

A Bill for an Act Relating to the Statewide Traffic Code.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 291C, part II, Hawaii Revised Statutes, is amended by amending its title to read as follows:

“PART II. [ACCIDENTS] COLLISIONS AND [ACCIDENT] COLLISION REPORTS”

SECTION 2. Section 291C-12, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“§291C-12 [Accidents] Collisions involving death or serious bodily injury.

(a) The driver of any vehicle involved in ~~[an accident]~~ a collision resulting in serious bodily injury to or death of any person shall immediately stop the vehicle at the scene of the ~~[accident]~~ collision or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the ~~[accident]~~ collision until the driver has fulfilled the requirements of section 291C-14. Every ~~[such]~~ stop shall be made without obstructing traffic more than is necessary.”

SECTION 3. Section 291C-12.5, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“§291C-12.5 [Accidents] Collisions involving substantial bodily injury.

(a) The driver of any vehicle involved in ~~[an accident]~~ a collision resulting in substantial bodily injury to any person shall immediately stop the vehicle at the scene of the ~~[accident]~~ collision or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the ~~[accident]~~ collision until the driver has fulfilled the requirements of section 291C-14. Every ~~[such]~~ stop shall be made without obstructing traffic more than is necessary.”

SECTION 4. Section 291C-12.6, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“§291C-12.6 [Accidents] Collisions involving bodily injury. (a) The driver of any vehicle involved in ~~[an accident]~~ a collision resulting in bodily injury to any person shall immediately stop the vehicle at the scene of the ~~[accident]~~ collision or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the ~~[accident]~~ collision until the driver has fulfilled the requirements of section 291C-14. Every ~~[such]~~ stop shall be made without obstructing traffic more than is necessary.”

SECTION 5. Section 291C-13, Hawaii Revised Statutes, is amended to read as follows:

“§291C-13 [Accidents] Collisions involving damage to vehicle or property.

The driver of any vehicle involved in ~~[an accident]~~ a collision resulting only in damage to a vehicle or other property that is driven or attended by any person shall immediately stop ~~[such]~~ the vehicle at the scene of the ~~[accident]~~ collision or as close thereto as possible, but shall forthwith return to, and in every event shall remain at, the scene of the ~~[accident]~~ collision until the driver has fulfilled the requirements of section 291C-14. Every ~~[such]~~ stop shall be made without obstructing traffic more than is necessary. For any violation under this section, a surcharge of up to \$100 may be imposed, in addition to other penalties, which shall be deposited into the trauma system special fund.”

SECTION 6. Section 291C-14, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) The driver of any vehicle involved in ~~[an accident]~~ a collision resulting in injury to or death of any person or damage to any vehicle or other property ~~[which] that~~ is driven or attended by any person shall give the driver's name, address, and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit the driver's license or permit to drive to any person injured in the ~~[accident]~~ collision or to the driver or occupant of or person attending any vehicle or other property damaged in the ~~[accident]~~ collision and shall give ~~[such]~~ the information and upon request exhibit ~~[such]~~ the license or permit to any police officer at the scene of the ~~[accident]~~ collision or who is investigating the ~~[accident]~~ collision and shall render to any person injured in the ~~[accident]~~ collision reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that ~~[such]~~ treatment is necessary, or if ~~[such]~~ the carrying is requested by the injured person; provided that if the vehicle involved in the ~~[accident]~~ collision is a bicycle, the driver of the bicycle need not exhibit a license or permit to drive.

(b) In the event that none of the persons specified is in condition to receive the information to which they otherwise would be entitled under subsection (a), and no police officer is present, the driver of any vehicle involved in the ~~[accident]~~ collision after fulfilling all other requirements of section 291C-12, 291C-12.5, or 291C-12.6, and subsection (a) ~~[of this section]~~, insofar as possible on the driver's part to be performed, shall forthwith report the ~~[accident]~~ collision to the nearest police officer and submit thereto the information specified in subsection (a).”

SECTION 7. Section 291C-15, Hawaii Revised Statutes, is amended to read as follows:

“**§291C-15 Duty upon striking unattended vehicle or other property.** The driver of any vehicle which collides with or is involved in ~~[an accident]~~ a collision with any vehicle or other property ~~[which] that~~ is unattended resulting in any damage to the other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of ~~[such]~~ the vehicle or other property of the driver's name, address, and the registration number of the vehicle the driver is driving or shall attach securely in a conspicuous place in or on ~~[such]~~ the vehicle or other property a written notice giving the driver's name, address, and the registration number of the vehicle the driver is driving and shall without unnecessary delay notify the nearest police ~~[office.] officer~~. Every ~~[such]~~ stop shall be made without obstructing traffic more than is necessary. For any violation under this section, a surcharge of up to \$100 may be imposed, in addition to other penalties, which shall be deposited into the trauma system special fund.”

