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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 at peak rush hour periods on main roads and  
3 highways throughout the State, especially in cities and on  
4 freeways, any measures that can alleviate congestion and reduce  
5 the risk of injury and loss of life to motorcycle and motor  
6 scooter operators and their passengers without increasing  
7 hardship, delay, and risk of injury or damage to other users of  
8 the roadways are 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.



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. This will significantly reduce the loss  
9 of 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, as designated by the department of  
12 transportation, having two or more lanes for moving traffic in  
13 the same direction, where traffic is stopped due to a marked or  
14 unmarked intersection or congestion, the operator of a  
15 motorcycle or motor scooter may proceed cautiously between  
16 stopped lanes of traffic or upon the shoulder, as designated by  
17 the department of transportation, in the same direction at a  
18 reduced rate of speed of no more than ten miles per hour until  
19 either:

20 (1) One of the lanes is free of traffic whereupon the  
21 motorcycle or motor scooter operator shall safely



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

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

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

17           (1) The driver of a vehicle overtaking another vehicle  
18           proceeding in the same direction shall pass to the  
19           left thereof at a safe distance and shall not again  
20           drive to the right side of the roadway until safely  
21           clear of the overtaken vehicle~~[-]~~;



1           (2) Except when overtaking and passing on the right is  
2           permitted, the driver of an overtaken vehicle shall  
3           give way to the right in favor of the overtaking  
4           vehicle on audible signal and shall not increase the  
5           speed of the driver's vehicle until completely passed  
6           by the overtaking vehicle[-]; and

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

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

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

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

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



1 (3) Upon a one-way street, or upon any roadway on which  
2 traffic is restricted to one direction of movement,  
3 where the roadway is free from obstructions and of  
4 sufficient width for two or more lines of moving  
5 vehicles [-]; and

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

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

13 " [†] §291C-49 [†] **Driving on roadways laned for traffic.**

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

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





- 1           (2) Upon a roadway which is divided into three lanes and  
2           provides for two-way movement of traffic, a vehicle  
3           shall not be driven in the center lane except when  
4           overtaking and passing another vehicle traveling in  
5           the same direction when the center lane is clear of  
6           traffic within a safe distance, or in preparation for  
7           making a left turn or where the center lane is at the  
8           time allocated exclusively to traffic moving in the  
9           same direction that the vehicle is proceeding and such  
10          allocation is designated by official traffic-control  
11          devices.
- 12          (3) Official traffic-control devices may be erected  
13          directing specified traffic to use a designated lane  
14          or designating those lanes to be used by traffic  
15          moving in a particular direction regardless of the  
16          center of the roadway and drivers of vehicles shall  
17          obey the directions of every such sign.
- 18          (4) Official traffic-control devices may be installed  
19          prohibiting the changing of lanes on sections of  
20          roadway and drivers of vehicles shall obey the  
21          directions of every such device.



1        (5) Nothing in this section shall be construed as  
2        prohibiting the operator of a motorcycle or motor  
3        scooter from overtaking and passing a stopped vehicle  
4        under traffic conditions specified in section  
5        291C-41(d)."

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

8        **"§291C-81 Required position and method of turning at**  
9 **intersections.** The driver of a vehicle intending to turn at an  
10 intersection shall do so as follows:

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

14        (2) Left turns. The driver of a vehicle intending to turn  
15 left at any intersection shall approach the  
16 intersection in the extreme left-hand lane lawfully  
17 available to traffic moving in the direction of travel  
18 of such vehicle, and, after entering the intersection,  
19 the left turn shall be made so as to leave the  
20 intersection in a lane lawfully available to traffic  
21 moving in such direction upon the roadway being



1 entered. Whenever practicable the left turn shall be  
2 made in that portion of the intersection to the left  
3 of the center of the intersection.

4 (3) The director of transportation and the counties in  
5 their respective jurisdictions may cause official  
6 traffic-control devices to be placed within or  
7 adjacent to intersections and thereby require and  
8 direct that a different course from that specified in  
9 this section be traveled by vehicles turning at an  
10 intersection, and when such devices are so placed no  
11 driver of a vehicle shall turn a vehicle at an  
12 intersection other than as directed and required by  
13 such devices.

