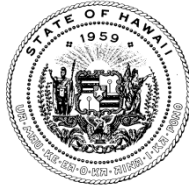


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 12, 2021
2:00 P.M.
State Capitol, Teleconference

S.B. 151
RELATING TO THE STATEWIDE TRAFFIC CODE

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) **supports** S.B. 151, 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 as it will be consistent with NHTSA and would help to educate the public about accidents verses collisions.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE MARK M. NAKASHIMA, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-First State Legislature
Regular Session of 2021
State of Hawai`i

March 12, 2021

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

Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 151.

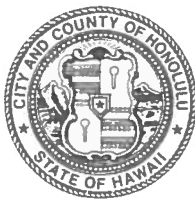
The purpose of this bill is to clarify that the term “accident”—as used in sections of the Hawaii Revised Statutes (“HRS”) regarding “leaving the scene of an accident”—actually means (and has always meant) “collision.” Because the word “accident” *could* be interpreted to mean an incident that occurs 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.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE CT-LC

March 12, 2021

The Honorable Mark M. Nakashima, Chair
and Members
Committee on Judiciary
and Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

SUBJECT: Senate Bill No. 151, 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 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.

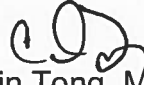
Using a term like "accident" desensitizes the severity of these events that all too often cause major property damage, injury, and even death. The change in the statewide traffic code would also be more in line with our department's policies and procedures.

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

The Honorable Mark M. Nakashima, Chair
and Members
Page 2
March 12, 2021

Thank you for the opportunity to testify.

Sincerely,



Calvin Tong, Major
Traffic Division

APPROVED:



Susan Ballard
Chief of Police

SB-151

Submitted on: 3/10/2021 3:59:59 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Armstrong	Maui MPO Policy Board	Support	No

Comments:

The Maui MPO Policy Board supports SB 151 to replace the term "accident" with collision in certain sections of the statewide traffic code. The updated terminology is consistent with the Vision Zero Maui Action Plan and the philosophy that roadway collisions are preventable, and not merely "accidents". Please support this measure to help promote a culture of safety and prevent needless deaths on our roadways.

SB-151

Submitted on: 3/11/2021 3:35:17 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	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, HPD and others for supporting the adoption of this terminology. Words influence our behaviors.

Mahalo as we move forward to a vision zero 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.