

NEIL ABERCROMBIE  
GOVERNOR



DWIGHT TAKAMINE  
DIRECTOR

AUDREY HIDANO  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8842 / Fax: (808) 586-9099  
Email: [dflr.director@hawaii.gov](mailto:dflr.director@hawaii.gov)

February 13, 2012

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

Subject: H.B. 2030, H.D. 1 Relating to the Statewide Traffic Code

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support H.B. 2030, H.D. 1, which proposes to require motorists to vacate the lane closest to a stationary authorized emergency vehicle when passing on a highway or reduce their driving speed until safely clear of the stationary authorized emergency vehicle.

This bill would help protect first responders statewide who are assisting others on our busy highways. We believe this bill will bring a greater awareness of the potential dangers that exist to first responders who are focused on the immediate needs of citizens.

The SFC and the HFD urge your committee's support on the passage of H.B. 2030, H.D. 1.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA  
Chair

KGS/LR:cn



## **Office of the Public Defender State of Hawaii**

**Timothy Ho, Chief Deputy Public Defender**  
**Testimony of the Office of the Public Defender,**  
**State of Hawaii to the House Committee on Judiciary**



Tuesday, February 14, 2012, 2:05 p.m.

RE: H.B. 2030, H.D. 1: Relating To Statewide Traffic Code

Chair Keith-Agarand and Members of the Committee:

This measure would add a subsection to §291C-128, Hawaii Revised Statutes, by requiring a motorist to move over one lane beyond a stationary emergency vehicle rendering assistance to another vehicle or person, or to slow down by twenty miles per hour less than the posted speed limit, or to five miles per hour if the posted limit is less than twenty-five miles per hour. Failure to either move over or slow down for a stationary emergency vehicle would be punishable as a petty misdemeanor.

While we believe that the deaths of Officers Fontes and Davis were both tragic and unnecessary, we do not believe that a violation of this measure should be punishable as a petty misdemeanor, and that this measure would have prevented their unfortunate deaths. Therefore, we oppose House Bill 2030, H.D. 1.

Legislation that is proposed and debated during or after a sensational and tragic incident has a tendency to be ushered through the legislative process fueled by emotion and a push for "justice." A common sense and/or logical analysis of the ramifications of such legislative proposals may lead to a result that is unpopular with the general public. Your duty, as elected officials, is to have as much courage to make a decision which may prove unpopular with the general public, if it is the correct decision, as making a correct decision that is favored by our populace.

Would a "move over" law have prevented the deaths of officer Fontes and Davis? Probably not. The driver who crashed into the police vehicle that had stopped to help a stranded motorist and killed officer Fontes had fallen asleep at the wheel. He did not see the stopped vehicles, including the police cars that had stopped to render assistance. His failure to move into the right-hand lane, or to slow his speed was not based on an intentional or willful act. Had he not fallen asleep, he most likely would have avoided crashing into the vehicles. The driver who hit officer Davis' police car is a federal fire firefighter, more than likely would have moved one lane over had he noticed the police cruiser stopped behind the stalled vehicle.

The public may want these drivers to be punished for their actions. What criminal offenses could they be charged with? Either driver could be prosecuted for Negligent Homicide and Negligent Injury, for causing the death or injury to another person while operating a motor vehicle in a negligent manner. Proof of these offenses does not require an intentional, knowing, or reckless state of mind, but that the driver acted in a negligent manner, like driving above the speed limit. How will this measure be enforced? A police officer or other emergency personnel should be concentrating on the crisis at hand, not at traffic enforcement. How will a police officer determine if a driver was travelling at a speed greater than thirty miles-per-hour in a fifty mile-per-hour zone?

What are the ramifications of creating a petty misdemeanor offense for a violation of this measure? First of all, anyone who is cited for failing to move over or slow down for a stationary emergency vehicle could be sentenced to thirty days in jail. Furthermore, an SR-22 requirement would mean the loss of the driver's license for three years, if he/she were unable to post a \$25,000 certificate of deposit, or to purchase insurance for that amount. These may all be appropriate penalties for someone found guilty of negligent homicide or negligent injury, but are excessive penalties for every individual who fails to move over or slow down for a stationary emergency vehicle. As a result of the seriousness of the proposed penalty of this measure, all defendants will be entitled to an attorney, private or court-appointed, and will be entitled to a trial. This will have a significant impact on our judicial system.

Our opposition to this measure is based on two issues – criminal penalties and SR-22. We ask this committee to amend this bill by striking the “petty misdemeanor” language in subsection (b) and making the punishment a violation exempt from the SR-22 requirement. Thank you for the opportunity to comment on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-6552

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR  
HOUSE JUDICIARY COMMITTEE  
Twenty-sixth State Legislature  
Regular Session of 2012  
State of Hawai`i

Tuesday, February 14, 2012

RE: H.B. 2030, H.D. 1; RELATING TO STATEWIDE TRAFFIC CODE.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 2030, H.D. 1.

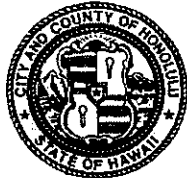
The purpose of this bill is to require motorists to vacate the lane closest to the emergency vehicle that is using visual signals and rendering assistance to another vehicle or person when driving on a highway with two or more lanes traveling in the direction of the emergency vehicle; or slow to a speed not to exceed: twenty miles per hour less than the posted speed limit when the posted speed limit is twenty-five miles per hour or more; or five miles per hour when the posted speed limit is less than twenty-five miles per hour. A violation of this new law would be a misdemeanor.

The intent of this legislation is to provide safety for persons who provide emergency roadside assistance from vehicles traveling by on highways and roads that are often busy and have little area on the side of the traveling lanes to provide assistance.

For the following reasons, we strongly support the passage of H.B. 2030, H.D. 1. Thank you for the opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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



PETER B. CARLISLE  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. MCCAULEY  
DEPUTY CHIEFS

OUR REFERENCE KK-LC

February 14, 2012

The Honorable Gilbert S.C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: House Bill No. ~~2030~~, H.D. 1, Relating to the Statewide Traffic Code

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports the passage of House Bill No. 2030, H.D. 1, Relating to the Statewide Traffic Code. Passage of this bill would require that a vehicle that approaches a stationary emergency vehicle would have to vacate the closest lane to the emergency vehicle or reduce their speed until they pass. This bill would protect all first responders throughout the state who are trying to assist others and their duty.

On September 13, 2011, Officer Eric Fontes was killed after being struck by a vehicle as he was assisting with a traffic stop in Ko'olina, Oahu. On January 21, 2012, Officer Garret Davis was struck by a vehicle when he stopped to assist two stranded motorists on the H-1 Freeway in Pearl City, Oahu. Nationally, between 1999 and 2010, 164 law enforcement officers have been killed after being struck by motor vehicles while performing law enforcement functions.

On behalf of the family of Officer Garret Davis and the Honolulu Police Department, we would ask the legislature to consider naming this bill, "The Officer Garret Davis bill" in memory of all first responders who have been injured or killed in Hawaii. Officer Davis and all first responders who have made this ultimate sacrifice will be remembered through this bill.

I urge you and your committee to pass this bill. Thank you for the opportunity to testify.

Sincerely,

  
KURT KENDRO, Major  
Traffic Division

APPROVED:

  
LOUIS M. KEALOHA  
Chief of Police

*Serving and Protecting With Aloha*



**ALAN M. ARAKAWA**  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

# **POLICE DEPARTMENT**

## **COUNTY OF MAUI**

**55 MAHALANI STREET**  
**WAILUKU, HAWAII 96793**  
**(808) 244-6400**  
**FAX (808) 244-6411**



**GARY A. YABUTA**  
CHIEF OF POLICE

**CLAYTON N.Y.W. TOM**  
DEPUTY CHIEF OF POLICE

February 13, 2012

The Honorable Gilbert S. C. Keith-Agaran, Chair  
And Members of the Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, HI 96813

Re: HB No. 2030, HD1, RELATING TO THE STATEWIDE TRAFFIC CODE

Dear Chair Keith-Agaran and Members of the Committee:

The brave men and women of the Maui Police Department are responsible for the safety and traffic enforcement of laws on the public roadways throughout the County of Maui. As a law enforcement entity we face many dangers everyday in our careers. One of these dangers is the possibility that while performing our duties in stopping or assisting a motorist, we could be seriously injured or killed by a careless driver. That is why the Maui Police Department strongly supports the "Move Over" bill HB No. 2030, HD1, Relating to Statewide Traffic Code, with its current language.

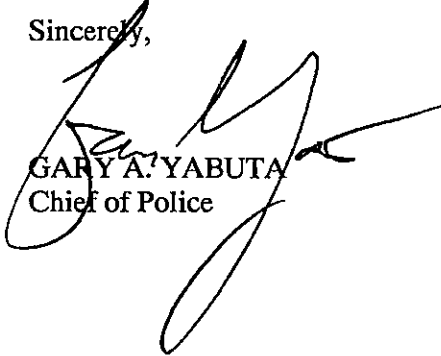
The basic reasoning behind the support of this bill appears obvious in that it will slowdown motorists and give emergency service providers a cushion of room to react to the dynamic and ever moving environment of a traffic stop or while assisting in a traffic accident on a busy roadway. Versions of this bill are already law in 49 states with the exception of Hawaii and the District of Columbia. As these States have seen the benefits of this type of law, we hope this legislature will help to support the safety of our roadways in Hawaii for everyone.

In closing, this bill is one of several in the current legislative session that will make it safer on the roadways for our police officers and other emergency service providers. It is time to support the safety of all of our emergency service providers who sacrifice their lives to keep our community safe.

The Honorable Gilbert S.C. Keith-Agaran, Chair  
Committee on Judiciary  
February 13, 2012  
Page 2

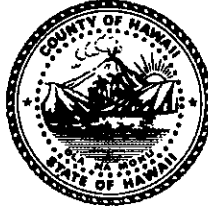
Thank you for this opportunity to testify.

Sincerely,



GARY A. YABUTA  
Chief of Police

William P. Kenoi  
Mayor



Darren J. Rosario  
Fire Chief

Renwick J. Victorino  
Deputy Fire Chief

## County of Hawai'i

### FIRE DEPARTMENT

25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720

(808) 932-2900 • Fax (808) 932-2928

February 13, 2012

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

**Subject: H.B. 2030, H.D. 1 Relating to the Statewide Traffic Code**

I am Darren J. Rosario, member of the State Fire Council (SFC) and Fire Chief of the Hawaii Fire Department (HFD). The SFC and the HFD support H.B. 2030, H.D. 1, which proposes to require motorists when passing a stationary authorized emergency vehicle on a highway to vacate the lane closest to the stationary authorized emergency vehicle or reduced driving speed until safely clear of the stationary authorized emergency vehicle.

The passage of this bill would require that a vehicle that approaches a stationary emergency vehicle would have to vacate the closest lane to the emergency vehicle or reduce their speed until they pass. This bill would help protect first responders throughout the state who are trying to assist others who need help. We believe that this bill will also bring a greater awareness of the potential dangers that exists to first responders who are focused on the immediate needs of citizens that need care on our busy highways.

The SFC and the HFD urge your committee's support on the passage of H.B. 2030, H.D. 1.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

Darren J. Rosario  
Fire Chief, SFC Member





**TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT**

**HOUSE BILL 2030**

**RELATING TO THE STATEWIDE TRAFFIC CODE**

BEFORE THE COMMITTEE ON JUDICIARY

DATE : Tuesday, February 14, 2012

TIME : 2:05 P.M.

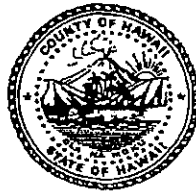
PLACE : Conference Room 325  
State Capitol

PERSON TESTIFYING:

Police Chief Harry S. Kubojiri  
Hawai`i Police Department  
County of Hawai`i

(Written Testimony Only)

William P. Kenoi  
Mayor



Harry S. Kubojiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

## County of Hawai`i

### POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998  
(808) 935-3311 • Fax (808) 961-8865

February 13, 2012

Representative Gilbert S. C. Keith-Agaran  
Chairperson and Committee Members  
Committee On Judiciary  
415 South Beretania Street, Room 325  
Honolulu, Hawai`i 96813

Dear Representative Keith-Agaran:

RE: House Bill 2030, Relating to the Statewide Traffic Code

The Hawai`i Police Department strongly supports the passage of House Bill 2030, Relating to the Statewide Traffic Code. The purpose of this bill is to require motorists to either vacate the lane closest to an emergency vehicle that is using emergency visual signals when approaching said vehicle or to slow to a speed not to exceed 20 miles less than the posted speed is 25 miles per hour or more or 5 miles per hour when the posted speed is less than 25 miles per hour.

