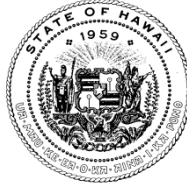


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

April 1, 2021
2:00 P.M.
State Capitol, Teleconference

S.B. 151, H.D. 1
RELATING TO THE STATEWIDE TRAFFIC CODE

House Committee on Consumer Protection & Commerce

The Department of Transportation (DOT) **supports** S.B. 151, H.D. 1, relating to the Statewide Traffic Code. This bill clarifies the term “accident” to mean collision for certain provisions of the Statewide Traffic Code.

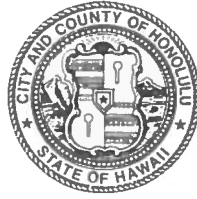
The National Highway Traffic Safety Administration (NHTSA) has been encouraging the term “accident” to be a collision or crash. This was due to the definition of the word “accident” to mean an unplanned event resulting in unintended consequences. In relation to a motor vehicle, all events are planned and intended, i.e. if a driver speeds or drinks, they knowingly believe that some consequences can occur, namely striking another vehicle and injuring or killing someone. As such, NHTSA encouraged everyone to use the term collision because it infers that it was not an unplanned event.

The DOT urges the committee to pass S.B.151, H.D. 1, as it will be consistent with NHTSA and would help to educate the public about accidents verses collisions and recommends that the effective date be amended to upon approval.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE

CT-LC

April 1, 2021

The Honorable Aaron Ling Johanson, Chair
and Members
Committee on Consumer Protection
and Commerce
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair Johanson and Members:

SUBJECT: Senate Bill No. 151, H.D. 1, Relating to the Statewide Traffic Code

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

The HPD supports Senate Bill No. 151, H.D. 1, Relating to the Statewide Traffic Code.

The HPD supports the proposal to replace the term "accident" with "collision" for the purpose of certain provisions of the statewide traffic code. More than a decade ago, we (as a police department) replaced the term "accident" with "collision" in our policies, procedures, and report writing. We believe that the great majority of collisions are preventable and should not be considered accidents.

Using a term like "accident" desensitizes the severity of these events that all too often cause major property damage, injury, and even death. The change in the statewide traffic code would also be more in line with our department's policies and procedures.

The Honorable Aaron Ling Johanson, Chair
and Members
Page 2
April 1, 2021

The HPD urges you to support Senate Bill No. 151, H.D. 1, Relating to the
Statewide Traffic Code.

Thank you for the opportunity to testify.

Sincerely,



Calvin Tong, Major
Traffic Division

APPROVED:



Susan Ballard
Chief of Police

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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PROSECUTING ATTORNEY

THE HONORABLE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Thirty-First State Legislature
Regular Session of 2021
State of Hawai`i

April 1, 2021

RE: S.B. 151, H.D. 1; RELATING TO STATEWIDE TRAFFIC CODE.

Chair Johanson, Vice Chair Kitagawa, and members of the House Committee on Consumer Protection and Commerce, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 151, H.D. 1.

The purpose of this bill is to clarify that the term “accident”—as used in sections of the Hawaii Revised Statutes (“HRS”) regarding “leaving the scene of an accident”—actually means (and has always meant) “collision.” Because the word “accident” *could* be interpreted to mean an incident that occurs purely without any fault, negligence, or state of mind involved, there is currently an argument that “leaving the scene of an accident” should never be charged in conjunction with other offenses such as Negligent Homicide (HRS §707-702.5, -703, -704); or Negligent Injury (HRS §707-705, -706); as those offenses always require that the State prove an offender had a certain state of mind at the time of offense.

From April 2019 through December 2019, our Department was part of a highly dedicated working group—coordinated and facilitated by the Department of Transportation, Highway Safety Division—which spent numerous hours identifying and developing recommendations that would effectively strengthen Hawaii’s OVUII laws, and we believe S.B. 151, H.D. 1, is reflective of that effort.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 151, H.D. 1. Thank you for the opportunity to testify on this matter.

SB-151-HD-1

Submitted on: 3/30/2021 12:14:33 PM

Testimony for CPC on 4/1/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support.