

STAND. COM. REP. NO.

1093

Honolulu, Hawaii

MAR 21 2007

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

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

Madam:

Your Committee on Transportation and International Affairs,
to which was referred H.B. No. 375, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to provide stricter penalties
for violation of the law on pedestrians' right of way in
crosswalks, and the law on crossing at places other than a
crosswalk.

Your Committee received testimony in support of this measure
from the Governor, Department of Transportation, Honolulu Police
Department, and AARP Hawaii. Comments were received from the
Judiciary.

Act 73, Session Laws of Hawaii 2005, clarified the law on
pedestrians' right of way in crosswalks by requiring the driver of
a vehicle to stop and yield the right of way to a pedestrian
crossing the roadway on the same half of the road as the vehicle
is traveling, or when the pedestrian is approaching so closely
from the opposite half of the road so as to be in danger.
However, your Committee finds that despite this amendment,
pedestrian accidents continue to rise on Oahu. Ten pedestrians
have been killed on Oahu roads in the first ten weeks of 2007,
according to a *Honolulu Advertiser* article of March 11, 2007.



Your Committee further finds that additional statutory amendments are warranted to provide stricter penalties for drivers and pedestrians alike who violate the law. Other measures include public education, walk signal light timing, and traffic calming devices, which your Committee encourages the Department of Transportation to undertake administratively.

The intent of this measure is to reduce pedestrian accidents by providing a measure of deterrence in the form of stricter penalties. Although your Committee realizes that even deterrence is no substitute for safe driving and pedestrian vigilance, this measure is nonetheless necessary to protect the public safety and health.

Your Committee has amended this measure by:

- (1) Providing specific monetary penalties for the driver, 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 ninety 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 one hundred eighty days; and
- (2) Providing a flat penalty of a \$100 fine for each violation by a pedestrian;
- (3) Decriminalizing the proposed language by inserting the term "infraction" for the term "conviction" and making similar amendments; and
- (4) Changing the effective date from January 1, 2112, to upon approval.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 375, H.D. 1, as amended herein, and



recommends that it pass Second Reading in the form attached hereto as H.B. No. 375, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,




J. KALANI ENGLISH, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:* HB 375 HDI (HSCR1070)	Committee Referral: TIA, JDL	Date: 3-19-07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	/			
INOUE, Lorraine R. (VC)				/
ESPERO, Will	/			
HOOSER, Gary L.				/
TANIGUCHI, Brian T.				/
TSUTSUI, Shan S.	/			
GABBARD, Mike	/			
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes