

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE HENRY J.C AQUINO, CHAIR
HOUSE PUBLIC SAFETY COMMITTEE
THE HONORABLE RYAN I. YAMANE
HOUSE TRANSPORTATION COMMITTEE
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai`i**

February 7, 2013

**RE: H.B. 1013; RELATING TO STATEWIDE TRAFFIC CODE; AND
RE: H.B. 1308; RELATING TO STATEWIDE TRAFFIC CODE.**

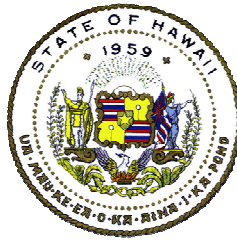
Chair Aquino, Chair Yamane, and members of the House Committee on Public Safety and House Committee on Transportation, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 1013 and H.B. 1308.

The purpose of these bills is to include the state civil defense vehicles, county emergency management vehicles, and public safety law enforcement vehicles in the definition of “emergency vehicle” under the requirement that a driver of a vehicle that is approaching an emergency vehicle that is stopped for an emergency, investigation of a possible traffic violation, rendering assistance to a police officer, or other official duties, as indicated by the flashing emergency lights of the stopped emergency vehicle, shall:

- (1) Slow down to a reasonable and prudent speed that is safe under the circumstances of an emergency road situation ahead. Reasonableness and prudence shall take into account weather conditions, road conditions, and vehicular and pedestrian traffic in the immediate area. If necessary, the driver shall come to a complete stop before making a lane change under paragraph (2); and
- (2) Make a lane change into the adjacent lane if necessary and if it is safe to do so, or if possible, to two lanes over which leaves one lane between the driver and the emergency vehicle.

A violation of this law is a petty 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. 1013 and H.B. 1308. Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

TED SAKAI
INTERIM DIRECTOR

MARTHA TORNEY
Deputy Director
Administration

Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1013
A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE

By

Ted Sakai, Interim Director
Department of Public Safety

House Committee on Public Safety
Representative Henry J.C. Aquino, Chair
Representative Kaniela Ing, Vice Chair

House Committee on Transportation
Representative Ryan I. Yamane, Chair
Representative Linda Ichiyama, Vice Chair

Thursday, February 7, 2013, 11:00 AM
State Capitol, Room 309

Chairs Aquino and Yamane, Vice Chairs Ing and Ichiyama, and Members of the Committees:

The Department of Public Safety (PSD) **supports** House Bill 1013 which proposes to include the Department's law enforcement (Sheriff and Narcotics Enforcement Divisions) vehicles in the definition of "emergency vehicle" under the requirement that motorists "move over" when passing a stationary emergency vehicle on a highway. PSD feels that House Bill 1013 is necessary to protect Deputy Sheriffs when they are conducting traffic enforcement duties or assisting motorists in their law enforcement vehicles.

Thank you for the opportunity to testify on this matter.

TESTIMONY OF THE HAWAII POLICE DEPARTMENT

HOUSE BILL 1013

RELATING TO THE STATEWIDE TRAFFIC CODE

BEFORE THE COMMITTEES ON PUBLIC SAFETY AND TRANSPORTATION

DATE : Thursday, February 7, 2013

TIME : 11:00 A.M.

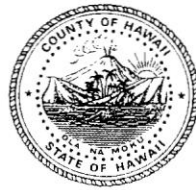
PLACE : Conference Room 309
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

Acting Police Chief Paul K. Ferreira
Hawaii Police Department
County of Hawaii

(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 Kapiolani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

February 6, 2013

Representative Henry J. C. Aquino
Chairperson and Committee Members
Committee on Public Safety
Representative Ryan I. Yamane
Committee on Transportation
415 South Beretania Street, Room 309
Honolulu, Hawai'i 96813

RE: HOUSE BILL 1013 RELATING TO THE STATEWIDE TRAFFIC CODE

Dear Representatives Aquino and Yamane:

The Hawai'i Police Department supports House Bill 1013 with its purpose being to include sheriff's vehicles in the definition of "emergency vehicle" under the requirement that motorists "move over" when passing a stationary emergency vehicle on a highway.

We believe this legislation will serve to aid both the public and state sheriffs in ensuring sheriffs can tend to their duties on the highways in a safer manner both for them as well as the passing motorists. We believe this addition to the definition of "emergency vehicle" is an important addition to ensure safer passage for all concerned.

It is for these reasons, that we urge your committees to approve this legislation.

Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 1013.

Sincerely,

PAUL K. FERREIRA
ACTING POLICE CHIEF



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
hi.state@madd.org

February 7, 2013

To: Representative Henry Aquino, Chair –House Committee on Public Safety; Rep. Kaniela Ing, Vice Chair and members of the Committee

Representative Ryan Yamane, Chair — House Committee on Transportation;
Rep. Linda Ichiyama, Vice Chair and members of the Committee

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

Re: House Bill 1013 – Relating to 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 1013, relating to the Statewide Traffic Code. HB 1013 brings sheriff's vehicles under the protection of HRS 291c-27, which is fitting and proper.

