
A BILL FOR AN ACT

RELATING TO PEDESTRIANS.

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

1 SECTION 1. The legislature finds that current statutes
2 relating to pedestrians are needlessly restrictive. Fines for
3 pedestrians can have a disproportionate impact on people who do
4 not drive and who primarily rely upon walking as a means of
5 transportation. The legislature notes that, in many situations,
6 the perception and judgment of pedestrians can be more effective
7 in mitigating injuries than traffic lights or street markings.
8 The legislature additionally finds that pedestrians should be
9 trusted to cross the street when the absence of oncoming traffic
10 makes it reasonably safe to cross, even if the decision to cross
11 the street requires pedestrians to act contrary to existing
12 traffic rules; provided that pedestrians use reasonable care in
13 making such crossings.

14 The legislature further finds that there are numerous
15 benefits to walking, that can include greater physical
16 longevity, lower personal expenses for transportation, and a
17 decrease in the carbon dioxide entering the atmosphere.



1 Further, California, with the support of over ninety pedestrian
2 advocacy groups, passed the Freedom to Walk Act in 2022, which
3 substantially relaxed enforcement of pedestrian street-crossing
4 violations and makes California's streets more walkable.

5 Accordingly, the purpose of this Act is to provide
6 pedestrians with greater freedom by allowing them to act
7 contrary to the statewide traffic code when a reasonably careful
8 pedestrian would consider it safe to do so.

9 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
10 amended by adding a new section to part VII to be appropriately
11 designated and to read as follows:

12 **"§291C- Freedom to walk; absence of an immediate danger.**

13 (a) Notwithstanding any law to the contrary, a pedestrian shall
14 not be stopped by a law enforcement officer, fined, or subjected
15 to any other penalty, for acting contrary to this chapter,
16 unless a reasonably careful pedestrian would determine that
17 there is an immediate danger of a collision with a moving
18 vehicle; provided that the pedestrian is more than two hundred
19 feet from a marked crosswalk.



1 (b) This section shall not relieve a pedestrian from the
2 duty of using due care for their safety and the safety of
3 others.

4 (c) This section shall not relieve a driver of a vehicle
5 from the duty of exercising due care for the safety of any
6 pedestrian within the roadway."

7 SECTION 3. Section 291C-102, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§291C-102 Noncompliance with speed limit prohibited.** (a)

10 A person violates this section if the person drives:

11 (1) A motor vehicle at a speed greater than the maximum
12 speed limit other than provided in section 291C-105;

13 or

14 (2) A motor vehicle at a speed less than the minimum speed
15 limit,

16 where the maximum or minimum speed limit is established by
17 county ordinance or by official signs placed by the director of
18 transportation on highways under the director's jurisdiction.

19 (b) If the maximum speed limit is exceeded by more than
20 ten miles per hour, a surcharge of \$10 shall be imposed, in



1 addition to any other penalties, and shall be deposited into the
2 neurotrauma special fund.

3 (c) Every person who violates paragraph (a)(1) shall be
4 fined not less than \$100."

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

Pedestrians; Safety; Street Crossing; Speed Limit; Fines

Description:

Authorizes pedestrians to act contrary to the statewide traffic code when a reasonably careful pedestrian would determine that there is no immediate danger of a collision with a moving vehicle. Requires that any person that drives a motor vehicle greater than the speed limit be fined not less than \$100. Takes effect 1/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

