
A BILL FOR AN ACT

RELATING TO BICYCLING.

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

1 SECTION 1. Chapter 707, Hawaii Revised Statutes, is
2 amended by adding a new section in part I to be appropriately
3 designated and to read as follows:

4 "§707- Infliction of serious physical injury or death to
5 a vulnerable user of a public way. (1) A person commits the
6 offense of infliction of serious physical injury or death to a
7 vulnerable user of a public way if the person, while operating a
8 motor vehicle, causes serious physical injury or death to a
9 vulnerable user of a public way while failing to yield or
10 provide the lawful right-of-way to the vulnerable user of a
11 public way in violation of any provision of chapter 291C.

12 (2) Infliction of serious physical injury or death to a
13 vulnerable user of a public way is a misdemeanor.

14 (3) As used in this section, "vulnerable user of a public
15 way" means:

16 (A) A pedestrian;

17 (B) Wheelchair user;

18 (C) Person riding an animal;



- 1 (D) Person riding a skateboard or skates;
- 2 (E) Operator of a bicycle, moped, motorcycle, or
- 3 unenclosed farm equipment; or
- 4 (F) Any other person
- 5 who is not enclosed within the protective shell of a motor
- 6 vehicle and is lawfully occupying a place on or beside a
- 7 roadway, shoulder, crosswalk, or sidewalk."

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

10 "[+]§291C-43[+] **Overtaking a vehicle on the left.** The
11 following rules shall govern the overtaking and passing of
12 vehicles proceeding in the same direction, subject to those
13 limitations, exceptions, and special rules [~~hereinafter stated.~~]
14 as follows:

15 (1) The driver of a vehicle overtaking another vehicle
16 proceeding in the same direction shall pass to the
17 left thereof at a safe distance and shall not again
18 drive to the right side of the roadway until safely
19 clear of the overtaken vehicle[-];

20 (2) Except when overtaking and passing on the right is
21 ~~permitted, the driver of an overtaken vehicle shall~~
22 give way to the right in favor of the overtaking



1 vehicle on audible signal and shall not increase the
2 speed of the driver's vehicle until completely passed
3 by the overtaking vehicle[-];

4 (3) The driver of a motor vehicle overtaking a person
5 operating a bicycle moving in the same direction shall
6 pass at a distance sufficient to prevent contact with
7 the person operating the bicycle if the person were to
8 fall into the driver's lane of traffic; and

9 (4) When a violation of this section results in a
10 collision between a motor vehicle and the operator of
11 a bicycle riding on the right in compliance with
12 section 291C-145, it shall not be a defense that the
13 operator of the bicycle was riding to the right of the
14 overtaking motor vehicle."

15 SECTION 3. Section 291C-81, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§291C-81 Required position and method of turning at
18 intersections. The driver of a vehicle intending to turn at an
19 intersection shall do so as follows:

20 (1) Right turns. Both the approach for a right turn and a
21 right turn shall be made as close as practicable to
22 the right-hand curb or edge of the roadway[-]provided



1 that a driver shall not make a sudden right turn at an
2 intersection or driveway within one hundred feet after
3 passing a person operating a bicycle;

4 (2) Left turns. The driver of a vehicle intending to turn
5 left at any intersection shall approach the
6 intersection in the extreme left-hand lane lawfully
7 available to traffic moving in the direction of travel
8 of [~~such~~] the vehicle[~~7~~] and, after entering the
9 intersection, the left turn shall be made so as to
10 leave the intersection in a lane lawfully available to
11 traffic moving in [~~such~~] that direction upon the
12 roadway being entered. Whenever practicable the left
13 turn shall be made in that portion of the intersection
14 to the left of the center of the intersection[~~7~~]; and

15 (3) The director of transportation and the counties in
16 their respective jurisdictions may cause official
17 traffic-control devices to be placed within or
18 adjacent to intersections and thereby require and
19 direct that a different course from that specified in
20 this section be traveled by vehicles turning at an
21 intersection, and when such devices are so placed no
22 driver of a vehicle shall turn a vehicle at an



1 intersection other than as directed and required by
2 such devices."

3 SECTION 4. Section 291C-125, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§291C-125 Opening and closing vehicle doors. No person
6 shall open the door of a motor vehicle on the side available to
7 moving traffic unless and until it is reasonably safe to do so,
8 and can be done without interfering with, or causing immediate
9 hazard to the movement of other traffic, including bicycles, nor
10 shall any person leave a door open on the side of a vehicle
11 available to moving traffic for a period of time longer than
12 necessary to load or unload passengers."

13 SECTION 5. Section 291C-145, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Every person operating a bicycle upon a roadway at a
16 speed less than the normal speed of traffic moving in the same
17 direction at [such] that time shall [~~ride as near to the right-~~
18 ~~hand curb, on the edge of the roadway, or on the shoulder off of~~
19 ~~the roadway as practicable, exercising due care when passing a~~
20 ~~standing vehicle or one proceeding in the same direction; except~~
21 ~~under any of the following situations:~~



1 ~~(1) When preparing for a left turn at an intersection or~~
2 ~~into a private road or driveway, except where~~
3 ~~prohibited by official traffic control devices;~~
4 ~~(2) When reasonably necessary to avoid conditions~~
5 ~~(including but not limited to fixed or moving objects,~~
6 ~~vehicles, bicycles, pedestrians, animals, surface~~
7 ~~hazards, or substandard width lanes) that make it~~
8 ~~unsafe to continue along the right hand curb, on the~~
9 ~~edge of the roadway, or on the shoulder off of the~~
10 ~~roadway. For purposes of this section, a "substandard~~
11 ~~width lane" is a lane that is too narrow for a bicycle~~
12 ~~and a vehicle to travel safely side by side within the~~
13 ~~lane; or~~
14 ~~(3) When a roadway is designated and signposted to carry~~
15 ~~traffic in one direction only and has two or more~~
16 ~~marked traffic lanes, a person operating a bicycle may~~
17 ~~ride as near to the left hand curb, on the edge of the~~
18 ~~roadway, or on the shoulder off of such roadway as~~
19 ~~practicable.]~~
20 be entitled to full use of a lane and no motor vehicle shall be
21 driven in such a manner as to deprive any bicycle of the full
22 use of a lane."



1 SECTION 6. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval.

7

INTRODUCED BY: *James W. McKinley, JR.*

JAN 28 2009



Report Title:

Bicycles; Safety; Statewide Traffic Code

Description:

Creates the offense of infliction of serious physical injury or death to a vulnerable user of a public way. Requires motor vehicles to pass bicycles on the left at a safe distance. Prohibits motor vehicles from making a sudden right turn within 100 feet after passing a bicycle on the left. Entitles bicycles to use an entire traffic lane.

