

JAN 17 2019

A BILL FOR AN ACT

RELATING TO CROSSWALK SAFETY.

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

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

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

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

12 "**§291C-32 Traffic-control signal legend.** (a) Whenever
13 traffic is controlled by traffic-control signals exhibiting
14 different colored lights, or colored lighted arrows,
15 successively one at a time or in combination, only the colors
16 green, red, and yellow shall be used, except for special
17 pedestrian signals carrying a word or symbol legend, and the



1 lights shall indicate and apply to drivers of vehicles and
2 pedestrians as follows:

3 (1) Green indication:

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

12 (B) Vehicular traffic facing a green arrow signal,
13 shown alone or in combination with another
14 indication, may cautiously enter the intersection
15 only to make the movement indicated by such
16 arrow, or such other movement as is permitted by
17 other indications shown at the same time. Such
18 vehicular traffic shall yield the right-of-way to
19 pedestrians lawfully within an adjacent crosswalk
20 and to other traffic lawfully using the
21 intersection.



1 (C) Unless otherwise directed by a pedestrian-control
2 signal, as provided in section 291C-33,
3 pedestrians facing any green signal, except when
4 the sole green signal is a turn arrow, may
5 proceed across the roadway within any marked or
6 unmarked crosswalk.

7 (2) Steady yellow indication:

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

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

21 (3) Steady red indication:



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

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

- 19 (C) The driver of a vehicle on a one-way street which
- 20 intersects another one-way street on which
- 21 traffic moves to the left shall stop in obedience



1 to a steady red indication but may then make a
2 left turn into said one-way street, but shall
3 yield right-of-way to pedestrians, proceeding as
4 directed by the signal at said intersection,
5 except that counties by ordinance may prohibit
6 any such left turn as above described, which
7 ordinance shall be effective when a sign is
8 erected at such intersection giving notice
9 thereof.

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

14 (b) In the event an official traffic-control signal is
15 erected and maintained at a place other than an intersection,
16 the provisions of this section shall be applicable except as to
17 those provisions which by their nature can have no application.
18 Any stop required shall be made at a sign or marking on the
19 pavement indicating where the stop shall be made, but in the
20 absence of any such sign or marking, the stop shall be made at
21 the signal.



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1 (c) For purposes of this section, a pedestrian is lawfully
 2 within an intersection or adjacent crosswalk when any part or
 3 extension of the pedestrian, including any part of the
 4 pedestrian's body, wheelchair, cane, crutch, or bicycle, is
 5 beyond the curb or the edges of the traversable roadway or moves
 6 onto the roadway within an intersection or crosswalk."

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

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

12 (1) Upon the half of the roadway upon which the vehicle is
 13 traveling; or

14 (2) Approaching the vehicle so closely from the opposite
 15 half of the roadway as to be in danger,

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

18 For purposes of this section, "a pedestrian who is crossing
 19 the roadway within a crosswalk" occurs when any part or
 20 extension of the pedestrian, including any part of the
 21 pedestrian's body, wheelchair, cane, crutch, or bicycle, is



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1 beyond the curb or edges of the traversable roadway and moves
2 onto the roadway within an intersection or crosswalk."

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

6 SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY: _____

Karl Rhoads



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Report Title:

Crosswalk Safety; Pedestrians

Description:

Clarifies the requirement that a driver of a motor vehicle yield to or stop for a pedestrian by specifying when a pedestrian is considered to be within an intersection or adjacent crosswalk or crossing the roadway within a crosswalk.

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