SECTION 8. Section 291C-16, Hawaii Revised Statutes, is amended by amending its title and subsections (a) and (b) to read as follows:

“**§291C-16 Immediate notice of ~~[accident.] collision~~.** (a) The driver of a vehicle involved in ~~[an accident]~~ a collision resulting in injury or death of any person or total damage to all property to an apparent extent of \$3,000 or more shall immediately by the quickest means of communication give notice of the ~~[accident]~~ collision to the nearest police ~~[office.] officer~~. If sent to the site of the ~~[accident.] collision~~, a responding police officer shall file a written report if it appears at the time that the ~~[accident]~~ collision has resulted in the injury or death

of any person, or total damage to all property to an apparent extent of \$3,000 or more.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of ~~[an accident]~~ a collision as required in subsection (a) and there was another occupant in the vehicle at the time of the ~~[accident]~~ collision capable of doing so, ~~[such]~~ the occupant shall make or cause to be given the notice not given by the driver."

SECTION 9. Section 291C-19, Hawaii Revised Statutes, is amended to read as follows:

"[§291C-19] Garages to report. The person in charge of any garage or repair shop to which is brought any motor vehicle ~~[which]~~ that shows evidence of having been involved in ~~[an accident]~~ a collision of which written report must be made by the driver as provided in chapter 287, or struck by any bullet, shall report to the police department, within twenty-four hours after the motor vehicle is received by the garage or repair shop, giving the vehicle identification number, registration number, and the name and address of the owner or driver of the vehicle."

SECTION 10. Section 291C-20, Hawaii Revised Statutes, is amended by amending its title and subsections (a) and (b) to read as follows:

"[§291C-20] Disclosure of traffic ~~[accident]~~ collision reports. (a) Any traffic ~~[accident]~~ collision report required under this chapter shall be made without prejudice to the person required to report information concerning the ~~[accident]~~ collision and shall be for the confidential use of the police department, except that the department shall, upon request, disclose ~~[such]~~ the record, to any person directly concerned in the traffic ~~[accident]~~ collision or having a proper interest therein, including:

- (1) The driver or drivers involved, or the employer, parent, or legal guardian thereof;
- (2) The authorized representative of any person involved in the ~~[accident;]~~ collision;
- (3) Any person injured in the ~~[accident;]~~ collision;
- (4) The owners of vehicles or property damaged in the ~~[accident;]~~ collision;
- (5) Any law enforcement agency; and
- (6) Any court of competent jurisdiction.

(b) Any person who may sue because of death resulting from ~~[any such accident]~~ a collision shall be deemed a party directly concerned."

SECTION 11. Section 291C-163, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) This chapter shall not be deemed to prevent counties with respect to streets and highways under their jurisdiction from:

- (1) Regulating or prohibiting stopping, standing, or parking except as provided in section 291C-111;
- (2) Regulating traffic by means of police officers or official traffic-control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular highways or roadways for use by traffic moving in one direction;
- (5) Establishing speed limits for vehicles in public parks;

- (6) Designating any highway as a through highway or designating any intersection as a stop or yield intersection;
- (7) Restricting the use of highways;
- (8) Regulating the operation and equipment of and requiring the registration and inspection of bicycles, including the requirement of a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- (10) Altering or establishing speed limits;
- (11) Requiring written [~~accident~~] collision reports;
- (12) Designating no-passing zones;
- (13) Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic;
- (14) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- (15) Establishing minimum speed limits;
- (16) Designating hazardous railroad grade crossing;
- (17) Designating and regulating traffic on play streets;
- (18) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk;
- (19) Restricting pedestrian crossing at unmarked crosswalks;
- (20) Regulating persons propelling push carts;
- (21) Regulating persons upon skates, coasters, sleds, and other toy vehicles;
- (22) Adopting and enforcing [~~such~~] temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
- (23) Adopting maximum and minimum speed limits on streets and highways within their respective jurisdictions;
- (24) Adopting requirements on stopping, standing, and parking on streets and highways within their respective jurisdictions except as provided in section 291C-111;
- (25) Prohibiting or regulating electric personal assistive mobility devices on sidewalks and bicycle paths;
- (26) Implementing a photo red light imaging detector system pursuant to chapter 291J; and
- (27) Adopting [~~such~~] other traffic regulations as are specifically authorized by this chapter.”

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 13. This Act shall take effect upon its approval.

(Approved June 28, 2021.)