



GOV. MSG. NO. 1435

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

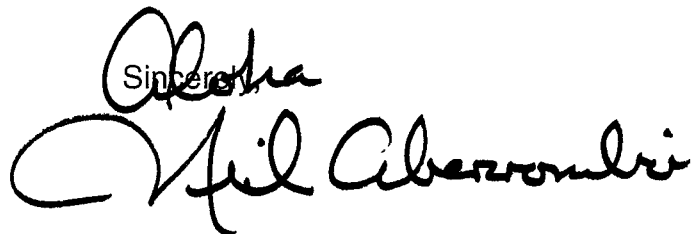
Dear President Tsutsui, Speaker Say and Members of the Legislature:

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

HB2030 HD2 SD1

RELATING TO THE STATEWIDE TRAFFIC
CODE.

Act 318 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

JUL 10 2012

ORIGINAL

ACT 318

on _____

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

H.B. NO. 2030
H.D. 2
S.D. 1

A BILL FOR AN ACT

RELATING TO THE STATEWIDE TRAFFIC CODE.

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

1 SECTION 1. The legislature finds that traffic accident
2 fatalities involving police officers responding to emergency
3 situations are tragic and largely avoidable with certain traffic
4 safety precautions. On September 13, 2011, a police officer was
5 killed along Farrington highway while assisting another officer
6 during a traffic stop which also resulted in severe injuries to
7 the officer being assisted. On January 21, 2012, another police
8 officer was killed while the officer's vehicle was stopped
9 behind a stalled vehicle to render assistance on the H-1
10 freeway.

11 The legislature finds that existing law does not address
12 the specific situation of approaching a police vehicle, or of
13 any other emergency vehicle, that is stopped to render
14 assistance to a motorist or another emergency responder.

15 The purpose of this Act is to require a driver to take
16 certain safety precautions when approaching an emergency vehicle
17 that is stopped ahead of the driver.



1 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291C- Emergency vehicle stopped for emergencies; duty
5 of approaching vehicle. (a) A driver of a vehicle that is
6 approaching an emergency vehicle that is stopped for an
7 emergency, investigation of a possible traffic violation,
8 rendering assistance to a police officer, or other official
9 duties, as indicated by the flashing emergency lights of the
10 stopped emergency vehicle, shall:

11 (1) Slow down to a reasonable and prudent speed that is
12 safe under the circumstances of an emergency road
13 situation ahead. Reasonableness and prudence shall
14 take into account weather conditions, road conditions,
15 and vehicular and pedestrian traffic in the immediate
16 area. If necessary, the driver shall come to a
17 complete stop before making a lane change under
18 paragraph (2); and

19 (2) Make a lane change into the adjacent lane if necessary
20 and if it is safe to do so, or if possible, to two
21 lanes over which leaves one lane between the driver
22 and the emergency vehicle.



1 (b) As used in this section, "emergency vehicle" means a
2 police or fire department vehicle, ocean safety vehicle,
3 emergency medical services vehicle, freeway service patrol
4 vehicle, or a tow truck.

5 (c) Violation of subsection (a) shall not be subject to
6 section 287-20, relating to furnishing proof of financial
7 responsibility.

8 A violation of subsection (a) shall constitute a violation
9 if no death or injury results from the violation.

10 If a death or injury occurs and is attributable to the
11 driver of the vehicle for a violation of subsection (a), then
12 the driver shall instead be charged under section 707-702.5 for
13 negligent homicide in the first degree; section 707-703 for
14 negligent homicide in the second degree; section 707-704, for
15 negligent homicide in the third degree; section 707-705 for
16 negligent injury in the first degree; or section 707-706 for
17 negligent injury in the second degree, as applicable."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 4. New statutory material is underscored.

22 SECTION 5. This Act shall take effect upon its approval.



H.B. NO. 2030
H.D. 2
S.D. 1

APPROVED this 10 day of JUL, 2012

Neil Abernethy

GOVERNOR OF THE STATE OF HAWAII