
A BILL FOR AN ACT

RELATING TO 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" shall
2 have the same meaning as in section 291-11.6 and includes tow
3 trucks.

4 (c) A violation of this section is a petty misdemeanor if
5 no death or injury results from the violation.

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

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.

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



Report Title:

Emergency Vehicle; Move Over

Description:

Requires motorists to "move over" when passing a stationary emergency vehicle on a highway. Requires driver to slow down to a reasonable and prudent speed that is safe under the circumstances when an emergency road situation exists ahead of the driver. Provides for a petty misdemeanor for a violation not involving death or bodily injury. Requires prosecution for existing applicable criminal offense for death or bodily injury. (SD1)

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

