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# A BILL FOR AN ACT

RELATING TO MOTORCYCLES.

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

1           SECTION 1. The legislature finds that with increasing  
2 traffic congestion especially at peak rush hour periods on main  
3 roads and highways throughout the State, especially in cities  
4 and on freeways, any measures that can alleviate congestion and  
5 reduce the risk of injury and loss of life to motorcycle and  
6 motor scooter operators and their passengers without increasing  
7 hardship, delay, and risk of injury or damage to other users of  
8 the roadways is a welcome benefit for all concerned.

9           The legislature further finds that although the concept of  
10 "motorcycle lane splitting", which involves motorcycles and  
11 motor scooters passing between two lanes of traffic moving in  
12 the same direction would not be a safe maneuver on many of  
13 Hawaii's highways and freeways due to the narrowness of the  
14 lanes, the concept of "motorcycle lane filtering" alleviates  
15 that risk by requiring that traffic be stopped at the time the  
16 motorcycle or motor scooter passes between two same-bound lanes  
17 of stopped traffic.



1           The purpose of this Act is to simultaneously achieve three  
2 desirable transportation, traffic, and public policy goals  
3 through "motorcycle lane filtering."

4           First, by allowing motorcycles and motor scooters to filter  
5 through same-bound lanes of stopped traffic, when safe to do so,  
6 on main roads, highways, and freeways, the risk of motor vehicle  
7 rear-end collisions with motorcycles and motor scooters can be  
8 reduced substantially, thus significantly reducing the loss of  
9 life and serious injury to motorcycle and motor scooter  
10 operators and their passengers.

11           Second, motorcycle lane filtering will allow motorcycles  
12 and motor scooters to move through stalled and stopped traffic,  
13 especially during gridlock on Oahu's freeways, thereby  
14 eliminating overheating problems associated with air-cooled  
15 motorcycles and motor scooters, which, unlike motor vehicles,  
16 have no radiators and, therefore, rely on movement to maintain  
17 cooling. Stalled and overheated motorcycles and motor scooters  
18 are an inconvenience to their operators and passengers as well  
19 as other motorists on the road. On freeways, stalled and  
20 overheated motorcycles and motor scooters constitute an  
21 additional safety risk to their operators, passengers, and other



1 motorists and safety vehicles. Motorcycle lane filtering  
2 eliminates the cause of overheating by allowing motorcycles and  
3 motor scooters to move through stopped and gridlocked traffic,  
4 thereby eliminating the risk of serious personal injury and  
5 property damage.

6 Third, motorcycle lane filtering allows motorcycles and  
7 motor scooters to move through stopped traffic, which allows  
8 some modest alleviation of the traffic congestion and is a  
9 positive sum gain in relief from the immediate traffic  
10 congestion for all other motorists as well.

11 With the increase in motorcycle and motor scooter use as an  
12 alternative form of commuter transportation in Hawaii, these  
13 benefits are expected to increase over time.

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

16 "[~~+~~]§291C-41[~~+~~] Drive on right side of roadway;  
17 exceptions. (a) Upon all roadways of sufficient width a  
18 vehicle shall be driven upon the right half of the roadway,  
19 except as follows:



- 1           (1) When overtaking and passing another vehicle proceeding  
2           in the same direction under the rules governing such  
3           movement;
- 4           (2) When an obstruction exists making it necessary to  
5           drive to the left of the center of the highway;  
6           provided any person so doing shall yield the right-of-  
7           way to all vehicles traveling in the proper direction  
8           upon the unobstructed portion of the highway within  
9           such distance as to constitute an immediate hazard;
- 10          (3) Upon a roadway divided into three marked lanes for  
11          traffic under the rules applicable thereon; or
- 12          (4) Upon a roadway designated and signposted one-way  
13          traffic.
- 14          (b) Upon all roadways any vehicle proceeding at less than  
15          the normal speed of traffic at the time and place and under the  
16          conditions then existing shall be driven in the right-hand lane  
17          then available for traffic, or as close as practicable to the  
18          right-hand curb or edge of the roadway, except when overtaking  
19          and passing another vehicle proceeding in the same direction or  
20          when preparing for a left turn at an intersection or into a  
21          private road or driveway.



1           (c) Upon any roadway having four or more lanes for moving  
2 traffic and providing for two-way movement of traffic, no  
3 vehicle shall be driven to the left of the center line of the  
4 roadway, except when authorized by official traffic-control  
5 devices designating certain lanes to the left side of the center  
6 of the roadway for use by traffic not otherwise permitted to use  
7 such lanes, or except as permitted under subsection (a) (2). This  
8 subsection shall not be construed to prohibit the crossing of  
9 the center line in making a left turn into or from an alley,  
10 private road, or driveway.

11           (d) Upon any roadway having two or more lanes for moving  
12 traffic in the same direction, where traffic is stopped due to a  
13 marked or unmarked intersection or congestion, the operator of a  
14 motorcycle or motor scooter may proceed cautiously between  
15 stopped lanes of traffic in the same direction at a reduced rate  
16 of speed until either:

17           (1) One of the lanes is free of traffic whereupon the  
18 motorcycle or motor scooter operator shall safely  
19 maneuver the vehicle completely into such lane while  
20 continuing in the same direction of travel; or



1        (2) Where one or both of the stopped lanes of traffic  
2        begins to move forward, whereupon the motorcycle or  
3        motor scooter operator shall maneuver the vehicle  
4        completely into such lane of moving traffic as soon as  
5        it is safe to do so;  
6        provided that this subsection shall not apply to a person  
7        operating or riding as a passenger on a three-wheeled motorcycle  
8        or three-wheeled motor scooter."

9        SECTION 3. Section 291C-43, Hawaii Revised Statutes, is  
10       amended to read as follows:

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

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



1 give way to the right in favor of the overtaking  
2 vehicle on audible signal and shall not increase the  
3 speed of the driver's vehicle until completely passed  
4 by the overtaking vehicle[-]; and

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

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

10 "(a) The driver of a vehicle may overtake and pass upon  
11 the right of another vehicle only under the following  
12 conditions:

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

15 (2) Upon a street or highway with unobstructed pavement  
16 not occupied by parked vehicles of sufficient width  
17 for and with lanes marked for two or more lines of  
18 moving vehicles in each direction;

19 (3) Upon a one-way street, or upon any roadway on which  
20 traffic is restricted to one direction of movement,  
21 where the roadway is free from obstructions and of



1 sufficient width for two or more lines of moving  
2 vehicles [-] i

3 (4) Upon any roadway having two or more lanes for moving  
4 traffic in the same direction, the operator of a  
5 motorcycle or motor scooter may pass and overtake a  
6 stopped vehicle or vehicles under traffic conditions  
7 specified in section 291C-41(d)."

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

10 " [+] §291C-49 [+] **Driving on roadways laned for traffic.**

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

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

18 (2) Upon a roadway which is divided into three lanes and  
19 provides for two-way movement of traffic, a vehicle  
20 shall not be driven in the center lane except when  
21 overtaking and passing another vehicle traveling in





1 the same direction when the center lane is clear of  
2 traffic within a safe distance, or in preparation for  
3 making a left turn or where the center lane is at the  
4 time allocated exclusively to traffic moving in the  
5 same direction that the vehicle is proceeding and such  
6 allocation is designated by official traffic-control  
7 devices.

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

14 (4) Official traffic-control devices may be installed  
15 prohibiting the changing of lanes on sections of  
16 roadway and drivers of vehicles shall obey the  
17 directions of every such device.

18 (5) Nothing herein shall be construed as prohibiting the  
19 operator of a motorcycle or motor scooter from  
20 overtaking stopped vehicles under the traffic  
21 conditions specified in section 291C-41(d)."



1           SECTION 6. Section 291C-81, Hawaii Revised Statutes, is  
2 amended to read as follows:

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

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

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

20           (3) The director of transportation and the counties in  
21 their respective jurisdictions may cause official



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1 traffic-control devices to be placed within or  
2 adjacent to intersections and thereby require and  
3 direct that a different course from that specified in  
4 this section be traveled by vehicles turning at an  
5 intersection, and when such devices are so placed no  
6 driver of a vehicle shall turn a vehicle at an  
7 intersection other than as directed and required by  
8 such devices.

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



1           travel before attempting, signaling the intention, and  
2           making either a left turn or right turn in full  
3           compliance with the applicable provisions of this  
4           section."

5           SECTION 7. Section 291C-84, Hawaii Revised Statutes, is  
6 amended to read as follows:

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

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



1 given when the bicycle or moped is stopped waiting to turn; and  
2 further provided that a signal by hand and arm need not be given  
3 continuously by the driver of a bicycle or moped if the hand is  
4 needed in the braking, control, or operation of the bicycle or  
5 moped.

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

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

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



1 of traffic into either the left lane or the right lane of  
2 travel."

3 SECTION 8. Section 291C-125, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§291C-125 **Opening and closing vehicle doors.** (a) No  
6 person shall open the door of a motor vehicle on the side  
7 available to moving traffic unless and until it is reasonably  
8 safe to do so, and can be done without interfering with, or  
9 causing immediate hazard to the movement of other traffic, 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 (b) No person shall open a door of a motor vehicle or  
14 extend or allow any object to protrude out of or from a motor  
15 vehicle, or otherwise direct the course and line of travel of a  
16 motor vehicle, such that it interferes with or obstructs the  
17 movement of a motorcycle or motor scooter or endangers the lives  
18 and safety of the operator or passenger of a motorcycle or motor  
19 scooter who is lawfully engaged in overtaking and passing  
20 between stopped vehicles under the traffic conditions described  
21 in section 291C-41(d)."



1 SECTION 9. Section 291C-153, Hawaii Revised Statutes, is  
2 amended to read as follows:

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

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

14 (c) No person shall operate a motorcycle between lanes of  
15 traffic or between adjacent lines or rows of vehicles~~[-]~~, except  
16 when lawfully engaged in overtaking and passing between stopped  
17 vehicles under traffic conditions specified in section 291C-  
18 41(d).

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



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


3           SECTION 10. This Act does not affect rights and duties  
4 that matured, penalties that were incurred, and proceedings that  
5 were begun before its effective date.

6           SECTION 11. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 12. This Act shall take effect upon its approval.

9

INTRODUCED BY:

  
\_\_\_\_\_

JAN 20 2017





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**Report Title:**

Transportation; Motorcycle Lane Filtering

**Description:**

Prohibits motor vehicle operators and occupants from interfering or obstructing motorcycle and motor scooter operators and passengers from lawfully travelling between lanes of same-bound traffic that is stopped at a marked or unmarked intersection or due to congestion, when it is safe to do so, on main streets, roads, highways, and freeways.

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