

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 362
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 362, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENTS,"

begs leave to report as follows:

The purpose of this measure is to require the driver of a motor vehicle involved in an accident that results only in damage to the vehicle, to move the vehicle to a safe location off the roadway, including a shoulder lane or median, as close to the accident scene as possible.

This measure also clarifies that a driver is not liable or at fault for the accident for having removed the vehicle by sole reason of moving the vehicle.

Your Committee received testimony in support of this measure from the Honolulu Police Department and the Honolulu Prosecuting Attorney.

Your Committee finds that motor vehicle accidents that do not result in bodily injuries could pose significant traffic hazards when vehicles are left on the roadway to await the arrival of police. Motorists who are involved in accidents are reluctant to remove their damaged vehicles from the scene of the accident, often causing huge traffic congestion. Your Committee further finds that existing law is silent about the duties of a driver to



move the vehicle to a safe location nearest to the scene of an accident, as recommended by the Honolulu Police Department.

Your Committee has amended this measure by:

- (1) Clarifying the manner in which the vehicle is to be moved;
- (2) Deleting reference to removing the vehicle as not being the sole basis of liability; and
- (3) Changing the effective date to July 1, 2050, to continue the discussions in this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 362, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 362, H.D. 1, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


BRIAN T. TANIGUCHI, Chair



