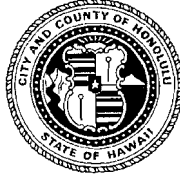


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February 8, 2006

The Honorable Colleen Hanabusa, Chair
Committee on Judiciary and Hawaiian Affairs
Hawai'i State Senate
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Re: Support to Senate Bill No. 2583
Regarding Highway Safety Analysis

Dear Chair Hanabusa and Committee:

The City and County of Honolulu and I thank you and your Committee for the opportunity to give testimony in support of Senate Bill No. 2583, which strongly and clearly sets forth the Legislature's intention that motor vehicle accident reports and other highway and roadway safety analysis records not be subject to discovery in court proceedings and not admissible into evidence in the Courts of the State of Hawai'i.

The City supports Senate Bill for several reasons, as set forth below:

1. The clarity and specificity of the language used in S.B. 2583 clearly elucidates the Legislature's specific intention that motor vehicle accident reports made by police departments in their investigation into motor vehicle accidents, as well as other highway and roadway safety analysis documents, are not to be subjected to discovery nor are they admissible evidence in the Courts of the State of Hawai'i.
2. This Bill also clearly permits the release of traffic accident reports to the party or parties in litigation over the same underlying accident and the corresponding reports.
3. This Bill acknowledges governments' duties regarding Hawai'i Revised Statutes, Chapter 92, which in turn balances the public's right to know with potential interference with legitimate governmental operation and the privacy rights of individuals.

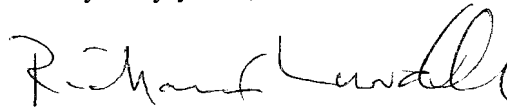
February 8, 2006

The City's past experience has been that, despite 23 U.S.C. §409 and HRS, §291C-20 (prohibiting the release of such police reports by negative implication to persons not involved the underlying accident documented in the report), as well as HRS §92F-13 (protecting the privacy rights of individuals mentioned in these reports), the Courts are highly inclined to compel the City to produce through discovery and by subpoena duces tecum the very police accident investigations that SB 2583 clearly will prohibit. Where HRS, §291C-20 prohibited disclosure of those records by negative implication, SB 2583 clearly spells out the Legislature's intentions that such records are neither subject to discovery in litigation nor are they admissible evidence before this State's courts.

The City & County of Honolulu strongly urges this Committee to move SB 2583 forward towards passage and becoming the law of the State of Hawai'i.

I can be reached at 527-5633 should you or the Committee want further information from me on this matter.

Very truly yours,



RICHARD D. LEWALLEN
Deputy Corporation Counsel

CKSO/RDL:tc