

Honolulu, Hawaii

FEB 12 2020

RE: S.B. No. 2508
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2508 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to define the term "accident" as used in the statewide traffic code that refer to offenses involving vehicles, death, injury to persons and property and leaving the scene, by including the term "collision".

Your Committee received testimony in support of this measure from the Department of Transportation; Honolulu Police Department; and Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that the term accident is not clear as to whether it includes a collision as to offenses in the statewide traffic code covering accidents involving death, bodily injury, damage to property, duty to give information and aid, and reporting of the accident, death and injury to persons or property. The Department of Transportation, the Honolulu Police Department, and the Department of the Prosecuting Attorney of the City and County of Honolulu each testified that the word "accident" could be interpreted to include, not only the incident or event, but also the state of mind of the offender-- that the event occurred purely without fault, negligence or state of mind



of the offender. Thus, a person who has "left the scene of an accident" could never be charged in conjunction with other offenses that require a culpable state of mind such as negligent homicide or negligent injury. Therefore, your Committee has amended this measure by replacing the word "accident" with the word "collision" in the relevant statutes, not to change the meaning of the applicable statutes in any way, but to use more accurate terminology that better reflects the original intention of the statutes. Your Committee also made technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2508, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2508, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



LORRAINE R. INOUE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation
TRS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2508	TRS, JDC	2/5/20		
<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
INOUYE, Lorraine R. (C)	✓			
HARIMOTO, Breene (VC)	✓			
ENGLISH, J. Kalani				✓
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt				✓
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Breene Hart</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes