - (A) For a first infraction, a fine of \$150;



- (B) For a second infraction, a fine of \$300, and revocation of license and privilege to operate a vehicle for a period of 90 days; and
- (C) For a third and subsequent infraction committed within two years of the date of a second infraction, a fine of \$1,000, and revocation of license and privilege to operate a vehicle for a period of 180 days;

and

- (4) Providing a flat penalty of a \$100 fine for each violation of the crosswalk law by a pedestrian.

The number of pedestrians crossing the street that are injured or killed appears to be increasing every year, with approximately 122 pedestrian fatalities occurring over the past four years. Your Committee on Conference finds these numbers to be unacceptable. While both inattentive drivers and pedestrians share some of the blame, drivers have the greater potential to cause injury to a pedestrian with their vehicles. Clarifying a driver's duty to stop and yield the right of way for a pedestrian in a crosswalk and establishing increased fines for both drivers and pedestrians who violate Hawaii's crosswalk laws will make Hawaii's streets safer for everyone.

However, your Committee on Conference notes that as currently drafted, drivers who violate Hawaii's crosswalk law multiple times may receive lesser fines due to the timeframe in which the infraction occurred. Accordingly, your Committee on Conference has amended this measure by:

- (1) Clarifying that:
 - (A) For a first infraction, or any infraction not preceded within one year by a prior violation, a fine of \$150 shall be imposed;
 - (B) For an infraction that occurs within one year of a prior violation, a fine of \$300 and revocation of license and privilege to operate a vehicle for a period of 90 days shall be imposed; and



- (C) For an infraction that occurs within two years of two prior violations and for four or more violations, regardless of when they were committed, a fine of \$1,000, and revocation of license and privilege to operate a vehicle for a period of 180 days;

and

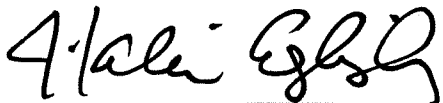
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 375, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 375, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



J. KALANI ENGLISH, Chair



JOSEPH M. SOUKI, Co-Chair



CLAYTON HEE, Co-Chair



BLAKE K. OSHIRO, Co-Chair



