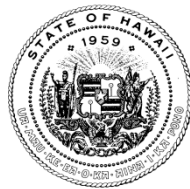


**HB1666**

**HD1**

NEIL ABERCROMBIE  
GOVERNOR



GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
JADE BUTAY  
RANDY GRUNE  
JADINE URASAKI

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

March 19, 2012

**HOUSE BILL NO. 1666, HD1**  
**RELATING TO THE PENAL CODE**

**COMMITTEE ON JUDICIARY AND LABOR**

The Department of Transportation has no position on House Bill 1666, HD1 that would promote highway safety by establishing mandatory minimum sentencing and increasing the grade of offense for negligent homicide in the second and third degrees and negligent injury in the second degree where the victim is a vulnerable user: but offers these comments.

As noted in Section 1 of House Bill 1666, HD1 the definition of "Vulnerable user" includes a person legally operating on the street or public highway. It then lists electric personal assistive mobility device and wheelchair conveyance or other personal mobility device. In reference to Section 291C-134.5, these devices are prohibited from operating on the street or highway. They are only authorized to operate on sidewalks and bicycle paths. Accordingly, if they were operating illegally on a street or public highway, should they be included in the proposed bill.

Thank you for the opportunity to provide testimony.



POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.police.org



PETER B. CARLISLE  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE DI-LC

March 19, 2012

The Honorable Clayton Hee, Chair  
and Members  
Committee on Judiciary and Labor  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: House Bill No. 1666, H. D. 1, Relating to the Penal Code

I am Darren Izumo, Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 1666, H. D. 1, Relating to the Penal Code.

The passage of this bill would amend the penalties for certain crimes if the victim is identified as a vulnerable user as defined in the bill. The HPD believes that all highways and roadways should be safe for everyone, and this bill is a strong deterrent to motorists who disregard the laws. It will also encourage drivers to be more cautious and attentive to better protect those identified as vulnerable user.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Izumo", written in a cursive style.

DARREN IZUMO, Captain  
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoaha", written in a cursive style.  
LOUIS M. KEALOHA  
Chief of Police

# Maui Bicycle Alliance

*Keeping Maui on the Right Path!*

## Transmittal Cover Sheet:

FROM:

Walter Enomoto, President  
Maui Bicycle Alliance  
293 S. Mokapu St.  
Kahului, HI 96732

Email: [bikeguy@hawaiiantel.net](mailto:bikeguy@hawaiiantel.net)  
Phone: 808-877-5947

TO: Senate Committee on Judiciary and Labor

DATE: Hearing Monday, March 19, 2012. 10:00am

RE: House Bill 1666, HD 1 - RELATING TO THE PENAL CODE

(15) Copies Needed.

# Maui Bicycle Alliance

*Keeping Maui on the Right Path!*

DATE: March 16, 2012

TO: Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Senate Judiciary and Labor Committee Members

FROM: Walter Enomoto, President, Maui Bicycle Alliance

SUBJECT: SUPPORT for HB1666, HD1- RELATING TO THE PENAL CODE

Aloha Judiciary and Labor Committee Chair Hee,

On behalf of bicyclists in Maui County, we respectfully ask that you support House Bill 1666 - HD1 - RELATING TO THE PENAL CODE.

We ask that the bill be given serious consideration to help protect those who are at added risk when it comes to roadway safety.

The recent death of a young Honolulu Police Department Police Officer, who would be considered a "Vulnerable User" in this measure, highlights the need for additional penalties for drivers who do not, cannot, or will not operate their vehicles in a safe and proper manner on our island roadways.

This bill would help to protect not only first responders like police, firefighters and EMS personnel, but many other non motorized users who are at a large disadvantage in any type of collision with a motor vehicle.

User groups such as:

- Senior citizens who cannot drive and must walk and use transit facilities
- Children who walk or ride their bikes to school or other activities
- Physically challenged individuals who must use personal mobility devices to get around
- Construction and highway workers trying to improve our roadway and other related infrastructure

all require additional consideration and due care by motor vehicle operators.