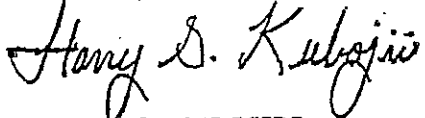
The Hawai`i Police Department once again re-emphasizes the importance of the passage of this legislation which will provide public safety officers a little more protection in fulfilling their duties. It is no secret that Public Safety work is inherently dangerous by nature and this Bill, although originally conceived prior to the recent tragic deaths of Officers Eric Fontes and Garrett Davis on Oahu, is a measure with the ability to lessen some of that danger. The manner of death for those two public protectors serves as a further reminder of the importance of this Bill.

Our public safety officers often are expected to work in an environment rife with dangers from inattentive motorists. Unfortunately, the nature of their duties do not allow for the pre-planned erection of large concrete barriers or even wooden barricades for their protection, rather they are dependent upon the due care provided by the motoring Public. Unfortunately, as happened with the recent tragic events, our community's public protectors are in need of this added measure of protection for themselves so that they may in turn continue to aid the injured or stranded motorist with a modicum of assurance that they too are the objects of public care and concern.

Representative Gilbert S. C. Keith-Agaran  
February 13, 2012  
Page 2

For these reasons, we most emphatically urge this committee to approve this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 2030.

Sincerely,

A handwritten signature in black ink that reads "Harry S. Kubojiri". The signature is written in a cursive style with a large, stylized initial 'H'.

HARRY S. KUBOJIRI  
POLICE CHIEF

**Bernard P. Carvalho, Jr.**  
Mayor



**Robert F. Westerman**  
Fire Chief

**Gary K. Heu**  
Managing Director

**John T. Blalock**  
Deputy Fire Chief

**KAUA'I FIRE DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
3083 Akahi Street, Suite 101, Lihue, Hawai'i 96766  
TEL (808) 241-4980 FAX (808) 241-6508

February 13, 2012

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

**Subject: H.B. 2030, H.D. 1 Relating to the Statewide Traffic Code**

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The KFD and the SFC support H.B. 2030, H.D. 1, which proposes to require motorists when passing a stationary authorized emergency vehicle on a highway to vacate the lane closest to the stationary authorized emergency vehicle or reduced driving speed until safely clear of the stationary authorized emergency vehicle.

The passage of this bill would require that a vehicle that approaches a stationary emergency vehicle would have to vacate the closest lane to the emergency vehicle or reduce their speed until they pass. This bill would help protect first responders throughout the state who are trying to assist others who need help. We believe that this bill will also bring a greater awareness of the potential dangers that exists to first responders who are focused on the immediate needs of citizens that need care on our busy highways.

The KFD and the SFC urge your committee's support on the passage of H.B. 2030, H.D. 1.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,

Robert Westerman  
Fire Chief, County of Kaua'i

RFW/eld



# THE QUEEN'S HEALTH SYSTEMS

---

1301 Punchbowl Street • Honolulu, Hawaii 96813 • Phone (808) 691-6100

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

## **HOUSE COMMITTEE ON JUDICIARY**

February 14, 2012 – 2:05 p.m.

State Capitol, Conference Room 325

### **Regarding H.B. 2030, HD1 Relating to Statewide Traffic Code**

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee,

My name is Cindy Kamikawa, Vice President, Nursing, Trauma, ED and Chief Nursing Officer of The Queen's Medical Center (QMC), testifying in **strong support** for H.B. 2030, H.D.1, Relating to Statewide Traffic Code.

The purpose of this bill is to require motorists to vacate the lane closest to a stationary emergency vehicle or reduce speed until safely clear. An emergency vehicle is defined to include, amongst others, ambulances. This bill would protect first responders throughout the state.

The recent tragic loss of both HPD Officers Eric Fontes and Garret Davis are evidence of the dangers first responders encounter while performing their vital public safety duties. This measure is necessary to clarify motorists' responsibility to ensure the safety of first responders and provides a measure of deterrence in the form of criminal charges. This measure, coupled with public education, will raise awareness and will result in increased safety.

Thank you for the opportunity to provide testimony on this measure.

Attached is a fact sheet that provides information on who uses our trauma program. **It should be noted that over half of the trauma patients admitted to Queen's test positive for alcohol and/or drugs. For this reason, we believe that penalties should be attached to drug and alcohol-related traffic offenses, and that these surcharges should be the funding foundation for the trauma system special fund. The linkage is clear.**

In 2006, the Hawaii Legislative Reference Bureau published a report, "On-Call Crisis in Trauma Care: Government Responses," which details the causes of the on-call physician specialist shortage and the increasing challenges that trauma care providers are experiencing. It concludes that, *"the rationale for public support of uncompensated trauma services is the same as for critical police and fire services; a trauma system is a necessary public service that ought to be publicly supported."* To that end, legislatures in many other states have seen fit to support their trauma systems and have developed dedicated sources of funding to ensure continued trauma care.

The Queen's Medical Center appreciates the Legislature's recognition that trauma care is a public health priority and respectfully requests that you pass a bill to adequately fund Hawaii's trauma system.

Thank you for the opportunity to testify.



**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR**  
**COMMITTEE ON JUDICIARY**  
Twenty-sixth State Legislature  
Regular Session of 2012  
State of Hawai'i

February 13, 2012

H.B. 2030 H.D. 1  
RELATING TO THE STATEWIDE TRAFFIC CODE

Chair Keith-Agaran, Vice Chair Rhoads, and members of the Committee on Judiciary, AAA Hawai'i respectfully submits the following testimony in support of H.B. 2030 H.D. 1 ("HB 2030"), the intent of which is to improve the safety of individuals providing roadside assistance from vehicles that pass within close proximity.

AAA Hawai'i was founded in 1915 in Honolulu and is an industry leader in emergency roadside assistance and a leading advocate for traffic safety. AAA Hawai'i responds to over 13,000 roadside assistance calls annually from our more than 131,000 members. Service to and the safety of our members, other motorists, and all road users is the founding and continuing purpose AAA Hawai'i. Safety is also paramount for our employees and contract station employees who provide a wide range of services to stranded motorists on or adjacent to the side of the road. H.B. 2030 will improve roadside safety for first responders, tow truck operators, and motorists by requiring drivers to "slow down, move over" when approaching emergency vehicles, including tow trucks, using visual signals and rendering assistance.

AAA Hawai'i strongly supports and agrees with the objectives of H.B. 2030 and believes that the objectives of H.B. 2030 would be furthered by additional clarification. AAA Hawai'i recommends that subsection (a) be revised as follows:

(a) On approaching a stationary emergency vehicle using visual signals, a driver who is passing in a lane immediately adjacent to the stationary emergency vehicle, unless otherwise directed by a police officer or person of authority, shall:

(1) Vacate the lane closest to the emergency vehicle when driving on a highway with two or more lanes traveling in the direction of the stationary emergency vehicle and continue traveling in that lane until safely clear of the stationary emergency vehicle; provided that the driver is able to execute the

Providing service to more than 10 million members

1130 N. Nimitz Highway, Suite A170, Honolulu, HI 96817



We're always with you.®

lane change safely before reaching the stationary emergency vehicle and without interfering with any vehicular traffic; or

**(2) If that action would be unsafe or impractical, slow to a reasonable and prudent speed that is safe for existing weather, road, vehicular, and pedestrian traffic conditions. Slow to a speed not to exceed:**

~~(A) Twenty miles per hour less than the posted speed limit when the posted speed limit is twenty five miles per hour or more; or~~

~~(B) Five miles per hour when the posted speed limit is less than twenty five miles per hour.~~

AAA Hawai'i believes that the foregoing proposed revision will clarify the objectives of H.B. 2030. The measure was not intended to apply to traffic passing in the opposite direction and situations where the emergency vehicle and the vehicle being aided are separated from passing traffic by multiple lanes, a barrier, or other means creating a physical separation. And slowing to the specific limits initially included in the bill may not be practical or safe on all roadways or in all traffic and other conditions.

