

---

---

# A BILL FOR AN ACT

RELATING TO PEDESTRIANS' RIGHT OF WAY.

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

1 SECTION 1. Section 291C-72, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291C-72 Pedestrians' right of way in crosswalks. (a)**

4 The driver of a vehicle shall stop [~~and yield the right of way,~~  
5 ~~to~~] for a pedestrian who is crossing the roadway within a  
6 crosswalk when the pedestrian is [~~upon~~] either:

7 (1) Upon the half of the roadway upon which the vehicle is  
8 traveling[~~7~~]; or [~~when the pedestrian is approaching~~]

9 (2) Approaching the vehicle so closely from the opposite  
10 half of the roadway as to be in danger.

11 (b) No pedestrian shall suddenly leave a curb or other  
12 place of safety and walk or run into the path of a vehicle which  
13 is so close that it is impossible for the driver to yield.

14 (c) Subsection (a) shall not apply under the conditions  
15 stated in section 291C-73(b).

16 (d) Whenever any vehicle is stopped at a marked crosswalk  
17 or at any unmarked crosswalk at an intersection to permit a  
18 pedestrian to cross the roadway, the driver of any other vehicle



1 approaching from the rear shall not overtake and pass such  
2 stopped vehicle.

3 (e) Every person who violates this section shall be  
4 subject to the following penalties:

5 (1) For a first infraction, a fine of \$150;

6 (2) For a second infraction, a fine of \$300, and  
7 revocation of license and privilege to operate a  
8 vehicle for a period of ninety days; and

9 (3) For a third infraction and subsequent infraction  
10 committed within two years of the date of a second  
11 infraction, a fine of \$1,000, and revocation of  
12 license and privilege to operate a vehicle for a  
13 period of one hundred eighty days.

14 SECTION 2. Section 291C-73, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "~~+~~§291C-73~~+~~ **Crossing at other than crosswalks.** (a)

17 Every pedestrian crossing a roadway at any point other than  
18 within a marked crosswalk or within an unmarked crosswalk at an  
19 intersection shall yield the right of way to all vehicles upon  
20 the roadway.

21 (b) Any pedestrian crossing a roadway at a point where a  
22 pedestrian tunnel or overhead pedestrian crossing has been



1 provided shall yield the right of way to all vehicles upon the  
2 roadway.

3 (c) Between adjacent intersections at which traffic-  
4 control signals are in operation pedestrians shall not cross at  
5 any place except in a marked crosswalk.

6 (d) No pedestrian shall cross a roadway intersection  
7 diagonally unless authorized by official traffic-control  
8 devices; and, when authorized to cross diagonally, pedestrians  
9 shall cross only in accordance with the official traffic-control  
10 devices pertaining to such crossing movements.

11 (e) Every person who violates this section shall be fined  
12 \$100."

13 SECTION 3. Section 291C-161, Hawaii Revised Statutes, is  
14 amended by amending subsection (c) to read as follows:

15 "(c) Every person convicted [~~of violating~~] under or found  
16 in violation of section 291C-12, 291C-12.5, 291C-12.6, 291C-72,  
17 291C-73, 291C-95, or 291C-105 shall be sentenced or fined in  
18 accordance with those sections."

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



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Motor Vehicles; Pedestrian Crosswalks

**Description:**

Clarifies a driver's duty to stop for a pedestrian in a crosswalk. Imposes fines for drivers and pedestrians who fail to comply with the crosswalk law based on the number of previous infractions of the same offense. (SD1)

