



**Testimony to the Twenty -Third State Legislature, 2006 Session**  
Senate Committee on Intergovernmental Affairs  
The Honorable David Y. Ige, Chair  
The Honorable Donna Mercado Kim, Vice Chair

Thursday, February 9, 2006  
2:45 p.m.  
State Capitol, Conference Room 225

by

Hawaii Supreme Court Standing Committee on the Rules of Evidence

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2583, Relating to Highway Hazard Evaluation Data.

**Purpose:** Prohibits discovery of safety hazard analysis. Clarifies that the motor vehicle accident reports completed by the police of the various counties is included in the prohibition against discovery. Permits the release of source data.

**Judiciary's Position:**

The Judiciary has no objection to Senate Bill No. 2583, except part (a) (2), which permits the government to erect a shield around accident reports by claiming they were collected for the purpose of evaluating highway hazards. The Hawaii Supreme Court Standing Committee on the Rules of Evidence has reviewed this issue, and in its 2005 Report wrote, "In a proceeding against the State alleging a highway defect, source data involving the details of particular traffic accidents that occurred at the site of the alleged defect should not be privileged or shielded from discovery or evidentiary use, but the State's analysis of the data, including consultant reports, can appropriately be protected."

Thank you for the opportunity to testify on this measure.