14 (4) Subject to official traffic-control devices being  
15 placed within or adjacent to intersections and thereby  
16 requiring and directing that a different course from  
17 that specified in this section be traveled by vehicles  
18 turning at an intersection as provided under paragraph  
19 (3), where the operator of a motorcycle or motor  
20 scooter is overtaking and passing between stopped  
21 vehicles in the manner and for the reasons described



1           in section 291C-41(d), the operator shall always give  
2           the right-of-way to either left turning or right  
3           turning vehicles at intersections in compliance with  
4           paragraphs (1) and (2), and such operator shall  
5           maneuver the motorcycle or motor scooter completely  
6           into a lane of travel before attempting, signaling the  
7           intention, and making either a left turn or right turn  
8           in full compliance with the applicable provisions of  
9           this section."

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

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



1 (b) A signal of intention to turn right or left when  
2 required shall be given continuously during not less than the  
3 last one hundred feet traveled by the vehicle before turning;  
4 provided that for a bicycle or moped, such signal shall be given  
5 continuously during not less than the last one hundred feet  
6 traveled by the bicycle or moped before turning, and shall be  
7 given when the bicycle or moped is stopped waiting to turn; and  
8 further provided that a signal by hand and arm need not be given  
9 continuously by the driver of a bicycle or moped if the hand is  
10 needed in the braking, control, or operation of the bicycle or  
11 moped.

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

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



1       (e) Where the operator of a motorcycle or motor scooter is  
2 overtaking and passing a stopped vehicle in the manner and for  
3 the reasons described in section 291C-41(d), the operator shall  
4 employ the signals provided for in section 291C-85(b) to  
5 indicate the operator's intention to stop or to maneuver the  
6 motorcycle or motor scooter from its line of travel between the  
7 lanes of traffic into either the left lane or the right lane of  
8 travel."

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

11       "**§291C-125 Opening and closing vehicle doors.** (a) No  
12 person shall open the door of a motor vehicle on the side  
13 available to moving traffic unless and until it is reasonably  
14 safe to do so, and can be done without interfering with, or  
15 causing immediate hazard to the movement of other traffic, nor  
16 shall any person leave a door open on the side of a vehicle  
17 available to moving traffic for a period of time longer than  
18 necessary to load or unload passengers.

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



1 motor vehicle, such that it interferes with or obstructs the  
2 movement of a motorcycle or motor scooter or endangers the lives  
3 and safety of the operator or passenger of a motorcycle or motor  
4 scooter who is lawfully engaged in overtaking and passing a  
5 stopped vehicle under traffic conditions specified in section  
6 291C-41(d)."

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

9 " [+]§291C-153[+] **Operating motorcycles on roadways laned**  
10 **for traffic.** (a) All motorcycles are entitled to full use of a  
11 lane and no motor vehicle shall be driven in such a manner as to  
12 deprive any motorcycle of the full use of a lane. This  
13 subsection shall not apply to motorcycles operated two abreast  
14 in a single lane.

15 (b) The operator of a motorcycle shall not overtake and  
16 pass in the same lane occupied by the vehicle being  
17 overtaken[-], except when lawfully engaged in overtaking and  
18 passing a stopped vehicle under traffic conditions specified in  
19 section 291C-41(d).

20 (c) No person shall operate a motorcycle between lanes of  
21 traffic or between adjacent lines or rows of vehicles[-], except



1 when lawfully engaged in overtaking and passing a stopped  
2 vehicle under traffic conditions specified in section  
3 291C-41(d).

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

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

8 SECTION 10. The department of transportation shall submit  
9 a report regarding the impact of lane filtering on traffic  
10 safety to the legislature no later than twenty days prior to the  
11 convening of the regular sessions of 2020 and 2021.

12 SECTION 11. This Act does not affect rights and duties  
13 that matured, penalties that were incurred, and proceedings that  
14 were begun before its effective date.

15 SECTION 12. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 13. This Act shall take effect on July 1, 2050;  
18 provided that on June 30, 2021, this Act shall be repealed and  
19 sections 291C-41, 291C-43, 291C-44, 291C-49, 291C-81, 291C-84,  
20 291C-125, and 291C-153, Hawaii Revised Statutes, shall be





1 reenacted in the form in which they read on the day before the  
2 effective date of this Act.  
3



**Report Title:**

Transportation; Motorcycle Lane Filtering

**Description:**

Allows motorcycle and motor scooter lane filtering on roadways as determined by the Department of Transportation. Requires the Department of Transportation to submit reports to the legislature. Effective 7/1/2050. Repeals 6/30/2021. (SD2)

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