This legislation, by mandating drivers to exercise due caution when approaching or passing an emergency vehicle – including tow trucks – rendering roadside assistance, will improve traffic safety by raising driver awareness of the hazards involved when passing vehicles and people providing roadside assistance. AAA Hawai'i believes that H.B. 2030 will help to prevent traffic crashes, injuries, and deaths that might occur when drivers fail to take necessary precautions when approaching an emergency vehicle on Hawai'i roadways.

Thank you for the opportunity to provide testimony in support of H.B. 2030.

Very truly yours,

*Diane Peterson*

Diane Peterson  
Regional Manager





3442 Waiialae Ave., Suite 1, Honolulu, HI 96816 Office 808.735.5756 Fax 808.735.7989 [www.hbl.org](http://www.hbl.org)

Testimony in Support of HB 2030  
JUD 2:05 p.m. Rm 325 2/14/12  
Submitted by Chad Taniguchi, Executive Director, Hawaii Bicycling League

### **Protect all vulnerable road users!**

The Hawaii Bicycling League, along with other bicycling and walking organizations statewide, asks all road users to heed Kamehameha's Law of the Splintered Paddle because "Everyone has the right to be safe on Hawaii's roads."

Mutual safety and concern for others is of utmost importance on the public roads for motorists, pedestrians, bicyclists, and other users of our public road system. This is a shared space that we must use carefully. King Kamehameha decreed in 1797 that "everyone has the right to be safe on Hawaii's roads – including old and young, women and children." Mamalahoe Kanawai (Law of the Splintered Paddle).

Now 215 years later we have large, fast machines capable of killing instantly if the operators are not careful.

We extend our deepest condolences to the families of Officers Garret Davis and Eric Fontes, and to Chief Kealoha and members of the Honolulu Police Department, who daily risk their lives to protect our safety. It is a tragedy when anyone is killed or seriously injured on our public roads because these crashes can be avoided by obeying the speed limits and concentrating to adjust to changing conditions.

We support the proposed Move Over Bill (HB 2030) that seeks to protect police and emergency road workers who protect other road users without a protective metal shell.

Please let me know if there are any questions.

*Ride Aloha! Drive Aloha!*

*Everyone has the right to be safe on Hawaii's roads.*

Mamalahoe Kanawai, Kamehameha's Law of the Splintered Paddle 1797, Hawaii state constitution 1978

Executive Director Hawaii Bicycling League 3442 Waiialae Ave Suite 1, Honolulu, HI 96816  
[chad@hbl.org](mailto:chad@hbl.org) cell 808 255 8271 office 808 735 5756 fax 808 735 7989 [www.hbl.org](http://www.hbl.org)



Mothers Against Drunk Driving HAWAII  
745 Fort Street, Suite 303  
Honolulu, HI 96813  
Phone (808) 532-6232  
Fax (808) 532-6004  
[www.maddhawaii.com](http://www.maddhawaii.com)

Feb. 14, 2012

To: Representative Gilbert S.C. Keith-Agaran, Chair –House Committee on  
Judiciary; Representative Karl Rhoads, Vice Chair and members of the  
Committee

From: Arkie Koehl/Carol McNamee—Co-chairmen, Public Policy Committee -  
MADD Hawaii

Re: House Bill 2030 HD1 – Relating to the Statewide Traffic Code

---

I am Arkie Koehl, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of House Bill 2030 HD1, relating to the Statewide Traffic Code.

MADD Hawaii strongly supports this commonly termed “move over” measure to provide greater protection for law enforcement officers and other first responders who are engaged in providing assistance to vehicles or individuals on Hawaii’s roads and highways. MADD has had direct contact with families of law enforcement officers who have been killed after being hit by another vehicle and our organization has adopted the position that more needs to be done to prevent these tragedies. All other states have already taken action to adopt laws requiring drivers to “move over” when first responders are providing assistance to others on the road.

