

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-First State Legislature
Regular Session of 2021
State of Hawai`i

February 17, 2021

RE: S.B. 151; RELATING TO TRANSPORTATION.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 151.

The purpose of this bill is to clarify that 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, 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. Thank you for the opportunity to testify on this matter.

SB-151

Submitted on: 2/12/2021 12:05:11 PM

Testimony for JDC on 2/17/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Calvin TONG	Testifying for Honolulu Police	Support	No

Comments:

The Zoom link option was not available for 02-17-21. We would like to also participate via Zoom if possible. It is about five days before the hearing.

SB-151

Submitted on: 2/12/2021 1:03:47 PM

Testimony for JDC on 2/17/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Testifying for Hawaii Bicycling League	Support	No

Comments:

All collisions are preventable at some point by careful human behavior. There are no "accidents" that occur without human agency.

The Hawaii Bicycling League supports changing the language to describe traffic collisions as "collisions."

Thank you to DOT, City DTS and HPD for supporting the adoption of this terminology as well.

Mahalo as we move forward to a future where no one is seriously injured or killed on our streets. Where our streets are safely accessible by people walking, biking, driving, and taking transit.



Mothers Against Drunk Dr
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LATE

February 17, 2021

To: Senator Karl Rhoads, Chair, Senate Committee on Judiciary; Senator Jarrett Keohokaole, Vice Chair; and members of the Committee

From: Arkie Koehl and Carol McNamee, Public Policy Committee - MADD Hawaii

Re: Senate Bill 151 – Relating to the Statewide Traffic Code

I am Carol McNamee, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of Senate Bill 151– relating to the Statewide Traffic Code.

Alcohol-impaired driving is the leading killer on U.S. roadways. According to the National Highway Traffic Safety Administration (NHTSA), 12,389 people were killed in alcohol-impaired crashes in the United States in 2019. That same year there were 108 fatalities on Hawaii’s roads and nearly one third (36) percent were alcohol-related (NHTSA). These crashes which cost Hawaii taxpayers over \$575 million annually could all have been prevented.

MADD believes that is important NOT to refer to these incidents as “accidents” and our Hawaii statutes need to reflect that position. The word “accident” connotes something that was no one’s fault and happened by chance or for no apparent cause.

Drivers are now very aware that consuming alcohol can affect driving skills and can cause tragic crashes or collisions resulting in serious injury or death. They can be totally avoidable if a person who intends to consume alcohol or drugs will arrange for alternate transportation, now more available than ever.

For years, MADD has been encouraging the public to use the words collision, crash, wreck, etc rather than the misleading word, “accident.” Our organization believes those words will make a bigger impact on drivers’ perception of the seriousness of drinking and driving and using drugs and driving. Alcohol or drug related crashes are not “accidents” but are 100% preventable incidents.

We believe it is vital for Hawaii’s statutes to be accurate and call impaired driving crashes by their correct name. Please pass SB 151.

Thank you for this opportunity to testify.

LATE



February 16, 2021

To: Chair Rhoads, Vice Chair Keohokalole, Members of the Senate Committee on Judiciary

RE: **Support for SB151**

Thank you for this opportunity to testify in **SUPPORT** of SB151 and for helping to promote policies and practices aimed at making our streets safer. Blue Zones Project was brought to Hawai'i by HMSA to help increase the overall well-being of our communities and to make Hawaii a healthier, happier place to live, work, and play. To accomplish that goal, we support policies that aim to lower rates of obesity, tobacco use, and chronic disease.

SB151 amends the statewide traffic code to replace the term "accident" with "collision," as accidents are defined as an incident that happens unexpectedly and unintentionally, while attitudes and risky behaviors of motorists involved in crashes may suggest otherwise. This change of terminology is consistent with the National Highway Traffic Safety Administration (NHTSA) and also aligns with Vision Zero, a system of engineering, education, enforcement, encouragement, and evaluation best practices being widely adopted by states, cities, and other municipalities across the country.

As we work towards our goal of zero traffic serious injuries and fatalities, we must continue to support safe and healthy policies that affect motorists and pedestrians.

Thank you for this opportunity to testify,

Colby Takeda, MBA, MPH
Senior Manager

