



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

GOV. MSG. NO. 1327

July 12, 2018

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

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

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

Re: HB2589 HD2 SD1 CD1

HB2589 HD2 SD1 CD1, entitled "A BILL FOR AN ACT RELATING TO MOTORCYCLES" will become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill will authorize the Department of Transportation to designate shoulder lanes upon which motorcycles are allowed to operate when traffic is halted. It will also prohibit the opening of automobile doors that interfere with motorcycles in the shoulder.

The shoulder lane is designated to accommodate stopped vehicles and emergency vehicles on highways, as well as bicycles on arterial roadways. There are significant concerns that this could compromise road safety and create more dangers for operators of all vehicles.

Despite the possible safety concerns, we trust that the Department of Transportation will properly vet which shoulder lanes can be accessible to motorcycles while carefully considering optimal safety measures.



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

For the foregoing reasons, HB2589 HD2 SD1 CD1 will become law as ACT 218, Session Laws of Hawai'i 2018, effective July 10, 2018, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "David Y. Ige".

DAVID Y. IGE
Governor, State of Hawai'i

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;

17 (B) The driving of two-wheeled motorcycles upon a
18 shoulder:



1 (i) At any speed exceeding ten miles per hour;

2 or

3 (ii) In a direction other than the direction of
4 vehicular traffic in the adjacent roadway;

5 or

6 (C) Drivers of two-wheeled motorcycles to make any
7 turn from any shoulder;

8 (3) The department of transportation may impose additional
9 restrictions on the maneuvering and driving of two-
10 wheeled motorcycles onto and upon designated
11 shoulders, including restrictions that are more
12 stringent than those described in paragraph (2); and

13 (4) The department of transportation shall clearly mark
14 any designated shoulder with appropriate official
15 traffic-control devices, including traffic-control
16 devices that indicate the:

17 (A) Points along the shoulder at which two-wheeled
18 motorcycles may begin to enter the shoulder and
19 shall begin to exit the shoulder; and

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



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

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

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

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

16 (4) Subject to paragraph (5), the driver shall exit the
17 shoulder:

18 (A) When vehicles in the adjacent traffic lane that
19 the driver was previously using begin to move
20 forward; or



- 1 (B) At any point so designated by an official
- 2 traffic-control device;
- 3 (5) When exiting the shoulder, the driver shall yield to
- 4 oncoming traffic and maneuver the driver's vehicle
- 5 completely into the adjacent lane as soon as it is
- 6 safe to do so;
- 7 (6) The driver shall use turn signals provided for in
- 8 section 291C-85 while entering, exiting, or driving
- 9 upon a shoulder in the same manner that the driver
- 10 would be required to use the signals while driving in
- 11 or changing lanes; and
- 12 (7) The driver shall obey all other traffic laws and
- 13 official traffic-control devices."

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

16 " [+]§291C-43 [+] Overtaking a vehicle on the left. The
17 following rules shall govern the overtaking and passing of
18 vehicles proceeding in the same direction, subject to those
19 limitations, exceptions, and special rules hereinafter stated:

- 20 (1) The driver of a vehicle overtaking another vehicle
- 21 proceeding in the same direction shall pass to the



1 left thereof at a safe distance and shall not again
2 drive to the right side of the roadway until safely
3 clear of the overtaken vehicle[-];

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

10 (3) The driver of a two-wheeled motorcycle may overtake a
11 stopped vehicle by maneuvering onto and driving upon a
12 designated shoulder in a manner pursuant to section
13 291C- (b) ."

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

16 "(a) The driver of a vehicle may overtake and pass upon
17 the right of another vehicle only under the following
18 conditions:

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



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

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

10 (4) When the driver of a two-wheeled motorcycle overtakes
11 a stopped vehicle by maneuvering onto and driving upon
12 a designated shoulder in a manner pursuant to section
13 291C- (b)."

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

16 "[+]§291C-49[+] Driving on roadways laned for traffic.

17 Whenever any roadway has been divided into two or more clearly
18 marked lanes for traffic the following rules in addition to all
19 others consistent herewith shall apply[-]:

20 (1) A vehicle shall be driven as nearly as practicable
21 entirely within a single lane and shall not be moved



1 from the lane until the driver has first ascertained
2 that such movement can be made with safety[-];

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

14 (3) Official traffic-control devices may be erected
15 directing specified traffic to use a designated lane
16 or designating those lanes to be used by traffic
17 moving in a particular direction regardless of the
18 center of the roadway and drivers of vehicles shall
19 obey the directions of every such [~~sign~~] device; and

20 (4) Official traffic-control devices may be installed
21 prohibiting the changing of lanes on sections of



1 roadway and drivers of vehicles shall obey the
2 directions of every such device[-];
3 provided that this section shall not be construed to prohibit
4 the maneuvering and driving of a two-wheeled motorcycle onto and
5 upon a designated shoulder in a manner pursuant to section
6 291C- (b)."

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

9 "§291C-125 Opening and closing vehicle doors[-];
10 protruding objects; line of travel. (a) No person shall open
11 the door of a motor vehicle on the side available to moving
12 traffic unless and until it is reasonably safe to do so, and can
13 be done without interfering with, or causing immediate hazard to
14 the movement of other traffic, nor shall any person leave a door
15 open on the side of a vehicle available to moving traffic for a
16 period of time longer than necessary to load or unload
17 passengers.

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



- 1 (1) Interferes with or obstructs the movement of; or
- 2 (2) Endangers the lives and safety of the driver or
- 3 passenger of,
- 4 a two-wheeled motorcycle that is maneuvering onto or driving
- 5 upon a designated shoulder pursuant to section 291C- (b)."

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

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

14 (c) No person shall operate a motorcycle between lanes of
15 traffic or between adjacent lines or rows of vehicles[-];
16 provided that this subsection shall not be construed to prohibit
17 the operator of a two-wheeled motorcycle from traversing lanes
18 for the purpose of maneuvering onto a designated shoulder
19 pursuant to section 291C- (b) (2)."



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

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

6 SECTION 9. This Act shall take effect on January 1, 2019;
7 provided that on December 31, 2020, this Act shall be repealed
8 and sections 291C-43, 291C-44, 291C-49, 291C-125, and 291C-153,
9 Hawaii Revised Statutes, shall be reenacted in the form in which
10 they read on the day before the effective date of this Act.

APPROVED this day of , 2018

GOVERNOR OF THE STATE OF HAWAII



HB No. 2589, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate