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# A BILL FOR AN ACT

RELATING TO TRAFFIC.

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

1           SECTION 1. The legislature finds that the following  
2 factors provide an impetus to make meaningful revisions to the  
3 statewide traffic code:

4           (1) Hawaii has the highest rate in the nation of combined  
5 pedestrian and bicycling fatalities. Over the past  
6 five years, an average of 25.8 per cent of all highway  
7 deaths in the State were walkers and cyclists, while  
8 the national average hovered between twelve and  
9 thirteen per cent. Compared with the safest five  
10 states, Hawaii had four times more death among this  
11 most efficient, desirable, and up-and-coming segment  
12 of the transportation population;

13           (2) In response to a November 2006 ballot question,  
14 seventy-seven per cent of voters in the city and  
15 county of Honolulu said "yes" to making Honolulu a  
16 bicycle- and pedestrian-friendly city;

17           (3) Because traffic congestion has increased throughout  
18 the State, walking and cycling provide a faster mode



1 of transportation in many areas at rush hour and on  
2 weekends as compared with sitting in a fossil-fuel  
3 burning automobile;

4 (4) The State's overwhelming dependency on foreign  
5 imported energy poses a direct and immediate threat to  
6 the sustainability of our fragile and extremely  
7 isolated island chain, both of the life support system  
8 and the basic economy and ecology of its human and  
9 nonhuman residents; and

10 (5) Not only is movement toward more sustainable  
11 practices, policies, laws, institutions, and  
12 infrastructure possible, it is also a fast-approaching  
13 necessity if the residents of Hawaii would like to  
14 remain here and if the State is going to maintain its  
15 competitive advantage in the world.

16 The purpose of this Act is to revise the statewide traffic  
17 code to improve the safety of bicyclists and pedestrians.

18 SECTION 2. Section 291C-43, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[f]§291C-43[+] **Overtaking a vehicle on the left.** The  
21 following rules shall govern the overtaking and passing of



1 vehicles proceeding in the same direction, subject to those  
2 limitations, exceptions, and special rules hereinafter stated:

3 (1) The driver of a vehicle overtaking another vehicle  
4 proceeding in the same direction shall pass to the  
5 left thereof at a safe distance and shall not again  
6 drive to the right side of the roadway until safely  
7 clear of the overtaken vehicle. For any motor vehicle  
8 passing a bicyclist, a safe distance shall be not less  
9 than three feet, except that a bicyclist may  
10 reasonably leave a bicycle lane to avoid debris or  
11 other hazardous conditions, as provided in section  
12 291C-145(c)(3).

13 (2) Except when overtaking and passing on the right is  
14 permitted, the driver of an overtaken vehicle shall  
15 give way to the right in favor of the overtaking  
16 vehicle on audible signal and shall not increase the  
17 speed of the driver's vehicle until completely passed  
18 by the overtaking vehicle."

19 SECTION 3. Section 291C-44, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:

21 "(b) The driver of a vehicle may overtake and pass another  
22 vehicle upon the right only under conditions permitting such



1 movement in safety. In no event shall such movement be made by  
2 driving off the pavement or main-traveled portion of the  
3 roadway[-], unless by a bicyclist escaping more hazardous  
4 conditions on the roadway or roadside."

5 SECTION 4. Section 291C-72, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§291C-72 Pedestrians' and bicyclists' right-of-way in**  
8 **crosswalks.** (a) The driver of a vehicle shall stop for a  
9 pedestrian who is crossing the roadway within a crosswalk when  
10 the pedestrian or bicyclist is either:

11 (1) Upon the half of the roadway upon which the vehicle is  
12 traveling; or

13 (2) Approaching the vehicle so closely or so rapidly from  
14 the opposite half of the roadway as to be in danger,  
15 and shall not proceed until the pedestrian has passed the  
16 vehicle and the driver can safely proceed.

17 (b) No pedestrian or bicyclist shall suddenly leave a curb  
18 or other place of safety and walk [~~or~~], run, or pedal into the  
19 path of a vehicle which is so close that it is impossible for  
20 the driver to yield[-]; nor shall any vehicle speed up upon the  
21 approach of pedestrians or bicyclists at curbs, crosswalks, or



1 other such areas, with the intent or effect of preventing them  
2 from crossing safely.

3 (c) Subsection (a) shall not apply under the conditions  
4 stated in section 291C-73(b).

5 (d) Whenever any vehicle is stopped at a marked crosswalk  
6 or at any unmarked crosswalk at an intersection to permit a  
7 pedestrian to cross the roadway, the driver of any other vehicle  
8 approaching from the rear shall not overtake and pass the  
9 stopped vehicle.

10 (e) Every person who violates this section shall be  
11 subject to the following penalties:

12 (1) For a first infraction, or any infraction not preceded  
13 within one year by a prior violation of this section,  
14 a [~~fine of \$150+~~] revocation of the person's driver's  
15 license and privilege to operate a vehicle for a  
16 period of ninety days;

17 (2) For an infraction that occurs within one year of a  
18 prior violation of this section, a [~~fine of \$300 and~~]  
19 revocation of the person's driver's license and  
20 privilege to operate a vehicle for a period of  
21 [~~ninety~~] one hundred eighty days; and



1           (3) For an infraction that occurs within two years of two  
 2           prior violations of this section, and for the fourth  
 3           and each additional infraction of this section,  
 4           regardless of when committed, a [~~fine of \$1,000, and~~]  
 5           revocation of the person's driver's license and  
 6           privilege to operate a vehicle for a period of one  
 7           [~~hundred eighty days.~~] year."

8           SECTION 5. Section 291C-74, Hawaii Revised Statutes, is  
 9 amended to read as follows:

10           "~~+~~§291C-74~~+~~ **Drivers to exercise due care.**

11 Notwithstanding other provisions of this chapter, every driver  
 12 of a vehicle shall exercise due care to avoid colliding with any  
 13 pedestrian, bicyclist, or other person upon any roadway and  
 14 shall give warning by sounding the driver's horn when necessary  
 15 and shall exercise proper precaution upon observing any child or  
 16 any obviously confused or incapacitated person upon a roadway."

17           SECTION 6. Section 291C-75, Hawaii Revised Statutes, is  
 18 amended to read as follows:

19           "~~+~~§291C-75~~+~~ **Pedestrians and bicyclists to use right**  
 20 **half of crosswalks.** Pedestrians and bicyclists shall move,  
 21 whenever practicable, upon the right half of crosswalks."



1 SECTION 7. Section 291C-79, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§291C-79[+] **Pedestrians' and bicyclists' right-of-way**  
4 **on sidewalks.** The driver of a vehicle emerging from or entering  
5 an alley, building, private road, or driveway shall yield the  
6 right-of-way to any pedestrian or bicyclist approaching on any  
7 sidewalk extending across the alley, building entrance, road, or  
8 driveway."

9 SECTION 8. Section 291C-81, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "§291C-81 **Required position and method of turning at**  
12 **intersections.** The driver of a vehicle intending to turn at an  
13 intersection shall do so as follows:

14 (1) Right turns. Both the approach for a right turn and a  
15 right turn shall be made as close as practicable to  
16 the right-hand curb or edge of the roadway[-], except  
17 as provided in part IV of this chapter, when passing a  
18 bicycle.

19 (2) Left turns. The driver of a vehicle intending to turn  
20 left at any intersection shall approach the  
21 intersection in the extreme left-hand lane lawfully  
22 available to traffic moving in the direction of travel



1 of such vehicle, and, after entering the intersection,  
2 the left turn shall be made so as to leave the  
3 intersection in a lane lawfully available to traffic  
4 moving in such direction upon the roadway being  
5 entered. Whenever practicable the left turn shall be  
6 made in that portion of the intersection to the left  
7 of the center of the intersection.

- 8 (3) The director of transportation and the counties in  
9 their respective jurisdictions may cause official  
10 traffic-control devices to be placed within or  
11 adjacent to intersections and thereby require and  
12 direct that a different course from that specified in  
13 this section be traveled by vehicles turning at an  
14 intersection, and when such devices are so placed no  
15 driver of a vehicle shall turn a vehicle at an  
16 intersection other than as directed and required by  
17 such devices."

18 SECTION 9. Section 291C-94, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§291C-94 Emerging from alley, driveway, or building.** The  
21 driver of a vehicle emerging from an alley, building, private  
22 road, or driveway or from any public or private property other





1 than a highway that is adjacent to a bicycle lane, bicycle path,  
2 sidewalk, or sidewalk area shall stop the vehicle immediately  
3 prior to driving onto the bicycle lane, bicycle path, sidewalk,  
4 or sidewalk area extending across the alley, building entrance,  
5 road, or driveway, or such public or private property, or in the  
6 event there is no bikeway or sidewalk area, shall stop at the  
7 point nearest the street to be entered where the driver has a  
8 view of approaching traffic thereon.

9 Each violation of this section shall be punishable by a  
10 three-month suspension of the violator's driver's license.  
11 Statements from three credible witnesses shall be sufficient to  
12 enforce the suspension."

13 SECTION 10. Section 291C-101, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§291C-101 Basic rule.** No person shall drive a vehicle at  
16 a speed greater than is reasonable and prudent and having regard  
17 to the actual and potential hazards and conditions then  
18 existing. Consistent with the foregoing, every person shall  
19 drive at a safe and appropriate speed when approaching and  
20 crossing an intersection or railroad grade crossing, when  
21 approaching and going around a curve, when approaching a hill  
22 crest, when traveling upon any narrow or winding roadway, and



1 when special hazards exist with respect to pedestrians,  
2 bicyclists, or other traffic, or by reason of weather or highway  
3 conditions."

