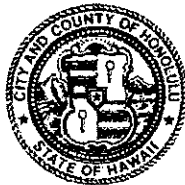


LLD

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OUR REFERENCE EC-LC

April 3, 2008

The Honorable Brian T. Taniguchi, Chair  
and Members  
Committee on Judiciary and Labor  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: House Bill No. 362, H.D. 1, Relating to Motor Vehicle Accidents

I am Captain Evan Ching of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 362, H.D. 1, Relating to Motor Vehicle Accidents.

This bill will allow for the immediate removal of a motor vehicle from the scene of a collision where no serious, substantial, or bodily injury has occurred. The HPD agrees that there are many collisions (fender benders) where only damage is sustained and the police are notified. These vehicles often remain on the roadway causing traffic congestion while the driver is waiting for the police to arrive. We agree that if these vehicles are drivable, they should be moved off the roadway as close to the collision as possible.

The HPD is recommending the following changes:

1. Delete paragraph (b), pages 1 and 2, as it is unclear and unnecessary in both civil and criminal liability. Paragraph (a) clarifies the removal of the vehicles and at the same time directs the requirements of section 291C-14, HRS, be fulfilled.
2. Line 10, page 1, to read: . . . the scene of the accident as possible without obstructing traffic more than is necessary, but shall forthwith return . . . We are recommending that the last sentence on lines 13 and 14 be moved to line 10 to join it and make it clear.
3. We recommend that the effective date of July 1, 2008, be implemented to provide education to the public.

The HPD urges passage of House Bill No. 362, H.D. 1, with the recommended changes. This bill will help facilitate the flow of traffic when a motor vehicle accident occurs.

Thank you for the opportunity to testify.

Sincerely,

APPROVED:

  
EVAN CHING, Captain  
Traffic Division

For   
BOISSE P. CORREA  
Chief of Police

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**THE HONORABLE BRIAN TANIGUCHI, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

April 3, 2008

**RE: H.B. 362, H.D. 1; RELATING TO MOTOR VEHICLE ACCIDENTS.**

Chair Taniguchi and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following comments on H.B. 362, H.D. 1.

The purpose of this bill is to clarify Hawaii Revised Statutes (HRS) section 291C-13 by mandating that drivers involved in accidents resulting in damage to a vehicle or other property that is driven or attended by any person, shall remove the vehicle to a safe location, including a shoulder lane or media, as close to the scene of the accident as possible.

We support the intent of the bill to clarify the drivers' responsibilities in stopping their vehicles at accident scenes when they are involved in accidents in subsection (a) on page 1 lines 8 to 10. However, we believe that the amendments proposed in subsection (b) on page 1 line 15 to page 2 line 2 should be removed as surplusage as it does not provide any further clarification to HRS section 291C-13. Under the current version of HRS section 291C-13, a person must stop at the accident scene or as close as possible without obstructing traffic and provide the information required in HRS section 291C-14. Also under the current language of HRS section 291C-13 if the person moves the vehicle to another spot close to the accident, the person shall return and remain at the scene of the accident until they have exchanged the information required under HRS 291C-14. Thus under current law, simply moving a vehicle away from the scene of an accident is not a violation of HRC 291C-13; the driver must also fail to return and remain at the scene until the information required under HRS section 291C-14 was exchanged. For this reason, we do not think that proposed subsection (b) adds anything to clarify HRS section 291C-13; we would therefore suggest that the proposed subsection (b) be deleted.

Thank you for this opportunity to testify.