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

4           "§291C-     Driving on designated shoulder; two-wheeled  
5 motorcycles. (a) The department of transportation, in its sole  
6 discretion, may designate one or more shoulders upon which the  
7 department of transportation may authorize the driving of two-  
8 wheeled motorcycles; provided that:

9           (1) Any shoulder so designated shall be the shoulder of a  
10           roadway with at least two lanes for vehicular traffic  
11           moving in the same direction;

12           (2) The department of transportation shall not authorize:

13           (A) Drivers of two-wheeled motorcycles to maneuver  
14           their vehicles onto a shoulder unless vehicular  
15           traffic on the roadway is stopped as a result of  
16           a marked or unmarked intersection or congestion;



- 1           (B) The driving of two-wheeled motorcycles upon a  
2           shoulder:
- 3           (i) At any speed exceeding ten miles per hour;  
4           or
- 5           (ii) In a direction other than the direction of  
6           vehicular traffic in the adjacent roadway;  
7           or
- 8           (C) Drivers of two-wheeled motorcycles to make any  
9           turn from any shoulder;
- 10          (3) The department of transportation may impose additional  
11          restrictions on the maneuvering and driving of two-  
12          wheeled motorcycles onto and upon designated  
13          shoulders, including restrictions that are more  
14          stringent than those described in paragraph (2); and
- 15          (4) The department of transportation shall clearly mark  
16          any designated shoulder with appropriate official  
17          traffic-control devices, including traffic-control  
18          devices that indicate the:
- 19          (A) Points along the shoulder at which two-wheeled  
20          motorcycles may begin to enter the shoulder and  
21          shall begin to exit the shoulder; and



1           (B) Maximum speed at which two-wheeled motorcycles  
2           may be driven in the shoulder.

3           (b) The following conditions shall apply to any driver of  
4 a two-wheeled motorcycle maneuvering onto or driving upon a  
5 shoulder specifically designated by the department of  
6 transportation pursuant to subsection (a):

7           (1) The driver shall not maneuver the motorcycle onto a  
8           designated shoulder until vehicular traffic on the  
9           roadway has been stopped as a result of a marked or  
10           unmarked intersection or congestion;

11           (2) Unless otherwise prohibited by an official traffic-  
12           control device, the driver may traverse lanes on the  
13           roadway to the extent necessary to maneuver the  
14           motorcycle onto the designated shoulder; provided that  
15           the driver shall yield to oncoming traffic when other  
16           vehicles on the roadway begin to move forward;

17           (3) The driver shall not make any turn from the shoulder;

18           (4) Subject to paragraph (5), the driver shall exit the  
19           shoulder:



1           (A) When vehicles in the adjacent traffic lane that  
2           the driver was previously using begin to move  
3           forward; or

4           (B) At any point so designated by an official  
5           traffic-control device;

6           (5) When exiting the shoulder, the driver shall yield to  
7           oncoming traffic and maneuver the driver's vehicle  
8           completely into the adjacent lane as soon as it is  
9           safe to do so;

10          (6) The driver shall use turn signals provided for in  
11          section 291C-85 while entering, exiting, or driving  
12          upon a shoulder in the same manner that the driver  
13          would be required to use the signals while driving in  
14          or changing lanes; and

15          (7) The driver shall obey all other traffic laws and  
16          official traffic-control devices."

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

19          " ~~[+]~~ §291C-43 ~~[+]~~ Overtaking a vehicle on the left. The  
20 following rules shall govern the overtaking and passing of

1 vehicles proceeding in the same direction, subject to those  
2 limitations, exceptions, and special rules hereinafter stated:

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

8 (2) Except when overtaking and passing on the right is  
9 permitted, the driver of an overtaken vehicle shall  
10 give way to the right in favor of the overtaking  
11 vehicle on audible signal and shall not increase the  
12 speed of the driver's vehicle until completely passed  
13 by the overtaking vehicle[-]; and

14 (3) The driver of a two-wheeled motorcycle may overtake a  
15 stopped vehicle by maneuvering onto and driving upon a  
16 designated shoulder in a manner pursuant to section  
17 291C- (b)."