We further encourage the Committees to amend the bill by including the charge of manslaughter as a possible offense when a driver does not move over and kills a first responder. Suggested wording follows (change in bold type):

*If a death or injury occurs and is attributable to the driver of the vehicle for a violation of subsection (a), then the driver shall instead be charged under **section 707-702 for manslaughter**, section 707-702.5 for negligent homicide in the first degree; section 707-703 for negligent homicide in the second degree; section 707-704 for negligent homicide in the third degree; section 707-705 for negligent injury in the first degree; or section 707-706 for negligent injury in the second degree, as applicable.*

As in past testimony, 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. Most 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.

We encourage the committee to pass House Bill 1013.

Thank you for this opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK W. CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. MCCAULEY
DEPUTY CHIEFS

OUR REFERENCE KK-LC

February 7, 2013

The Honorable Henry J. C. Aquino, Chair
and Members
Committee on Transportation
The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Aquino and Yamane and Members:

Subject: House Bill No. 1013, 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. 1013, Relating to the Statewide Traffic Code. Passage of this bill would include sheriff's vehicles in the definition of "emergency vehicle" in section 291C-27, Hawaii Revised Statutes, commonly known as the "move-over" law.

This law was designed for all emergency responders who provide services to our community, and the sheriffs should be included in this law.

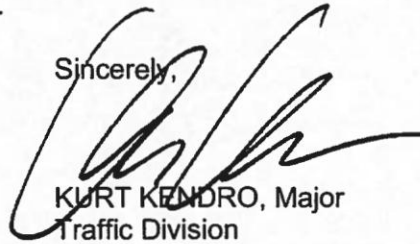
The HPD would also recommend some additional language be added to the existing language as section 707-702 was inadvertently omitted from the original bill. The suggested additional language is as highlighted:

*If a death or injury occurs and is attributable to the driver of the vehicle for a violation of subsection (a), then the driver shall instead be charged under **section 707-702 for manslaughter**, section 707-702.5 for negligent homicide in the first degree; section 707-703 for negligent homicide in the second degree; section 707-704 for negligent homicide in the third degree; section 707-705 for negligent injury in the first degree; or section 707-706 for negligent injury in the second degree, as applicable.*

The Honorable Henry C. Aquino, Chair
and Members
The Honorable Ryan I. Yamane, Chair
and Members
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February 7, 2013

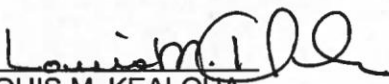
Thank you for the opportunity to testify.

Sincerely,



KURT KENDRO, Major
Traffic Division

APPROVED:



LOUIS M. KEALOHA
Chief of Police

Attachment

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
PHONE: (808) 723-8960 • FAX: (808) 523-3439

KIRK CALDWELL
MAYOR



MELVIN N. KAKU
DIRECTOR

PETER J.S. HIRAI
DEPUTY DIRECTOR

February 6, 2013

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
House of Representatives
Hawaii State Capitol
415 Beretania Street
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: H.B. 1013, Relating to the Statewide Traffic Code.

I am Melvin Kaku, Director of the Department of Emergency Management, City and County of Honolulu.

The Department of Emergency Management (DEM), City and County of Honolulu (City), strongly supports the passage of House Bill 1013 Relating to the Statewide Traffic Code. Passage of this bill will amend subsection §291C – (2) (b) of the Hawaii Revised Statutes to include sheriff/public safety vehicles/personnel as “Emergency Vehicles”.

As partners in the public safety community, passage of this bill would protect our fellow state public safety law enforcement personnel in the performance of their duties.

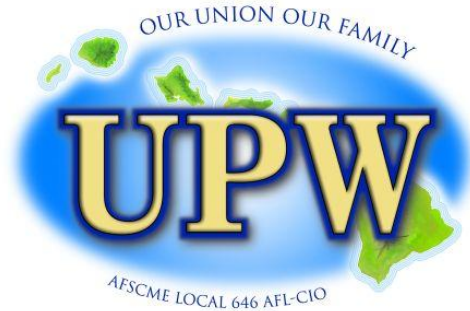
DEM supports the proposed amended subsection §291C – (2) (b) as written.

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

Sincerely,


Melvin N. Kaku
Director

cc: Ember Shinn, Managing Director



THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Seventh Legislature
Regular Session of 2013

COMMITTEE ON PUBLIC SAFETY

The Honorable Rep. Henry J.C. Aquino, Chair
The Honorable Rep. Kaniela Ing, Vice Chair

DATE OF HEARING: Thursday, February 07, 2013
TIME OF HEARING: 11:00 AM
PLACE OF HEARING: Conference Room 309

**TESTIMONY ON HB1013 RELATING TO THE STATEWIDE TRAFFIC
CODE**

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW supports HB 1013, which includes the sheriff's vehicles in the definition of "emergency vehicle" requiring that motorists "move over" when passing a stationary vehicle on the highway.

Safety is a top priority of UPW for all state and county workers. For safety reasons, sheriff's vehicles should be included under this definition. If a sheriff's vehicle is involved in assisting or exclusively handling a roadside emergency, motorists should offer the same courtesy as they do other emergency vehicles. This will help to keep both drivers and emergency responders safe while they go about their business.

Thank you for the opportunity to testify on this measure.

