



GOV. MSG. NO. 1433

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 10, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 10, 2012, the following bill was signed into law:

HB1666 HD1 SD1 CD1

RELATING TO THE PENAL CODE.
Act 316 (12)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

on _____

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 1666
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 707-700, Hawaii Revised Statutes, is
2 amended by adding three new definitions to be appropriately
3 inserted and to read as follows:

4 "Public highway" shall have the same meaning as in section
5 264-1.

6 "Street" shall have the same meaning as in section 291C-1.

7 "Vulnerable user" means:

8 (1) A pedestrian legally within a street or public
9 highway;

10 (2) A roadway worker actually engaged in work upon a
11 street or public highway or in work upon utility
12 facilities along a street or public highway, or
13 engaged in the provision of emergency services within
14 a street or public highway, including but not limited
15 to:

16 (A) Construction and maintenance workers; and

17 (B) Police, fire, and other emergency responders; or



- 1 (3) A person legally operating any of the following within
2 the street or public highway:
- 3 (A) A bicycle;
4 (B) A moped;
5 (C) An electric personal assistive mobility device;
6 or
7 (D) A wheelchair conveyance or other personal
8 mobility device."

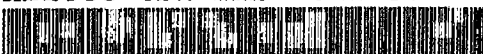
9 SECTION 2. Section 707-702.5, Hawaii Revised Statutes, is
10 amended by amending subsection (1) to read as follows:

11 "(1) A person [~~is guilty of~~] commits the offense of
12 negligent homicide in the first degree if that person causes the
13 death of [~~another~~]:

14 (a) Another person by the operation of a vehicle in a
15 negligent manner while under the influence of drugs or
16 alcohol[-]; or

17 (b) A vulnerable user by the operation of a vehicle in a
18 negligent manner."

19 SECTION 3. Section 707-703, Hawaii Revised Statutes, is
20 amended by amending subsection (1) to read as follows:



1 "(1) A person [~~is guilty of~~] commits the offense of
2 negligent homicide in the second degree if that person causes
3 the death of [~~another~~]:

4 (a) Another person by the operation of a vehicle in a
5 negligent manner[-]; or

6 (b) A vulnerable user by the operation of a vehicle in a
7 manner that constitutes simple negligence as defined
8 in section 707-704(2)."

9 SECTION 4. Section 707-705, Hawaii Revised Statutes, is
10 amended by amending subsection (1) to read as follows:

11 "(1) A person [~~is guilty of~~] commits the offense of
12 negligent injury in the first degree if that person causes
13 [~~serious~~]:

14 (a) Serious bodily injury to another person by the
15 operation of a motor vehicle in a negligent manner[-];
16 or

17 (b) Substantial bodily injury to a vulnerable user by the
18 operation of a motor vehicle in a negligent manner."

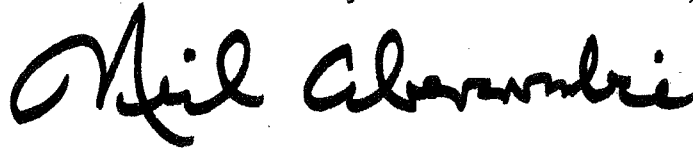
19 SECTION 5. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.

APPROVED this 10 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII

