

JAN 20 2017

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. The legislature finds that, according to the
2 National Highway Traffic Safety Administration, forty per cent
3 of all cyclist fatalities are caused by a motor vehicle striking
4 the cyclist from behind. Fourteen cyclists have been killed on
5 Hawaii's roads in the last five years and twelve per cent of all
6 cyclists surveyed felt their personal safety was threatened
7 during their last ride. One common reason why many cyclists
8 feel threatened for personal safety while riding on the road is
9 the close proximity in which motor vehicles are operated in
10 relation to cyclists. As of 2015, safe passing zone laws or
11 safe passing distance requirements exist in thirty-six states,
12 but Hawaii is not among them.

13 The purpose of this Act is to increase cycling safety by
14 specifying a distance of three feet between cyclists and motor
15 vehicles for motor vehicles overtaking bicyclists.

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



1 " ~~[+]~~ §291C-43 ~~[+]~~ Overtaking a vehicle on the left. The
2 following rules shall govern the overtaking and passing of
3 vehicles proceeding in the same direction, subject to those
4 limitations, exceptions, and special rules hereinafter stated:

5 (1) The driver of a vehicle overtaking another vehicle
6 proceeding in the same direction shall pass to the
7 left thereof at a safe distance and shall not again
8 drive to the right side of the roadway until safely
9 clear of the overtaken vehicle ~~[+]~~;

10 (2) The driver of a vehicle overtaking a bicyclist
11 proceeding in the same direction shall allow at least
12 a three-foot separation between the right side of the
13 driver's vehicle, including all mirrors and other
14 projectiles, and the left side of the bicyclist; and

15 ~~[(2)]~~ (3) Except when overtaking and passing on the right
16 is 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."



1 SECTION 3. Section 291C-47, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§291C-47 No-passing zones. (a) The director of
4 transportation is authorized to and the counties by ordinance
5 with respect to highways under their respective jurisdictions
6 may establish no-passing zones where overtaking and passing or
7 driving to the left of the roadway would be especially hazardous
8 and shall by appropriate signs or markings on the highway
9 establish or indicate the beginning and the end of a no-passing
10 zone and may place intermediate signs establishing or indicating
11 the continued existence of a no-passing zone. Signs or markings
12 placed by the director of transportation establishing the zone
13 and signs or markings indicating the zone established by
14 ordinance shall be clearly visible to an ordinarily observant
15 person and every driver of a vehicle shall obey the directions
16 thereof.

17 (b) Where signs or markings are in place to define a no-
18 passing zone as set forth in subsection (a) no driver shall at
19 any time drive on the left side of the roadway within such no-
20 passing zone or on the left side of any pavement striping
21 designed to mark such no-passing zone throughout its length.



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1 (c) This section does not apply under the conditions
 2 described in section 291C-41(a)(2), nor to the driver of a
 3 vehicle turning left into or from an alley, private road, or
 4 driveway.

5 (d) This section does not apply to the driver of a vehicle
 6 overtaking a bicyclist proceeding in the same direction and in
 7 the same lane when overtaking the bicyclist can be done safely
 8 and without interfering with, impeding, or endangering other
 9 traffic lawfully using the highway. This subsection does not
 10 authorize driving to the left side of the center of the roadway
 11 when prohibited under sections 291C-45 or 291C-46."

12 SECTION 4. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY: *Maureen R. Prange*

Paul E. Bell
John

Dennis W. [unclear]
Breene [unclear]
Randy H. Baker
Clarence V. [unclear]



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Report Title:

Motor Vehicles; Bicycles; Safe Passing Zone

Description:

Requires the driver of a vehicle overtaking a bicyclist to allow at least a three-foot separation between the driver's vehicle and the bicyclist. Allows a driver of a vehicle to overtake a bicyclist in a no passing zone when overtaking the bicyclist can be done safely.

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

