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## A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that inclement weather  
2 reduces visibility, making driving more difficult. Studies have  
3 shown that the use of motor vehicle headlights in inclement  
4 weather increases highway safety by making these vehicles more  
5 easily discernable. Moreover, daytime accidents that occur  
6 during inclement weather are reduced by as much as seventy per  
7 cent when headlights are in operation.

8           The legislature further finds that legislatures in twenty-  
9 eight states have enacted laws requiring motorists to turn on  
10 their headlights when inclement weather affects visibility or  
11 when windshield wipers are in continuous operation, even during  
12 daylight hours, and that a number of other states are  
13 contemplating the adoption of similar laws.

14           The purpose of this Act is to:

15           (1) Require the use of headlights on all motor vehicles,  
16           motorcycles, motor scooters, and motorized bicycles  
17           during periods of inclement weather when visibility is  
18           reduced to a distance of two hundred feet or less;



- 1           (2) Require the use of headlights during conditions  
2                    requiring the continuous use of a motor vehicle's  
3                    windshield wipers;
- 4           (3) Increase the penalties for the use or operation of any  
5                    motor vehicle not equipped with lights as required by  
6                    law; and
- 7           (4) Prohibit the use and operation of motorcycles, motor  
8                    scooters, and motorized bicycles not equipped with  
9                    lights as required by law, and provide a penalty for  
10                  noncompliance.

11           SECTION 2. Section 291-25, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§291-25 Lights for motor vehicles, motorcycles, motor**  
14 **scooters, and motorized bicycles.** (a) From thirty minutes  
15 after sunset until thirty minutes before sunrise~~[7]~~ and during  
16 periods of inclement weather, every motor vehicle moving upon  
17 any public highway shall carry at the front thereof at least two  
18 lighted head lamps which shall display white lights of equal  
19 candle power. The head lamps shall be securely mounted, not  
20 less than twenty-four inches nor more than fifty-four inches  
21 above the road surface when measured to the head lamp center, on  
22 a rigid part of the vehicle designed specifically for head lamp



1 installation by the manufacturer, and so arranged, adjusted, and  
2 constructed that, when the motor vehicle is fully loaded, any  
3 pair of headlights under the conditions of use shall produce a  
4 light sufficient to reveal any person, vehicle, or substantial  
5 object on the highway straight ahead of the motor vehicle for a  
6 distance of two hundred feet.

7 The light when measured at a distance of one hundred feet  
8 directly in front of the motor vehicle, and at a height of sixty  
9 inches above the level surface on which the motor vehicle  
10 stands, shall not exceed two thousand four hundred apparent  
11 candle power, nor shall this candle power be exceeded at a  
12 greater height than sixty inches.

13 When measured at a distance of one hundred feet ahead of  
14 the motor vehicle and seven feet or more to the left of the axis  
15 of the same, and at a height of sixty inches above the level  
16 surface on which the motor vehicle stands, the light shall not  
17 exceed eight hundred apparent candle power.

18 (b) [~~During the time specified in subsection (a)~~] From  
19 thirty minutes after sunset until thirty minutes before sunrise  
20 and during periods of inclement weather, every motorcycle, motor  
21 scooter, or motorized bicycle while moving on a public highway  
22 shall carry, at the front thereof, at least one lighted



1 headlight which shall give a light of such power and so  
2 distributed as provided in subsection (a); provided that any  
3 motorcycle, motor scooter, or motorized bicycle with a side car  
4 or similar contrivance attached shall, in addition to the  
5 foregoing required light, carry on the side car or similar  
6 contrivance a lighted lamp visible from a point at least two  
7 hundred feet ahead of the vehicle. Any headlight required by  
8 this subsection shall display white light and shall be securely  
9 mounted, not less than twenty-four inches nor more than fifty-  
10 four inches above the road surface when measured to the  
11 headlight's center on a rigid part of the vehicle designed  
12 specifically for installation of a light by the manufacturer.

13 (c) As used in this section, "inclement weather" means  
14 weather conditions that:

15 (1) Prevent the driver of a motor vehicle, motorcycle,  
16 motor scooter, or motorized bicycle from clearly  
17 discerning a person, vehicle, or substantial object on  
18 any public street, road, or highway from a distance of  
19 two hundred feet or less; or

20 (2) Require the continuous use of a motor vehicle's  
21 windshield wipers and include but are not limited to  
22 rain, snow, mist, fog, or other precipitation."



1 SECTION 3. Section 291-32, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§291-32 Penalties.** (a) The use or operation of any  
4 motor vehicle, motorcycle, motor scooter, or motorized bicycle  
5 not equipped with lights in conformity with sections 291-25 to  
6 291-31 upon the public highways is prohibited during the  
7 [~~period~~] periods specified in section 291-25 [~~(a)~~].

8 (b) Whoever violates any of the provisions of this section  
9 or of sections 291-25 to 291-31[~~7~~] shall be fined not more than  
10 [~~\$10.~~] \$25. Each violation shall be deemed a separate offense,  
11 and a subsequent violation of the same provision shall be  
12 subject to twice the fine imposed upon the prior conviction  
13 therefor."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2007.  
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HB 1986

**Report Title:**

Mandatory Headlight Use

**Description:**

Requires the use of headlights in inclement weather when windshield wipers are in continuous use.

HB HMS 2005-4298

