
A BILL FOR AN ACT

RELATING TO TRAFFIC CONTROL.

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

1 SECTION 1. The legislature finds that each year there are
2 numerous complaints from Hawaii motorists that traffic-control
3 devices occasionally malfunction and that, generally, traffic
4 protocol, courtesy, and the common sense of motorists can be
5 relied upon to deal with these occasional, unexpected
6 malfunctions. However, there is a more frequent form of
7 traffic-control device malfunction called a "dead red light"
8 that occurs when the traffic-control device fails to sense that
9 a vehicle is waiting at an intersection and facing a steady red
10 signal, thereby causing the traffic-control device to fail to
11 properly cycle through the three stages of signal colors: green,
12 yellow, and red. This malfunction occurs due to a defect in the
13 design, calibration, or positioning of the traffic-control
14 device.

15 The dead red light malfunction can manifest in one of two
16 ways. First, the traffic-control device may be otherwise
17 operating correctly and controlling other traffic in the



1 intersection, while continuing to show a steady red signal to
2 one portion of the intersection throughout multiple signal
3 cycles. Second, the traffic-control device, upon failing to
4 detect the driver's vehicle facing the steady red signal, does
5 not cycle through the three color stages anywhere in the
6 intersection, and instead continues to show a steady red signal.
7 In this situation, if the traffic-control device does not
8 require actual repair, the driver must wait until a new cycle is
9 triggered by another vehicle's presence.

10 Regardless of the type of dead red light malfunction, the
11 malfunction creates an unsafe and hazardous situation for all
12 motorists at the intersection, as motorists do not know when to
13 safely proceed through an intersection. Although the dead red
14 light malfunction can occur with any type of vehicle, the
15 legislature acknowledges that the malfunction occurs more
16 frequently with small, lightweight vehicles such as motorcycles,
17 motor scooters, mopeds, and similarly sized micro-vehicles.
18 This is likely due to the vehicles' size, weight, and mass
19 failing to trigger the traffic-control device's sensors.

20 The legislature finds that allowing drivers faced with a
21 dead red light to proceed cautiously through an affected



H.B. NO. 2217

1 intersection would improve safety and reduce the risks of
2 accident and injury, allow for procedural fairness in the
3 enforcement of traffic violations involving dead red lights, and
4 relieve traffic congestion caused by a dead red light.

5 The purpose of this Act is to ameliorate the adverse
6 consequences of the dead red light malfunction by permitting the
7 driver of a vehicle to proceed with caution through an
8 intersection in which a defective or malfunctioning traffic-
9 control device fails to detect the vehicle.

10 SECTION 2. Section 291C-31, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The driver of any vehicle shall obey the instructions
13 of any official traffic-control device applicable thereto placed
14 in accordance with law, [~~unless~~] except:

15 (1) As otherwise directed by a traffic or police officer,
16 subject to the exceptions granted the driver of an
17 authorized emergency vehicle in this chapter~~[-]~~; or

18 (2) As provided in section 291C-32(c)."

19 SECTION 3. Section 291C-32, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§291C-32 Traffic-control signal legend. (a) Whenever
2 traffic is controlled by traffic-control signals exhibiting
3 different colored lights, or colored lighted arrows,
4 successively one at a time or in combination, only the colors
5 green, red, and yellow shall be used, except for special
6 pedestrian signals carrying a word or symbol legend, and the
7 lights shall indicate and apply to drivers of vehicles and
8 pedestrians as follows:

9 (1) Green indication:

10 (A) Vehicular traffic facing a circular green signal
11 may proceed straight through or turn right or
12 left unless a sign at the place prohibits either
13 [~~such~~] turn. But vehicular traffic, including
14 vehicles turning right or left, shall yield the
15 right-of-way to other vehicles and to pedestrians
16 lawfully within the intersection or an adjacent
17 crosswalk at the time [~~such~~] the signal is
18 exhibited.