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



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

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

6           (2) Upon a street or highway with unobstructed pavement  
7 not occupied by parked vehicles of sufficient width  
8 for and with lanes marked for two or more lines of  
9 moving vehicles in each direction;

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

15          (4) When the driver of a two-wheeled motorcycle overtakes  
16 a stopped vehicle by maneuvering onto and driving upon  
17 a designated shoulder in a manner pursuant to section  
18 291C- (b)."

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



1 " [†] §291C-49 [‡] Driving on roadways laned for traffic.

2 Whenever any roadway has been divided into two or more clearly  
3 marked lanes for traffic the following rules in addition to all  
4 others consistent herewith shall apply[†]:

5 (1) A vehicle shall be driven as nearly as practicable  
6 entirely within a single lane and shall not be moved  
7 from the lane until the driver has first ascertained  
8 that such movement can be made with safety[†];

9 (2) Upon a roadway which is divided into three lanes and  
10 provides for two-way movement of traffic, a vehicle  
11 shall not be driven in the center lane except when  
12 overtaking and passing another vehicle traveling in  
13 the same direction when the center lane is clear of  
14 traffic within a safe distance, or in preparation for  
15 making a left turn or where the center lane is at the  
16 time allocated exclusively to traffic moving in the  
17 same direction that the vehicle is proceeding and such  
18 allocation is designated by official traffic-control  
19 devices[†];

20 (3) Official traffic-control devices may be erected  
21 directing specified traffic to use a designated lane



1 or designating those lanes to be used by traffic  
2 moving in a particular direction regardless of the  
3 center of the roadway and drivers of vehicles shall  
4 obey the directions of every such ~~[sign-]~~ device; and  
5 (4) Official traffic-control devices may be installed  
6 prohibiting the changing of lanes on sections of  
7 roadway and drivers of vehicles shall obey the  
8 directions of every such device~~[-]~~;  
9 provided that this section shall not be construed to prohibit  
10 the maneuvering and driving of a two-wheeled motorcycle onto and  
11 upon a designated shoulder in a manner pursuant to section  
12 291C- (b) ."

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

15 "§291C-125 Opening and closing vehicle doors~~[-]~~;  
16 protruding objects; line of travel. (a) No person shall open  
17 the door of a motor vehicle on the side available to moving  
18 traffic unless and until it is reasonably safe to do so, and can  
19 be done without interfering with, or causing immediate hazard to  
20 the movement of other traffic, nor shall any person leave a door  
21 open on the side of a vehicle available to moving traffic for a





1 period of time longer than necessary to load or unload  
2 passengers.

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

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

8 (2) Endangers the lives and safety of the driver or  
9 passenger of,

10 a two-wheeled motorcycle that is maneuvering onto or driving  
11 upon a designated shoulder pursuant to section 291C- (b)."

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

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

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



1 provided that this subsection shall not be construed to prohibit  
2 the operator of a two-wheeled motorcycle from traversing lanes  
3 for the purpose of maneuvering onto a designated shoulder  
4 pursuant to section 291C- (b) (2)."

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

8 SECTION 8. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 9. This Act shall take effect on January 1, 2019;  
11 provided that on June 30, 2020, this Act shall be repealed and  
12 sections 291C-43, 291C-44, 291C-49, 291C-125, and 291C-153,  
13 Hawaii Revised Statutes, shall be reenacted in the form in which  
14 they read on the day before the effective date of this Act.



**Report Title:**

Transportation; Motorcycles; Shoulder Lane

**Description:**

Authorizes the Department of Transportation under certain conditions to designate shoulders upon which the Department may authorize the driving of motorcycles. Takes effect on 1/1/2019. Repeals on 6/30/2020. (SD1)

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

