

STAND. COM. REP. NO.

2834

Honolulu, Hawaii

MAR 15 2012

RE: H.B. No. 2030
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Transportation and International Affairs and Public Safety, Government Operations, and Military Affairs, to which was referred H.B. No. 2030, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to require motorists, when passing a stationary authorized emergency vehicle with its visual signals activated on a highway, to vacate the lane directly next to the stationary authorized emergency vehicle or slow the vehicle to a safe and appropriate speed that is no greater than is reasonable and prudent.

Your Committees received testimony in support of this measure from the Department of Transportation, State Sheriff, City and County of Honolulu Department of the Prosecuting Attorney, City and County of Honolulu Emergency Medical Services, Hawai'i County Police Department, Maui Police Department, Maui Fire Department, Honolulu Police Department, Mothers Against Drunk Driving, Hawaii Transportation Association, Hawaii Bicycling League, and seventeen individuals. Testimony in opposition to this measure was received from the Public Defender.

Your Committees find that traffic accident fatalities involving police officers responding to emergency situations are tragic and largely avoidable with certain traffic safety precautions. On September 13, 2011, a police officer was killed

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along Farrington Highway while assisting another officer during a traffic stop which also resulted in severe injuries to the officer being assisted. On January 21, 2012, another police officer was killed while rendering assistance to a commuter in a stalled vehicle on the H-1 freeway.

Your Committees further find that existing law does not address the specific situation of taking precautions when approaching a police vehicle, or any other emergency vehicle, that is stopped to render assistance to a motorist or another emergency responder.

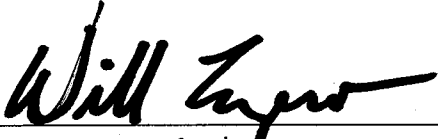
Your Committees have amended this measure by deleting its contents and inserting the provisions of S.B. No. 61, S.D. 1, Regular Session of 2012, a substantially similar measure that additionally protects against double jeopardy since criminal penalties exist for motor vehicular homicide and bodily injury, and further amending the measure by:

- (1) Changing the definition of "emergency vehicle" to mean a police or fire department vehicle, ocean safety vehicle, emergency medical services vehicle, freeway service patrol vehicle, or a tow truck;
- (2) Making the violation of the section a violation, instead of a petty misdemeanor, if no death or injury results, and excepting the violation from the requirement of furnishing proof of financial responsibility; and
- (3) Changing the effective date to upon its approval.

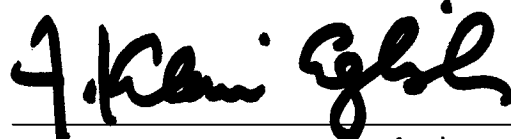
As affirmed by the records of votes of the members of your Committees on Transportation and International Affairs and Public Safety, Government Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2030, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2030, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Transportation
and International Affairs and
Public Safety, Government
Operations, and Military
Affairs,



WILL ESPERO, Chair



J. KALANI ENGLISH, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:* HB 2030, HD2	Committee Referral: TIA/ P&M	Date: 3/12/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
ESPERO, Will (VC)	✓			
DELA CRUZ, Donovan M.	✓			
GABBARD, Mike	✓			
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.	✓			
SLOM, Sam	✓			
TOTAL	7			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod				
File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

Revised: 01/20/11

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

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The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.				/
RYAN, Pohai	/			
SLOM, Sam	/			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Michelle N Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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