19 (B) Vehicular traffic facing a green arrow signal,
20 shown alone or in combination with another
21 indication, may cautiously enter the intersection



H.B. NO. 2217

1 only to make the movement indicated by [such] the
2 arrow, or [such] any other movement as is
3 permitted by other indications shown at the same
4 time. [Such] This vehicular traffic shall yield
5 the right-of-way to pedestrians lawfully within
6 an adjacent crosswalk and to other traffic
7 lawfully using the intersection.

8 (C) Unless otherwise directed by a pedestrian-control
9 signal, as provided in section 291C-33,
10 pedestrians facing any green signal, except when
11 the sole green signal is a turn arrow, may
12 proceed across the roadway within any marked or
13 unmarked crosswalk.

14 (2) Steady yellow indication:

15 (A) Vehicular traffic facing a steady yellow signal
16 is thereby warned that the related green movement
17 is being terminated or that a red indication will
18 be exhibited immediately thereafter when
19 vehicular traffic shall not enter the
20 intersection.



H.B. NO. 2217

1 (B) Pedestrians facing a steady yellow signal, unless
2 otherwise directed by a pedestrian-control signal
3 as provided in section 291C-33, are thereby
4 advised that there is insufficient time to cross
5 the roadway before a red indication is shown and
6 no pedestrian shall then start to cross the
7 roadway.

8 (3) Steady red indication:

9 (A) Vehicular traffic facing a steady red signal
10 alone shall stop at a clearly marked stop line,
11 but if none, before entering the crosswalk on the
12 near side of the intersection or, if none, then
13 before entering the intersection and shall remain
14 standing until an indication to proceed is shown,
15 except as provided in the next succeeding
16 paragraphs.

17 (B) The driver of a vehicle which is stopped in
18 obedience to a steady red indication may make a
19 right turn but shall yield the right-of-way to
20 pedestrians and other traffic proceeding as
21 directed by the signal at said intersection,



1 except that counties by ordinance may prohibit
2 any [~~such~~] right turn against a steady red
3 indication, which ordinance shall be effective
4 when a sign is erected at [~~such~~] that
5 intersection giving notice thereof.

6 (C) The driver of a vehicle on a one-way street which
7 intersects another one-way street on which
8 traffic moves to the left shall stop in obedience
9 to a steady red indication but may then make a
10 left turn into said one-way street, but shall
11 yield right-of-way to pedestrians, proceeding as
12 directed by the signal at said intersection
13 except that counties by ordinance may prohibit
14 any [~~such~~] left turn as above described which
15 ordinance shall be effective when a sign is
16 erected at [~~such~~] that intersection giving notice
17 thereof.

18 (D) Unless otherwise directed by a pedestrian-control
19 signal as provided in section 291C-33,
20 pedestrians facing a steady red signal alone
21 shall not enter the roadway.



1 (b) ~~[In the event]~~ If an official traffic-control signal
2 is erected and maintained at a place other than an intersection,
3 the provisions of this section shall be applicable except as to
4 those provisions which by their nature can have no application.
5 Any stop required shall be made at a sign or marking on the
6 pavement indicating where the stop shall be made, but in the
7 absence of any such sign or marking, the stop shall be made at
8 the signal.

9 (c) If an official traffic-control signal displays a
10 steady red signal through two complete cycles of the traffic-
11 control device, the driver of a vehicle, after either the
12 completion of two cycles or the time it would take for the
13 completion of two cycles, may proceed through the intersection
14 or turn left from the appropriate lane; provided that the driver
15 may only proceed from the stopped position once it is safe to do
16 so after giving all opposing traffic the right-of-way."

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



H.B. NO. 2217

1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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H.B. NO. 2217

Report Title:

Traffic-Control Devices; Malfunctions; Authority to Proceed

Description:

Permits the driver of a vehicle to safely proceed through an intersection in which a defective or malfunctioning traffic-control device fails to detect the vehicle and stays in the red signal stage through 2 cycles of the traffic-control device.

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

