June 25, 2019

GOV. MSG. NO. 1234

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 25, 2019, the following bill was signed into law:

SB98 HD1 CD1 RELATING TO CROSSWALK SAFETY.
ACT 132 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i
A BILL FOR AN ACT

RELATING TO CROSSWALK SAFETY.

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

SECTION 1. The legislature finds that confusion exists as to when a vehicle must yield the right-of-way to a pedestrian who plans to cross or is crossing a roadway, particularly with regard to when a pedestrian is considered to be within an intersection or adjacent crosswalk.

The purpose of this Act is to clarify the requirement that a driver of a motor vehicle yield to a pedestrian by specifying when a pedestrian is considered to be within an intersection or adjacent crosswalk.

SECTION 2. Section 291C-32, Hawaii Revised Statutes, is amended to read as follows:

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

(1) Green indication:

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

(B) Vehicular traffic facing a green arrow signal,
shown alone or in combination with another
indication, may cautiously enter the intersection
only to make the movement indicated by such
arrow, or such other movement as is permitted by
other indications shown at the same time. Such
vehicular traffic shall yield the right-of-way to
pedestrians lawfully within an adjacent crosswalk
and to other traffic lawfully using the
intersection.
(C) Unless otherwise directed by a pedestrian-control signal, as provided in section 291C-33, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication:

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

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

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

(B) The driver of a vehicle which is stopped in obedience to a steady red indication may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that counties by ordinance may prohibit any such right turn against a steady red indication, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

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

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

(b) In the event an official traffic-control signal is
erected and maintained at a place other than an intersection,
the provisions of this section shall be applicable except as to
those provisions which by their nature can have no application.
Any stop required shall be made at a sign or marking on the
pavement indicating where the stop shall be made, but in the
absence of any such sign or marking, the stop shall be made at
the signal.
(c) For purposes of this section, a pedestrian is lawfully within an intersection or adjacent crosswalk when any part or extension of the pedestrian, including any part of the pedestrian's body, wheelchair, cane, crutch, or bicycle, is beyond the curb or the edges of the traversable roadway or moves onto the roadway within an intersection or crosswalk."

SECTION 3. Section 291C-72, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The driver of a vehicle shall stop for a pedestrian who is crossing the roadway within a crosswalk when the pedestrian is either:

1. Upon the half of the roadway upon which the vehicle is traveling; or
2. Approaching the vehicle so closely from the opposite half of the roadway as to be in danger,

and shall not proceed until the pedestrian has passed the vehicle and the driver can safely proceed.

For purposes of this section, "a pedestrian who is crossing the roadway within a crosswalk" occurs when any part or extension of the pedestrian, including any part of the pedestrian's body, wheelchair, cane, crutch, or bicycle, is
beyond the curb or edges of the traversable roadway and moves onto the roadway within an intersection or crosswalk:"

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

SECTION 5. New statutory material is underscored.

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

APPROVED this 25 day of JUN, 2019

[Signature]

GOVERNOR OF THE STATE OF HAWAII
THE SENATE OF THE STATE OF HAWAI‘I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2019.

[Signatures]

President of the Senate

[Signature]

Clerk of the Senate
SB No. 98, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives