A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

- SECTION 1. Section 291C-123, Hawaii Revised Statutes, is 1 2 amended to read as follows: 3 "\$291C-123 Driving or parking upon bikeway; parking 4 penalty. (a) No person shall drive any vehicle other than a 5 bicycle or moped upon a bicycle lane [or bicycle path], except 6 upon a permanent or authorized temporary driveway, or park any 7 vehicle upon a bicycle lane [or bicycle path; provided that]. 8 (b) No person shall drive any vehicle other than a bicycle 9 or moped upon a bicycle path, except upon a permanent or 10 authorized temporary driveway, or park any vehicle upon a 11 bicycle path; provided that a moped driver shall be required to 12 use a bicycle lane where available, pursuant to section 13 291C-197(a). 14 (c) Notwithstanding subsections (a) and (b), any vehicle 15 may be driven or parked in a bicycle lane or bicycle path as 16 applicable if:
- 17 (1) It is in the process of executing a legal turn, lane
 18 change, or parking maneuver;



H.B. NO. 1759

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         (2)
              It is an authorized emergency vehicle performing the
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               functions under section 291C-26;
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         (3)
              It is an official federal, state, or county vehicle in
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              the performance of its actual duty;
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         (4)
              It is a stalled or broken vehicle;
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         (5)
              It is necessary to assist a stalled or broken vehicle;
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         (6)
              It is necessary to yield to an authorized emergency
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              vehicle pursuant to section 291C-65; or
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         (7)
              It is otherwise provided by law.
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         [<del>(b)</del>] (d) Any person violating the parking [prohibition in
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    subsection (a) prohibitions in this section shall be fined not
    more than $500."
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         SECTION 2. Section 291C-145, Hawaii Revised Statutes, is
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    amended by amending subsection (f) to read as follows:
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               The director of transportation by rule and the
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    counties by ordinance may with respect to bikeways under their
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    respective jurisdictions restrict or prohibit the use of such
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    bikeways by mopeds[-]; provided that any such restriction or
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    prohibition complies with the requirements of section 291C-197."
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         SECTION 3. Section 291C-197, Hawaii Revised Statutes, is
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    amended by amending subsection (a) to read as follows:
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- 1 "(a) Wherever bicycle lanes are provided on the roadway,
- 2 moped drivers shall use such bicycle lanes[-] and shall not use
- 3 bicycle paths. Signs clearly visible to an ordinarily observant
- 4 person indicating the prohibition shall be placed along bicycle
- 5 paths so designated and every moped driver shall obey the
- 6 directions thereof."
- 7 SECTION 4. This Act does not affect rights and duties that
- 8 matured, penalties that were incurred, and proceedings that were
- 9 begun before its effective date.
- 10 SECTION 5. Statutory material to be repealed is bracketed
- 11 and stricken. New statutory material is underscored.
- 12 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

BY REQUEST

JAN 1 3 2012

H.B. NO. 1759

Report Title:

Traffic Safety; Bicycle Path; Bicycle Lane; Moped; Maui County Council Package

Description:

Prohibits moped drivers from using bicycle paths where bicycle lanes are provided.

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