



**TESTIMONY BY:**

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

February 2, 2021  
3:00 P.M.  
State Capitol, Teleconference

**S.B. 151**  
**RELATING TO THE STATEWIDE TRAFFIC CODE**

Senate Committee on Transportation

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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 versus collisions.

Thank you for the opportunity to provide testimony.

**LATE**



Subject: **Support SB151**

Dear Chair Lee, Vice Chair Inouye, and members of the Senate Committee on Transportation,

My name is Kari Benes, and I am the chair of the Hawaii Strategic Highway Safety Plan (SHSP) asking for your support SB151, which transitions our statutes away from the word "accident" and to the word "collision." Transportation safety professionals, planners and policy makers agree that collisions occur with recognizable factors collected in data that assist in planning and applying future countermeasures. Using of the word "accident" implies that a collision just "happened" and there is not anything we can change to prevent future crashes from occurring. This measure aligns with the SHSP's life-saving priorities in the updated 2019-2023 plan.

The Hawaii Strategic Highway Safety Plan's vision is that all of Hawaii's road users arrive safely at their destinations. You can help us achieve our goal of reducing yearly fatalities, by supporting this measure.

To view the Strategic Highway Safety Plan, go to <https://hidot.hawaii.gov/highways/shsp/>

Strategic Highway Safety Plan Mission

*Save lives and reduce injuries on Hawaii's roadways through strategic partnerships and implementation of the Strategic Highway Safety Plan.*

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE CHRIS LEE, CHAIR**  
**SENATE COMMITTEE ON TRANSPORTATION**  
**Thirty-First State Legislature**  
**Regular Session of 2021**  
**State of Hawai'i**

February 2, 2021

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

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

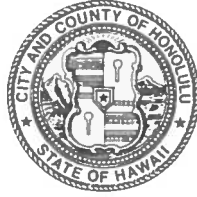
The purpose of this bill is to clarify that that the term “accident”—as used in sections of the Hawaii Revised Statutes (“HRS”) regarding “leaving the scene of an accident”—actually means (and has always meant) “collision.” Because the word “accident” *could* be interpreted to mean an incident that occurs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

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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DEPUTY CHIEFS

OUR REFERENCE

CT-LC

February 2, 2021

The Honorable Chris Lee, Chair  
and Members  
Committee on Transportation  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 224  
Honolulu, Hawaii 96813

Dear Chair Lee 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 Chris Lee, Chair  
and Members  
February 2, 2021  
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Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Calvin Tong". The signature is stylized with loops and a long horizontal stroke at the end.

Calvin Tong, Major  
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Susan Ballard". The signature is written in a cursive style with a long horizontal stroke at the end.

Susan Ballard  
Chief of Police