

Honolulu, Hawaii

Feb 9, 2012

RE: H.B. No. 2030
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Transportation and Public Safety &
Military Affairs, to which was referred H.B. No. 2030 entitled:

"A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE,"

beg leave to report as follows:

The purpose of this measure is to promote highway safety for
emergency personnel by:

- (1) Requiring a driver who is passing an emergency vehicle
to:
 - (A) Vacate the lane closest to the emergency vehicle
when driving on a highway with two or more lanes
traveling in the direction of the emergency
vehicle; or
 - (B) Slow to a specified safe speed; and
- (2) Making it a misdemeanor to fail to move over to a vacant
lane or to slow down.

The Department of the Prosecuting Attorney of the City and
County of Honolulu, Honolulu Police Department, Hawaii County
Police Department, Maui Police Department, Hawaii Transportation
Association, Hawaii Government Employees Association, Mothers
Against Drunk Driving HAWAII, State of Hawaii Organization of
Police Officers, and numerous concerned individuals testified in



support of this measure. The Department of Transportation supported the intent of this measure. The Office of the Public Defender testified in opposition to this measure. A concerned individual provided comments.

Public safety and emergency personnel are responsible for the protection and safety of the general public. These individuals often find themselves being placed in harm's way, especially when involved with incidents on the roadway, whether it is during a routine traffic stop, assisting ill or injured motorists, or helping stalled motorists. Nationally, between 1999 and 2010, 164 law enforcement officers were killed after being struck by motor vehicles while assisting motorists. Tragically, two Honolulu Police officers lost their lives in such incidents over the past six months. While your Committees note that this measure may not completely prevent this type of tragedy from occurring, it will raise awareness among motorists and may save a life.

Your Committees have amended this measure by deleting its contents and replacing it with that of H.B. No. 2070, which addresses the same subject matter. As amended, this measure:

- (1) Clarifies that the requirements for slowing down or moving over apply to all stationary emergency vehicles using visual signals on a roadway whether or not assistance is being rendered to another person or vehicle;
- (2) Specifies that the passing driver must continue traveling in the lane the driver has moved over to until the vehicle is safely clear of the stationary emergency vehicle;
- (3) Clarifies that the requirement to move over or slow down before reaching the emergency vehicle is contingent upon the passing driver being able to do so safely and without interfering with vehicular traffic;
- (4) Makes the penalty a petty misdemeanor; and
- (5) Limits the definition of "emergency vehicle" to specified vehicles.

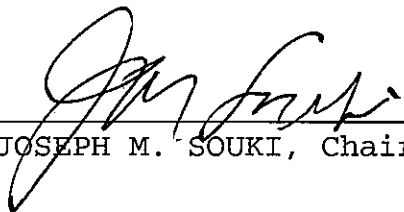
Your Committees also made technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety & Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2030, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2030, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Public Safety & Military
Affairs,


HENRY J. C. AQUINO, Chair


JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 245-12

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 2030	Committee Referral: TRN/PBM, JUD	Date: 2/1/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. OKAMURA, Tom				/
8. SAIKI, Scott K.				/
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	10			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Fred Ichiyama</i></u>				
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