MADD is in agreement with the amended version of the original HB2030. The HD1 will change the penalty from a misdemeanor to a petty misdemeanor and clarify the definition of an emergency vehicle. The language is also inclusive enough to apply to law enforcement officers making a routine traffic stop as well as giving assistance.

We encourage the committees to pass House Bill 2030 HD1.

Thank you for this opportunity to testify.

Testimony for HB2030 on 2/14/2012 2:05:00 PM

**Testimony for HB2030 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 8:48 AM

**To:** JUDtestimony

**Cc:** olasouza@hawaii.rr.com

---

Testimony for JUD 2/14/2012 2:05:00 PM HB2030

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Ola Souza

Organization: Individual

E-mail: olasouza@hawaii.rr.com

Submitted on: 2/13/2012

**Comments:**

This committee's prompt attention to this very important measure is greatly appreciated, and I respectfully urge its passage as amended in HD1.

Mahalo.

Testimony for HB2030 on 2/14/2012 2:05:00 PM

**Testimony for HB2030 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Sunday, February 12, 2012 2:29 AM

**To:** JUDtestimony

**Cc:** jviernes1@gmail.com

---

Testimony for JUD 2/14/2012 2:05:00 PM HB2030

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Jordon Viernes

Organization: Individual

E-mail: jviernes1@gmail.com

Submitted on: 2/12/2012

Comments:

Testimony for HB2030 on 2/14/2012 2:05:00 PM

**Testimony for HB2030 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, February 14, 2012 6:56 AM

**To:** JUDtestimony

**Cc:** rmanoajr@yahoo.com

---

Testimony for JUD 2/14/2012 2:05:00 PM HB2030

Conference room: 325

Testifier position: Support

Testifier will be present: Yes

Submitted by: Reginald Manoa

Organization: Individual

E-mail: rmanoajr@yahoo.com

Submitted on: 2/14/2012

Comments:

I am presently a police sergeant with 40 years in the Honolulu Police Department. We need to pass this bill to educate our community into a change of driving habits. With this change, our streets will be safer for everyone, not only the first responders. My daughter is a police officer, and a recruit classmate of Officer Garret Davis. I feel that we owe them, and all the younger generations of first responders to get this bill passed NOW. Thank you and Aloha Ke Akua.

Rice packsDepartment.

Testimony for HB2030 on 2/14/2012 2:05:00 PM

**Testimony for HB2030 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, February 14, 2012 6:26 AM

**To:** JUDtestimony

**Cc:** susanulord@earthlink.net

---

Testimony for JUD 2/14/2012 2:05:00 PM HB2030

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: susan

Organization: Individual

E-mail: susanulord@earthlink.net

Submitted on: 2/14/2012

**Comments:**

As a car driver and wife and mother of cyclists, please keep our roads safe for cyclists and ambulance drivers. Passing this bill will bring small back important changes to the lives hanging in the balance

House Committee on Judiciary  
Rep. Gilbert S.C. Keith-Agaran, Chair

Tuesday, February 14, 2012  
2:05 P.M.  
Conference Room 325  
State Capitol  
415 S. Beretania Street  
Honolulu, HI 96813

Honorable Chair Keith-Agaran and committee members:

My name is Letha DeCaires, retired Captain from the Honolulu Police Department. I **strongly support HB2030, HD 1 RELATING TO THE STATEWIDE TRAFFIC CODE** which would require motorists to "move over" when passing a stationary emergency vehicle on a highway.

The current draft of the bill has had technical improvements made to ensure that the law can be enforced by law enforcement as well as be effective in court.

No law can keep first responders safe, however, I believe that this bill brings an opportunity for motorists to be made aware of the dangers that all first responders face on a daily basis. Over the years, I have heard many officers share their own near death experiences while stopped with lights flashing for a collision, a stalled vehicle, or a crime scene. I had several close calls myself. We who have successfully completed our careers in the field have a responsibility to call upon our community to pass further legislation to protect those working today.

**We need to educate our community to not only move over, but also slow down.**

Please support passage of HB2030 HD1 today. Thank you for the opportunity to testify.

Letha A.S. DeCaires