
A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

1 SECTION 1. Section 291C-104, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending its title to read:

4 "**§291C-104 Speeding in a school zone or active**
5 **construction area.**"

6 2. By amending subsections (a) and (b) to read:

7 "(a) No person shall drive a motor vehicle at a speed
8 greater than the maximum speed limit established pursuant to
9 subsection (b) within a school zone or [a] an active
10 construction area; provided that if the person drives a motor
11 vehicle at a speed greater than thirty miles an hour or more
12 over the maximum speed limit established in subsection (b), or
13 over eighty miles per hour or more in a school zone or [a
14 ~~construction zone~~] an active construction area, the provisions
15 of section 291C-105 shall control. Appropriate law enforcement
16 personnel may enforce the maximum speed limits established for
17 school zones and active construction areas.



1 (b) Section 291C-102 notwithstanding, the director of
2 transportation and the counties, in their respective
3 jurisdictions, shall establish maximum speed limits for school
4 zones and active construction areas and shall require the owner,
5 general contractor, or other person responsible for construction
6 to provide proper signs in active construction areas. The
7 director of transportation shall place official signs in school
8 zones.

9 Signs posted pursuant to this subsection shall be plainly
10 visible at all times under ordinary traffic conditions."

11 3. By amending subsection (d) to read:

12 "(d) For purposes of this section:

13 [~~"Construction area"~~] "Active construction area" includes
14 any area in which [~~there is occurring~~] the installation,
15 construction, or demolition of connections for streets, roads,
16 driveways, concrete curbs and sidewalks, structures, drainage
17 systems, landscaping, or grading within the highway rights-of-
18 way, including aboveground and underground utility work,
19 excavation and backfilling of trenches or other openings in
20 state highways, the restoration, replacement, or repair of the
21 base course, pavement surfaces, highway structures, or any other
22 highway improvements[-] is occurring during time periods



1 specified on proper signage provided under subsection 291C-
2 104(b).

3 "School zone" means every street and all public property in
4 the vicinity of a school as designated by the department of
5 transportation and the counties, in their respective
6 jurisdictions."

7 SECTION 2. Section 291C-105, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) For the purposes of this section, "the applicable
10 state or county speed limit" means:

- 11 (1) The maximum speed limit established by county
12 ordinance;
- 13 (2) The maximum speed limit established by official signs
14 placed by the director of transportation on highways
15 under the director's jurisdiction; or
- 16 (3) The maximum speed limit established pursuant to
17 section 291C-104 by the director of transportation or
18 the counties for school zones and active construction
19 areas in their respective jurisdictions."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



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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INTRODUCED BY: DM

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Report Title:

Traffic Safety; Speeding; Construction Zones.

Description:

Provides that violations for speeding in construction areas are only applicable when construction is actively occurring in the construction area.

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