The need to protect those individuals who are more vulnerable on the road is not a Hawaii specific issue, but rather a nationwide one as more and more states are recognizing this inequity in our transportation and penal system.

While this bill is the first of its kind in Hawaii, it has already been enacted in Oregon, Washington, Delaware and New York while also being reviewed for enactment in Wisconsin, Florida, California, Connecticut and Michigan.

Adding Hawaii to the list of states that help protect these individuals would show that the State of Hawaii truly values the lives of those who would be better protected by this bill.

Thank you for the opportunity to voice our support for this measure and we look forward to your committee's decision on this matter.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [jgoody@hawaii.rr.com](mailto:jgoody@hawaii.rr.com)  
**Subject:** Testimony for HB1666 on 3/19/2012 10:00:00 AM  
**Date:** Saturday, March 17, 2012 10:20:11 AM

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Testimony for JDL 3/19/2012 10:00:00 AM HB1666

Conference room: 016  
Testifier position: Support  
Testifier will be present: No  
Submitted by: John Goody  
Organization: Hawaii Bicycling League  
E-mail: [jgoody@hawaii.rr.com](mailto:jgoody@hawaii.rr.com)  
Submitted on: 3/17/2012

Comments:  
TESTIMONY IN SUPPORT OF HB1666

Dear Senator Hee and Committee Members:

Please pass this bill out of committee with a favorable recommendation. Hawaii's roads are among the most dangerous in the country for pedestrians, cyclists and others who legally make use of the public right of way without being in a motor vehicle. The reason is simple, many drivers are aggressive or negligent, and don't drive safely. When this results in an accident between two motor vehicles, it is often no more than a fender bender; but when it occurs between a motor vehicle and a vulnerable roadway user, it is often catastrophic to the unprotected user.

Many of our State's energy, environmental, health and wellness, public medical expense, and transportation efficiency goals are in part dependent on allowing folks to get out of their cars for appropriate length trips. This will not happen if our roadways are not made safer for mixed transportation modes. Driver behavior is critical to this end. Today, harmfully striking a vulnerable roadway user often results in no more than a traffic fine regardless of the harm done to the victim; HB1666 will apply a fair penalty on those who commit a traffic offence and in the process kill or maim another. A driver is protected in steel and relatively safe in a collision with an unprotected roadway user who bears a much greater risk of injury or death. This bill will encourage drivers to take greater care when operating in the proximity of vulnerable roadway users. It is fair and just.

This bill is a crucial step in making our roadway safer for all. Please give it your support.

Sincerely yours,  
John Goody  
Advocacy Chairman  
for the Hawaii Bicycling League

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [joalex.gypsy@gmail.com](mailto:joalex.gypsy@gmail.com)  
**Subject:** Testimony for HB1666 on 3/19/2012 10:00:00 AM  
**Date:** Friday, March 16, 2012 1:48:27 PM

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Testimony for JDL 3/19/2012 10:00:00 AM HB1666

Conference room: 016  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Joanna Alexander  
Organization: Individual  
E-mail: [joalex.gypsy@gmail.com](mailto:joalex.gypsy@gmail.com)  
Submitted on: 3/16/2012

Comments:

I urge your support for this measure. In case of gross negligence it should impose harsh penalties on those who kill or injure a vulnerable roadway user.

I like to bicycle as much as possible and have gotten education from the Hawaii Bicycle League on how to stay safe as possible. But every time I ride I pray constantly for divine protection.

This bill, along with an educational campaign, should help make the roadway safer for cyclists, the disabled & pedestrians.

Joanna Alexander  
1519 Nuuanu Ave #55  
Honolulu 96817

HB1666

Safety is so precious to all of us. We have had way too many pedestrians, bicyclists, workers killed and injured by vehicles. We need stronger penalties to ensure a little more care of drivers to help keep our roads safe for everyone. Please help pass this bill. The next incident may involve any one of our families and friends. I support this bill very strongly.