



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 11, 2017

GOV. MSG. NO. 1264

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott D. Saiki, Speaker
and Members of the House
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith HB727 HD1 SD2 CD1, without my approval, and with the statement of objections relating to the measure.

HB727 HD1 SD2 CD1

RELATING TO MOTORCYCLES

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 11, 2017

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 727

Honorable Members
Twenty-Ninth Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, House Bill No. 727, entitled "A Bill for an Act Relating to Motorcycles."

The purposes of this bill are to alleviate traffic congestion and enhance the safety of motorists by allowing motorcycles and motor scooters to pass between two same-bound lanes and on roadway shoulders when traffic is stopped, a practice known as motorcycle lane filtering.

This bill is objectionable because of the concern that motorcycles and motor scooters operating between lanes and on the shoulders will cause more safety issues than could be alleviated. Shoulders were designed for stalled vehicles and other emergencies. One of the intents of the bill is to reduce congestion, but motorcycles and motor scooters make up less than one-half of one percent of vehicles. Data shows motorcycle and motor scooter usage is going down due to decreases in gasoline prices. The practice of lane filtering will increase the potential for road rage by providing preferential treatment for motorcycles and motor scooters.

Another intent of the bill is to reduce rear-end collisions between cars and motorcycles. From 2009 through 2015, only two out of 162 motorcycle fatalities involved rear-end collisions. Of those two, one was a motorcycle crashing into another motorcycle and the other was a motorcycle hitting a car.

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 727
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For the foregoing reasons, I am returning House Bill No. 727 without my approval.

Respectfully,

A handwritten signature in black ink that reads "David Y. Ige". The signature is written in a cursive, flowing style.

DAVID Y. IGE
Governor of Hawai'i

P R O C L A M A T I O N

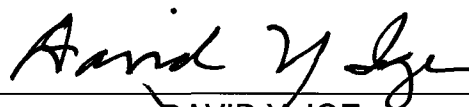
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawai'i, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 727, entitled "A Bill for an Act Relating to Motorcycles," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 727 is unacceptable to the Governor of the State of Hawai'i;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawai'i, giving notice of my plan to return House Bill No. 727 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawai'i, this 11
day of July, 2017.



DAVID Y. IGE
Governor of Hawai'i

ORIGINAL

VETO

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

H.B. NO.

727
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO MOTORCYCLES.

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

1 SECTION 1. Section 291C-41, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [†]§291C-41[†] Drive on right side of roadway;

4 exceptions. (a) Upon all roadways of sufficient width a
5 vehicle shall be driven upon the right half of the roadway,
6 except as follows:

7 (1) When overtaking and passing another vehicle proceeding
8 in the same direction under the rules governing such
9 movement;

10 (2) When an obstruction exists making it necessary to
11 drive to the left of the center of the highway;
12 provided any person so doing shall yield the right-of-
13 way to all vehicles traveling in the proper direction
14 upon the unobstructed portion of the highway within
15 such distance as to constitute an immediate hazard;

16 (3) Upon a roadway divided into three marked lanes for
17 traffic under the rules applicable thereon; or



1 (4) Upon a roadway designated and signposted one-way
2 traffic.

3 (b) Upon all roadways any vehicle proceeding at less than
4 the normal speed of traffic at the time and place and under the
5 conditions then existing shall be driven in the right-hand lane
6 then available for traffic, or as close as practicable to the
7 right-hand curb or edge of the roadway, except when overtaking
8 and passing another vehicle proceeding in the same direction or
9 when preparing for a left turn at an intersection or into a
10 private road or driveway.

11 (c) Upon any roadway having four or more lanes for moving
12 traffic and providing for two-way movement of traffic, no
13 vehicle shall be driven to the left of the center line of the
14 roadway, except when authorized by official traffic-control
15 devices designating certain lanes to the left side of the center
16 of the roadway for use by traffic not otherwise permitted to use
17 such lanes, or except as permitted under subsection (a)(2). This
18 subsection shall not be construed to prohibit the crossing of
19 the center line in making a left turn into or from an alley,
20 private road, or driveway.



1 (d) Upon any roadway, as designated by the department of
2 transportation, having two or more lanes for moving traffic in
3 the same direction, where traffic is stopped due to a marked or
4 unmarked intersection or congestion, the department of
5 transportation shall have the discretion to authorize the
6 operator of a motorcycle or motor scooter to proceed cautiously
7 upon the shoulder of the roadway, as designated by the
8 department of transportation, in the same direction at a reduced
9 rate of speed of no more than ten miles per hour until either:

10 (1) The adjacent lane the operator of the motorcycle or
11 motor scooter was previously on is free of traffic
12 whereupon the motorcycle or motor scooter operator
13 shall safely maneuver the vehicle completely into such
14 lane while continuing in the same direction of travel;
15 or

16 (2) The adjacent lane of traffic the operator of the
17 motorcycle or motor scooter was previously on begins
18 to move forward, whereupon the motorcycle or motor
19 scooter operator shall maneuver the vehicle completely
20 into such lane of moving traffic as soon as it is safe
21 to do so;



1 provided that this subsection shall not apply to a person
2 operating or riding as a passenger on a three-wheeled motorcycle
3 or three-wheeled motor scooter."

