

JAN 21 2011

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;

14 (2) If that action would be unsafe or impracticable, slow
15 to a reasonable and prudent speed that is safe.

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



1 "§291C- Authorized emergency vehicles; tow trucks;
2 emergency incident zones. (a) The driver of a vehicle
3 approaching an emergency incident zone shall approach with due
4 caution and, before passing in a lane immediately adjacent to
5 the authorized emergency vehicle or tow truck, absent any other
6 direction by a police officer, shall:

7 (1) Make a lane change into an available lane not
8 immediately adjacent to the authorized emergency
9 vehicle or tow truck with due regard for safety and
10 traffic conditions, if practicable and not prohibited
11 by law; or

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

16 (b) For the purposes of this section, "emergency incident
17 zone" means an area on a highway that is within five hundred
18 feet of, and in the direction of travel of, a stationary
19 authorized emergency vehicle that has its emergency lights
20 activated or a stationary tow truck that is displaying flashing
21 amber warning lights; provided that traffic in the opposite



1 lanes of the highway shall not be considered to be in the
2 emergency incident zone.

3 (c) Any person who violates this section shall be fined
4 not more than \$200."

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

7 "§291C-135 Tow trucks; signage [and], insurance, and
8 warning lamp requirements. (a) Notwithstanding any other law
9 to the contrary, the registered owner or lessee of a tow truck
10 shall:

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

15 (2) Maintain insurance in the following amounts:

16 (A) Bodily injury of not less than \$500,000;

17 (B) Property damage of not less than \$200,000; and

18 (C) On-hook coverage of not less than \$175,000; or

19 (D) A combined single limit of liability of not less
20 than \$1,000,000,

21 to protect owners of towed vehicles in the event of

22 vehicle loss or damage due to towing or bodily injury



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

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

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

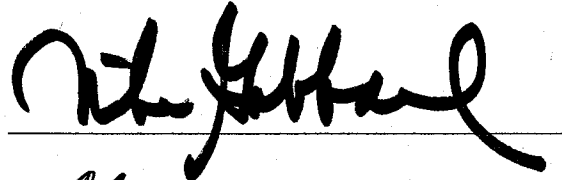


1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

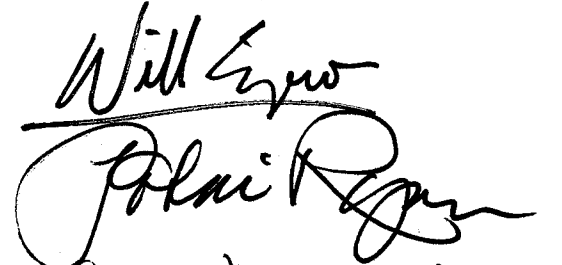
3 SECTION 5. This Act shall take effect upon its approval.

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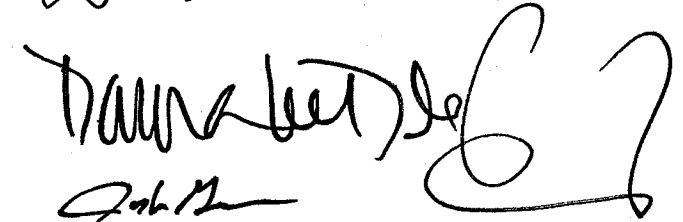
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Report Title:

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 prudent speed.

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