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# A BILL FOR AN ACT

RELATING TO BICYCLES.

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

1           SECTION 1. The legislature finds that maintaining a safe  
2 passing distance between vehicles and bicyclists on the road  
3 will directly address one of the biggest hazards to bicyclists.  
4 According to the United States Department of Transportation,  
5 National Highway Traffic Safety Administration, twenty-eight  
6 bicyclists have been killed on roads in Hawaii during the time  
7 period between 2006 and 2015. A May 2014 report conducted by  
8 the League of American Bicyclists stated that forty-four per  
9 cent of all bicyclist fatalities result from being struck from  
10 behind or sideswiped by a motorist. The National Highway  
11 Traffic Safety Administration reported in its 2012 "National  
12 Survey of Bicyclist and Pedestrian Attitudes and Behavior" that  
13 twelve per cent of bicyclists "felt threatened for personal  
14 safety" the last time they rode a bicycle. The primary reason  
15 given by those bicyclists was that "someone drove too close to  
16 them."

17           The legislature further finds that safely sharing our roads  
18 requires clear ground rules. Many drivers do not know the



1 amount of distance they need to maintain to safely pass a  
2 bicyclist. A law that sets a three-foot safe passing distance  
3 would make it clear to drivers how much space they must maintain  
4 when passing a bicyclist.

5 The legislature also finds that similar safe passing  
6 distance laws have been effective in other jurisdictions.  
7 Thirty-nine states and the District of Columbia have a safe  
8 passing distance law. Twenty-eight of those jurisdictions  
9 require a three-foot safe passing distance. Some of those  
10 jurisdictions require four feet or more.

11 The purpose of this Act is to require a three-foot minimum  
12 safe passing distance when a motorist passes and overtakes a  
13 bicyclist.

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

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



1 (1) The driver of a vehicle overtaking another vehicle  
2 proceeding in the same direction shall pass to the  
3 left thereof at a safe distance and shall not again  
4 drive to the right side of the roadway until safely  
5 clear of the overtaken vehicle.

6 (2) The driver of a vehicle passing or overtaking a  
7 bicyclist proceeding in the same direction shall allow  
8 at least three feet of separation between the right  
9 side of the driver's vehicle, including all mirrors or  
10 other protuberances, and the left side of the  
11 bicyclist, and shall not again drive to the right side  
12 of the roadway until safely clear of the overtaken  
13 bicycle.

14 [~~2~~] (3) Except when overtaking and passing on the right  
15 is permitted, the driver of an overtaken vehicle shall  
16 give way to the right in favor of the overtaking  
17 vehicle on audible signal and shall not increase the  
18 speed of the driver's vehicle until completely passed  
19 by the overtaking vehicle."

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2018.



**Report Title:**

Bicyclist; Passing and Overtaking; Motor Vehicle Drivers

**Description:**

Requires the driver of a vehicle passing and overtaking a bicycle proceeding in the same direction to allow at least three feet of separation between the right side of the driver's vehicle and the left side of the bicyclist. (HB2215 CD1)

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