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

6 "[+]§291C-43[+] Overtaking a vehicle on the left. The
7 following rules shall govern the overtaking and passing of
8 vehicles proceeding in the same direction, subject to those
9 limitations, exceptions, and special rules hereinafter stated:

10 (1) The driver of a vehicle overtaking another vehicle
11 proceeding in the same direction shall pass to the
12 left thereof at a safe distance and shall not again
13 drive to the right side of the roadway until safely
14 clear of the overtaken vehicle[-];

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



1 (3) The operator of a motorcycle or motor scooter may
2 overtake and pass a stopped vehicle under traffic
3 conditions specified in section 291C-41(d)."

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

6 "(a) The driver of a vehicle may overtake and pass upon
7 the right of another vehicle only under the following
8 conditions:

9 (1) When the vehicle overtaken is making or about to make
10 a left turn;

11 (2) Upon a street or highway with unobstructed pavement
12 not occupied by parked vehicles of sufficient width
13 for and with lanes marked for two or more lines of
14 moving vehicles in each direction;

15 (3) Upon a one-way street, or upon any roadway on which
16 traffic is restricted to one direction of movement,
17 where the roadway is free from obstructions and of
18 sufficient width for two or more lines of moving
19 vehicles [-]; and

20 (4) Upon any roadway having two or more lanes for moving
21 traffic in the same direction, the operator of a



1 motorcycle or motor scooter may overtake and pass a
2 stopped vehicle under traffic conditions specified in
3 section 291C-41(d)."

4 SECTION 4. Section 291C-49, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§291C-49[+] Driving on roadways laned for traffic.

7 Whenever any roadway has been divided into two or more clearly
8 marked lanes for traffic the following rules in addition to all
9 others consistent herewith shall apply.

10 (1) A vehicle shall be driven as nearly as practicable
11 entirely within a single lane and shall not be moved
12 from the lane until the driver has first ascertained
13 that such movement can be made with safety.

14 (2) Upon a roadway which is divided into three lanes and
15 provides for two-way movement of traffic, a vehicle
16 shall not be driven in the center lane except when
17 overtaking and passing another vehicle traveling in
18 the same direction when the center lane is clear of
19 traffic within a safe distance, or in preparation for
20 making a left turn or where the center lane is at the
21 time allocated exclusively to traffic moving in the



1 same direction that the vehicle is proceeding and such
2 allocation is designated by official traffic-control
3 devices.

4 (3) Official traffic-control devices may be erected
5 directing specified traffic to use a designated lane
6 or designating those lanes to be used by traffic
7 moving in a particular direction regardless of the
8 center of the roadway and drivers of vehicles shall
9 obey the directions of every such sign.

10 (4) Official traffic-control devices may be installed
11 prohibiting the changing of lanes on sections of
12 roadway and drivers of vehicles shall obey the
13 directions of every such device.

14 (5) Nothing in this section shall be construed as
15 prohibiting the operator of a motorcycle or motor
16 scooter from overtaking and passing a stopped vehicle
17 under traffic conditions specified in section
18 291C-41(d)."

19 SECTION 5. Section 291C-81, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§291C-81 Required position and method of turning at
2 intersections. The driver of a vehicle intending to turn at an
3 intersection shall do so as follows:

4 (1) Right turns. Both the approach for a right turn and a
5 right turn shall be made as close as practicable to
6 the right-hand curb or edge of the roadway.

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

18 (3) The director of transportation and the counties in
19 their respective jurisdictions may cause official
20 traffic-control devices to be placed within or
21 adjacent to intersections and thereby require and



1 direct that a different course from that specified in
2 this section be traveled by vehicles turning at an
3 intersection, and when such devices are so placed no
4 driver of a vehicle shall turn a vehicle at an
5 intersection other than as directed and required by
6 such devices.

7 (4) Subject to official traffic-control devices being
8 placed within or adjacent to intersections and thereby
9 requiring and directing that a different course from
10 that specified in this section be traveled by vehicles
11 turning at an intersection as provided under paragraph
12 (3), where the operator of a motorcycle or motor
13 scooter is overtaking and passing vehicles in the
14 manner and for the reasons described in section 291C-
15 41(d), the operator shall always give the right-of-way
16 to either left turning or right turning vehicles at
17 intersections in compliance with paragraphs (1) and
18 (2), and such operator shall maneuver the motorcycle
19 or motor scooter completely into a lane of travel
20 before attempting, signaling the intention, and making



1 either a left turn or right turn in full compliance
2 with the applicable provisions of this section."

3 SECTION 6. Section 291C-84, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§291C-84 Turning movements and required signals. (a) No
6 person shall turn a vehicle at an intersection unless the
7 vehicle is in proper position upon the roadway as required in
8 section 291C-81, or turn a vehicle to enter a private road or
9 driveway, or otherwise turn a vehicle from a direct course or
10 move right or left upon a roadway unless and until such movement
11 can be made with reasonable safety. No person shall so turn any
12 vehicle without giving an appropriate signal in the manner
13 hereinafter provided.

14 (b) A signal of intention to turn right or left when
15 required shall be given continuously during not less than the
16 last one hundred feet traveled by the vehicle before turning;
17 provided that for a bicycle or moped, such signal shall be given
18 continuously during not less than the last one hundred feet
19 traveled by the bicycle or moped before turning, and shall be
20 given when the bicycle or moped is stopped waiting to turn; and
21 further provided that a signal by hand and arm need not be given



1 continuously by the driver of a bicycle or moped if the hand is
2 needed in the braking, control, or operation of the bicycle or
3 moped.

4 (c) No person shall stop or suddenly decrease the speed of
5 a vehicle without first giving an appropriate signal in the
6 manner provided herein to the driver of any vehicle immediately
7 to the rear when there is opportunity to give such signal.

8 (d) The signals provided for in section 291C-85(b) shall
9 be used to indicate an intention to turn, change lanes, or start
10 from a parked position and shall not be flashed on one side only
11 on a parked or disabled vehicle, or flashed as a courtesy or "do
12 pass" signal to operators of other vehicles approaching from the
13 rear.

14 (e) Where the operator of a motorcycle or motor scooter is
15 overtaking and passing a stopped vehicle in the manner and for
16 the reasons described in section 291C-41(d), the operator shall
17 employ the signals provided for in section 291C-85(b) to
18 indicate the operator's intention to stop or to maneuver the
19 motorcycle or motor scooter from its line of travel into the
20 shoulder lane of travel."



1 SECTION 7. Section 291C-125, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§291C-125 Opening and closing vehicle doors. (a) No
4 person shall open the door of a motor vehicle on the side
5 available to moving traffic unless and until it is reasonably
6 safe to do so, and can be done without interfering with, or
7 causing immediate hazard to the movement of other traffic, nor
8 shall any person leave a door open on the side of a vehicle
9 available to moving traffic for a period of time longer than
10 necessary to load or unload passengers.

11 (b) No person shall open a door of a motor vehicle or
12 extend or allow any object to protrude out of or from a motor
13 vehicle, or otherwise direct the course and line of travel of a
14 motor vehicle, such that it interferes with or obstructs the
15 movement of a motorcycle or motor scooter or endangers the lives
16 and safety of the operator or passenger of a motorcycle or motor
17 scooter who is lawfully engaged in overtaking and passing a
18 stopped vehicle under traffic conditions specified in section
19 291C-41(d)."

20 SECTION 8. Section 291C-153, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[+]~~ §291C-153 ~~[+]~~ Operating motorcycles on roadways laned
2 for traffic. (a) All motorcycles are entitled to full use of a
3 lane and no motor vehicle shall be driven in such a manner as to
4 deprive any motorcycle of the full use of a lane. This
5 subsection shall not apply to motorcycles operated two abreast
6 in a single lane.

7 (b) The operator of a motorcycle shall not overtake and
8 pass in the same lane occupied by the vehicle being
9 overtaken~~[-]~~, except when lawfully engaged in overtaking and
10 passing a stopped vehicle under traffic conditions specified in
11 section 291C-41(d).

12 (c) No person shall operate a motorcycle between lanes of
13 traffic or between adjacent lines or rows of vehicles~~[-]~~, except
14 when lawfully engaged in overtaking and passing a stopped
15 vehicle under traffic conditions specified in section
16 291C-41(d).

17 (d) Motorcycles shall not be operated more than two
18 abreast in a single lane.

19 (e) Subsections (b) and (c) shall not apply to police
20 officers in the performance of their official duties."



1 SECTION 9. 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 10. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect on July 1, 2017;
7 provided that on June 30, 2021, this Act shall be repealed and
8 sections 291C-41, 291C-43, 291C-44, 291C-49, 291C-81, 291C-84,
9 291C-125, and 291C-153, Hawaii Revised Statutes, shall be
10 reenacted in the form in which they read on the day before the
11 effective date of this Act.

APPROVED this day of , 2017

GOVERNOR OF THE STATE OF HAWAII

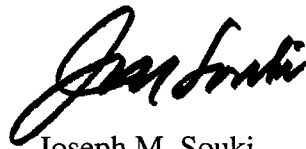


HB No. 727, HD 1, SD 2, CD 1

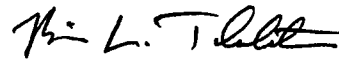
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives

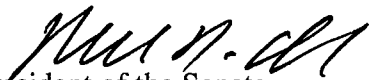



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate