

ACT 218

H.B. NO. 2589

A Bill for an Act Relating to Motorcycles.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

**“§291C- Driving on designated shoulder; two-wheeled motorcycles. (a)** The department of transportation, in its sole discretion, may designate one or more shoulders upon which the department of transportation may authorize the driving of two-wheeled motorcycles; provided that:

- (1) Any shoulder so designated shall be the shoulder of a roadway with at least two lanes for vehicular traffic moving in the same direction;
- (2) The department of transportation shall not authorize:
  - (A) Drivers of two-wheeled motorcycles to maneuver their vehicles onto a shoulder unless vehicular traffic on the roadway is stopped as a result of a marked or unmarked intersection or congestion;
  - (B) The driving of two-wheeled motorcycles upon a shoulder:
    - (i) At any speed exceeding ten miles per hour; or
    - (ii) In a direction other than the direction of vehicular traffic in the adjacent roadway; or
  - (C) Drivers of two-wheeled motorcycles to make any turn from any shoulder;

- (3) The department of transportation may impose additional restrictions on the maneuvering and driving of two-wheeled motorcycles onto and upon designated shoulders, including restrictions that are more stringent than those described in paragraph (2); and
  - (4) The department of transportation shall clearly mark any designated shoulder with appropriate official traffic-control devices, including traffic-control devices that indicate the:
    - (A) Points along the shoulder at which two-wheeled motorcycles may begin to enter the shoulder and shall begin to exit the shoulder; and
    - (B) Maximum speed at which two-wheeled motorcycles may be driven in the shoulder.
- (b) The following conditions shall apply to any driver of a two-wheeled motorcycle maneuvering onto or driving upon a shoulder specifically designated by the department of transportation pursuant to subsection (a):
- (1) The driver shall not maneuver the motorcycle onto a designated shoulder until vehicular traffic on the roadway has been stopped as a result of a marked or unmarked intersection or congestion;
  - (2) Unless otherwise prohibited by an official traffic-control device, the driver may traverse lanes on the roadway to the extent necessary to maneuver the motorcycle onto the designated shoulder; provided that the driver shall yield to oncoming traffic when other vehicles on the roadway begin to move forward;
  - (3) The driver shall not make any turn from the shoulder;
  - (4) Subject to paragraph (5), the driver shall exit the shoulder:
    - (A) When vehicles in the adjacent traffic lane that the driver was previously using begin to move forward; or
    - (B) At any point so designated by an official traffic-control device;
  - (5) When exiting the shoulder, the driver shall yield to oncoming traffic and maneuver the driver's vehicle completely into the adjacent lane as soon as it is safe to do so;
  - (6) The driver shall use turn signals provided for in section 291C-85 while entering, exiting, or driving upon a shoulder in the same manner that the driver would be required to use the signals while driving in or changing lanes; and
  - (7) The driver shall obey all other traffic laws and official traffic-control devices."

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

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

- (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle[.];
- (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle[.]; and

- (3) The driver of a two-wheeled motorcycle may overtake a stopped vehicle by maneuvering onto and driving upon a designated shoulder in a manner pursuant to section 291C- (b)."

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

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

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for and with lanes marked for two or more lines of moving vehicles in each direction;
- (3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles[-]; or
- (4) When the driver of a two-wheeled motorcycle overtakes a stopped vehicle by maneuvering onto and driving upon a designated shoulder in a manner pursuant to section 291C- (b)."

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

**§291C-49** **Driving on roadways laned for traffic.** Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply[-]:

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that such movement can be made with safety[-];
- (2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where the center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices[-];
- (3) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such [sign-] device; and
- (4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device[-];

provided that this section shall not be construed to prohibit the maneuvering and driving of a two-wheeled motorcycle onto and upon a designated shoulder in a manner pursuant to section 291C- (b)."

SECTION 5. Section 291C-125, Hawaii Revised Statutes, is amended to read as follows:

**§291C-125** **Opening and closing vehicle doors[-]; protruding objects; line of travel.** (a) No person shall open the door of a motor vehicle on the side avail-

able to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with, or causing immediate hazard to the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(b) No person shall open a door of a motor vehicle or extend or allow any object to protrude out of or from a motor vehicle, or otherwise direct the course and line of travel of a motor vehicle, such that it:

(1) Interferes with or obstructs the movement of; or

(2) Endangers the lives and safety of the driver or passenger of, a two-wheeled motorcycle that is maneuvering onto or driving upon a designated shoulder pursuant to section 291C- (b)."

SECTION 6. Section 291C-153, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken[-]; provided that this subsection shall not be construed to prohibit the operator of a two-wheeled motorcycle from traversing lanes for the purpose of maneuvering onto a designated shoulder pursuant to section 291C- (b)(2).

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles[-]; provided that this subsection shall not be construed to prohibit the operator of a two-wheeled motorcycle from traversing lanes for the purpose of maneuvering onto a designated shoulder pursuant to section 291C- (b)(2)."

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 9. This Act shall take effect on January 1, 2019; provided that on December 31, 2020, this Act shall be repealed and sections 291C-43, 291C-44, 291C-49, 291C-125, and 291C-153, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act.

(Became law on July 10, 2018, without the governor's signature, pursuant to Art. III, §16, State Constitution.)

#### Note

1. Edited pursuant to HRS §23G-16.5.