

JAN 23 2009

A BILL FOR AN ACT

RELATING TO THE STATEWIDE TRAFFIC CODE.

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

1 SECTION 1. The legislature finds that section 291C-65,
2 Hawaii Revised Statutes, requires drivers to yield the right-of-
3 way upon immediate approach of an authorized emergency vehicle
4 making use of audible and visual signals until the authorized
5 emergency vehicle has passed.

6 The purpose of this Act is to require the driver of a
7 vehicle approaching a stationary authorized emergency vehicle
8 that is displaying emergency lights, or a stationary tow truck
9 that is displaying flashing amber warning lights, to approach
10 with due caution and, absent any other direction by a police
11 officer, proceed either to:

- 12 (1) Make a lane change into an available lane, as
13 specified, or;
- 14 (2) If that action would be unsafe or impracticable, slow
15 to a reasonable and prudent speed that is safe.



1 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§291C- Authorized emergency vehicles; tow trucks;**
5 **emergency incident zones.** (a) For the purposes of this
6 section:

7 "Emergency incident zone" means an area on a highway that
8 is within five hundred feet of, and in the direction of travel
9 of, a stationary authorized emergency vehicle that has its
10 emergency lights activated or a stationary tow truck that is
11 displaying flashing amber warning lights; provided that traffic
12 in the opposite lanes of the highway is not in an "emergency
13 incident zone."

14 (b) The driver of a vehicle approaching an emergency
15 incident zone shall approach with due caution and, before
16 passing in a lane immediately adjacent to the authorized
17 emergency vehicle or tow truck, absent any other direction by a
18 police officer, shall:

19 (1) Make a lane change into an available lane not
20 immediately adjacent to the authorized emergency
21 vehicle or tow truck with due regard for safety and



1 traffic conditions, if practicable and not prohibited
2 by law; or

3 (2) If the action in paragraph (1) would be unsafe or
4 impracticable, slow to a reasonable and prudent speed
5 that is safe for existing weather, road, and vehicular
6 or pedestrian traffic conditions.

7 (c) Any person who violates this section shall be fined
8 not more than \$50."

9 SECTION 3. Section 291C-135, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§291C-135 Tow trucks; signage [~~and~~], insurance, and**
12 warning lamp requirements. (a) Notwithstanding any other law
13 to the contrary, the registered owner or lessee of a tow truck
14 shall:

15 (1) Permanently affix on each door of the truck a sign
16 with the name and telephone number of the tow
17 business. The letters and numbers used in the sign
18 shall be no less than two inches in height; and

19 (2) Maintain insurance coverage sufficient to protect
20 owners of towed vehicles in the event of vehicle loss
21 or damage due to towing. If a tow operator fails to
22 comply with the insurance requirements of this



1 ~~[section 7]~~ paragraph, no charges, including storage
2 charges, may be collected by the tow operator as a
3 result of the tow or as a condition of the release of
4 the towed vehicle. Any person, including the
5 registered owner, lien holder, or insurer of the
6 vehicle, who has been injured by the tow operator's
7 failure to comply with this ~~[section]~~ paragraph is
8 entitled to sue for damages sustained. If a judgment
9 is obtained by the plaintiff, the court shall award
10 the plaintiff a sum of not less than \$1,000 or
11 threefold damages sustained by the plaintiff,
12 whichever sum is greater, and reasonable attorney's
13 fees and costs.

14 This ~~[section]~~ subsection shall not apply to a county that has
15 adopted ordinances regulating towing operations.

16 (b) Tow trucks used to tow disabled vehicles from an
17 emergency incident zone as defined in section 291C- shall be
18 equipped with flashing amber warning lamps; provided that this
19 subsection shall not apply to a tractor-trailer combination."

20 SECTION 4. Statutory material to be repealed is bracketed

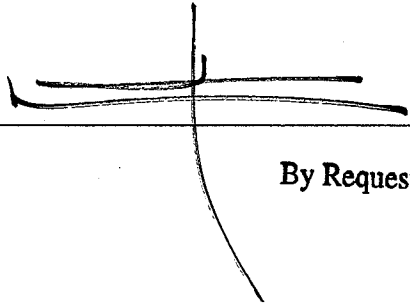


1 and stricken. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

3

INTRODUCED BY:



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By Request



Report Title:

Highway Safety; Emergency Vehicles and Tow Trucks

Description:

Requires drivers approaching a stationary authorized emergency vehicle that is displaying emergency lights, or a stationary tow truck that is displaying flashing amber warning lights, to approach with due caution and make a lane change into an available lane or if that action would be unsafe or impracticable, slow to a reasonable and safe speed.

