

ACT 47

H.B. NO. 2215

A Bill for an Act Relating to Bicycles.

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

SECTION 1. The legislature finds that maintaining a safe passing distance between vehicles and bicyclists on the road will directly address one of the biggest hazards to bicyclists. According to the United States Department of Transportation, National Highway Traffic Safety Administration, twenty-eight cyclists have been killed on roads in Hawaii during the time period between 2006 and 2015. A May 2014 report conducted by the League of American Bicyclists stated that forty-four per cent of all bicyclist fatalities result from being struck from behind or sideswiped by a motorist. The National Highway Traffic Safety Administration reported in its 2012 “National Survey of Bicyclist and Pedestrian Attitudes and Behavior” that twelve per cent of bicyclists “felt threatened for personal safety” the last time they rode a bicycle. The primary reason given by those bicyclists was that “someone drove too close to them.”

The legislature further finds that safely sharing our roads requires clear ground rules. Many drivers do not know the amount of distance they need to maintain to safely pass a bicyclist. A law that sets a three-foot safe passing distance would make it clear to drivers how much space they must maintain when passing a bicyclist.

The legislature also finds that similar safe passing distance laws have been effective in other jurisdictions. Thirty-nine states and the District of Columbia have a safe passing distance law. Twenty-eight of those jurisdictions require a three-foot safe passing distance. Some of those jurisdictions require four feet or more.

The purpose of this Act is to require a three-foot minimum safe passing distance when a motorist passes and overtakes a bicyclist.

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

“[§291C-43] Overtaking a vehicle or bicycle on the left. The following rules shall govern the overtaking and passing of vehicles or bicycles 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) The driver of a vehicle passing or overtaking a bicyclist proceeding in the same direction shall allow at least three feet of separation between the right side of the driver's vehicle, including all mirrors or other protuberances, and the left side of the bicyclist, and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.
- [~~2~~] (3) 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."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2018.

(Approved June 20, 2018.)