4 SECTION 11. Section 291C-114, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[+]§291C-114[+] **Parking on sidewalks.** The director of  
7 transportation is authorized to and the counties by ordinance  
8 may with respect to highways under their respective  
9 jurisdictions prohibit or restrict the stopping, standing, or  
10 parking of vehicles except for bicycles on sidewalks."

11 SECTION 12. Section 291C-125, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§291C-125 **Opening and closing vehicle doors.** No person  
14 shall open the door of a motor vehicle on the side available to  
15 moving traffic unless and until it is reasonably safe to do so,  
16 and can be done without interfering with, or causing immediate  
17 hazard to the movement of other traffic[-] including bicyclists,  
18 nor shall any person leave a door open on the side of a vehicle  
19 available to moving traffic for a period of time longer than  
20 necessary to load or unload passengers."

21 SECTION 13. Section 291C-142, Hawaii Revised Statutes, is  
22 amended to read as follows:



1            "[+]§291C-142[+] Traffic laws apply to persons riding  
2 bicycles. Every person riding a bicycle upon a roadway shall be  
3 granted all of the rights and shall be subject to all of the  
4 duties applicable to the driver of a vehicle by this chapter,  
5 except as to special regulations in part IV and this part and  
6 except as to those provisions of this chapter which by their  
7 nature can have no application."

8            SECTION 14. Section 291C-143, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10            "(b) No bicycle shall be used to carry more persons at one  
11 time than the number for which it is designed [~~and~~] or  
12 equipped."

13            SECTION 15. Section 291C-163, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

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

18            (1) Regulating or prohibiting stopping, standing, or  
19 parking except as provided in section 291C-111;

20            (2) Regulating traffic by means of police officers or  
21 official traffic-control devices;



- 1           (3)   Regulating or prohibiting processions or assemblages
- 2                   on the highways;
- 3           (4)   Designating particular highways or roadways for use by
- 4                   traffic moving in one direction;
- 5           (5)   Establishing speed limits for vehicles in public
- 6                   parks;
- 7           (6)   Designating any highway as a through highway or
- 8                   designating any intersection as a stop or yield
- 9                   intersection;
- 10          (7)   Restricting the use of highways;
- 11          (8)   Regulating the operation and equipment of and
- 12                   requiring the registration and inspection of bicycles,
- 13                   including the requirement of a registration fee;
- 14          (9)   Regulating or prohibiting the turning of vehicles or
- 15                   specified types of vehicles;
- 16          (10)  Altering or establishing speed limits;
- 17          (11)  Requiring written accident reports;
- 18          (12)  Designating no-passing zones;
- 19          (13)  Prohibiting or regulating the use of controlled-access
- 20                   roadways by any class or kind of traffic;
- 21          (14)  Prohibiting or regulating the use of heavily traveled
- 22                   streets by any class or kind of traffic found to be



1 incompatible with the normal and safe movement of  
2 traffic[+], except for classes of vehicles and uses  
3 that decrease traffic congestion, and improve average  
4 fuel efficiency, space availability, neighborhood  
5 safety, and other desirable conditions;

6 (15) Establishing minimum speed limits;

7 (16) Designating hazardous railroad grade crossing;

8 (17) Designating and regulating traffic on play streets;

9 (18) Prohibiting pedestrians from crossing a roadway in a  
10 business district or any designated highway except in  
11 a crosswalk;

12 (19) Restricting pedestrian crossing at unmarked  
13 crosswalks;

14 (20) Regulating persons propelling push carts;

15 (21) Regulating persons upon skates, coasters, sleds, and  
16 other toy vehicles;

17 (22) Adopting and enforcing such temporary or experimental  
18 regulations as may be necessary to cover emergencies  
19 or special conditions;

20 (23) Adopting maximum and minimum speed limits on streets  
21 and highways within their respective jurisdictions;



1 (24) Adopting requirements on stopping, standing, and  
 2 parking on streets and highways within their  
 3 respective jurisdictions except as provided in section  
 4 291C-111;

5 (25) Adopting such other traffic regulations as are  
 6 specifically authorized by this chapter."

7 SECTION 16. Section 291C-197, Hawaii Revised Statutes, is  
 8 amended by amending subsection (a) to read as follows:

9 "(a) Wherever bicycle lanes are provided on the roadway,  
 10 moped drivers shall use ~~[such]~~ the bicycle lanes[-], except  
 11 when:

12 (1) Traveling the posted speed limit; or

13 (2) Signage prohibits use by moped drivers."

14 SECTION 17. This Act does not affect rights and duties  
 15 that matured, penalties that were incurred, and proceedings that  
 16 were begun, before its effective date.

17 SECTION 18. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 19. This Act shall take effect upon its approval.

20

INTRODUCED BY: Carol Fukunaga



**Report Title:**  
Bicycle Safety

**Description:**  
Makes changes to traffic code to improve bicyclist safety.

