

JAN 25 2012

A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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 January 21, 2012, a police officer was
5 killed while the officer's vehicle was stopped in back of a
6 stalled vehicle to render assistance on the H-1 freeway. On
7 September 13, 2011, a police officer was killed along Farrington
8 highway while assisting another officer during a traffic stop
9 which also resulted in severe injuries to the officer being
10 assisted.

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 an appropriately safe speed of not more
12 than _____ miles per hour below the posted applicable
13 speed limit, and if necessary, come to a complete stop
14 before making a lane change under paragraph (2);

15 (2) Make a lane change to an adjacent lane away from the
16 stopped emergency vehicle, and if possible, change
17 lanes to two lanes over so as to leave one lane
18 between the driver and the stopped emergency vehicle;
19 and

20 (3) Proceed at a safe speed not more than _____ miles per
21 hour while passing the stopped emergency vehicle.



1 (b) A collision between a driver of a vehicle and an
2 emergency vehicle under subsection (a) shall be prima facie
3 evidence of a violation of this section.

4 (c) As used in this section, "emergency vehicle" shall
5 have the same meaning as in section 291-11.6 and includes tow
6 trucks.

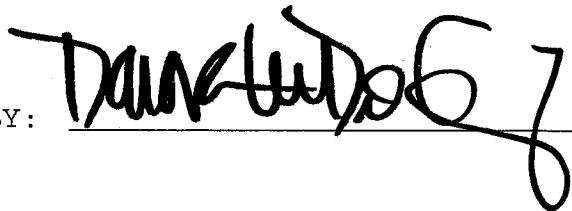
7 (d) A person convicted of a violation of this section
8 shall be guilty of a misdemeanor; provided that prosecution
9 under sections 707-702.5 for negligent homicide in the first
10 degree; 707-703 for negligent homicide in the second degree;
11 707-704, for negligent homicide in the third degree; section
12 707-705 for negligent injury in the first degree; or section
13 707-706 for negligent injury in the second degree, shall not be
14 barred by reason of a conviction under this section."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY:



S.B. NO. 2663

Report Title:

Traffic Violations; Move Over Law

Description:

Requires a driver to take certain safety precautions when approaching an emergency vehicle that is stopped ahead of the driver.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

