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# A BILL FOR AN ACT

RELATING TO THE TRAFFIC CODE.

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

1           SECTION 1. The legislature finds that some traffic signals  
2 controlled by vehicle detection devices are not able to detect  
3 bicycles, motorcycles, or mopeds due to their size and weight.  
4 This situation can create a dangerous environment for operators  
5 of bicycles, motorcycles, and mopeds, who are forced to either  
6 disregard the signal altogether or wait for another motor  
7 vehicle to trigger the traffic signal.

8           The legislature further finds that several states have  
9 already passed varying "dead red" laws, which allow operators of  
10 bicycles, motorcycles, and mopeds to proceed through a red  
11 traffic signal if they fail to trigger the traffic signal  
12 sensor.

13           The purpose of this Act is to allow operators of bicycles,  
14 motorcycles, and mopeds to proceed through an intersection on a  
15 steady red signal during certain hours if the traffic signal is  
16 controlled by a vehicle detection device that is inoperative due  
17 to the size or composition of the bicycle, motorcycle, or moped.



1 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
2 amended by adding a new section to part XIII to be appropriately  
3 designated and to read as follows:

4 "§291C- Bicycle at intersection with inoperative  
5 vehicle detection device. Notwithstanding any law to the  
6 contrary, any person operating a bicycle between the hours of  
7 11:00 p.m. and 5:00 a.m. may proceed directly through an  
8 intersection on a steady red signal; provided that:

9 (1) The intersection, including a left turn only lane, is  
10 controlled by traffic-control signals programmed to  
11 change to a green signal after a vehicle detection  
12 device recognizes the approaching vehicle, and vehicle  
13 detection device does not recognize the arrival of a  
14 bicycle;

15 (2) The operator of the bicycle comes to a full and  
16 complete stop at the intersection as defined in 291C-  
17 32(3) (A), and waits over a vehicle loop detector when  
18 visible in the pavement;

19 (3) The traffic control signal, including the left turn  
20 only signal, as appropriate, does not change to a  
21 green signal after either the completion of one



1           traffic signal cycles or the time it would take for  
2           the completion of one traffic signal cycles;  
3       (4) No contraflow lane is in operations or being set-up;  
4           and  
5       (5) The operator of the bicycle exercises due care and  
6           proceeds with caution through the intersection  
7           yielding the right-of-way to any vehicle which has  
8           entered the intersection from another highway, or  
9           which is approaching so closely on the other highway  
10          as to constitute an immediate hazard during the time  
11          when such operator is moving across or within the  
12          intersection."

13           SECTION 3. Chapter 291C, Hawaii Revised Statutes, is  
14 amended by adding a new section to part XIV to be appropriately  
15 designated and to read as follows:

16           "§291C-       **Motorcycle at intersection with inoperative**  
17 vehicle detection device. Notwithstanding any law to the  
18 contrary, any person operating a motorcycle between the hours of  
19 11:00 p.m. and 5:00 a.m. may proceed directly through an  
20 intersection on a steady red signal; provided that:



- 1       (1) The intersection, including a left turn only lane, is  
2       controlled by traffic-control signals programmed to  
3       change to a green signal after a vehicle detection  
4       device recognizes the approaching vehicle, and vehicle  
5       detection device does not recognize the arrival of a  
6       motorcycle;
- 7       (2) The operator of the motorcycle comes to a full and  
8       complete stop at the intersection as defined in 291C-  
9       32(3)(A), and waits over a vehicle loop detector when  
10       visible in the pavement;
- 11       (3) The traffic control signal, including the left turn  
12       only signal, as appropriate, does not change to a  
13       green signal after either the completion of one  
14       traffic signal cycles or the time it would take for  
15       the completion of one traffic signal cycles;
- 16       (4) No contraflow lane is in operations or being set-up;  
17       and
- 18       (5) The operator of the motorcycle exercises due care and  
19       proceeds with caution through the intersection  
20       yielding the right-of-way to any vehicle which has  
21       entered the intersection from another highway, or



1           which is approaching so closely on the other highway  
2           as to constitute an immediate hazard during the time  
3           when such operator is moving across or within the  
4           intersection."

5           SECTION 4. Chapter 291C, Hawaii Revised Statutes, is  
6 amended by adding a new section to part XVI to be appropriately  
7 designated and to read as follows:

8           "§291C-       Moped at intersection with inoperative vehicle  
9 detection device. Notwithstanding any law to the contrary, any  
10 person operating a moped between the hours of 11:00 p.m. and  
11 5:00 a.m. may proceed directly through an intersection on a  
12 steady red signal; provided that:

13           (1) The intersection, including a left turn only lane, is  
14 controlled by traffic-control signals programmed to  
15 change to a green signal after a vehicle detection  
16 device recognizes the approaching vehicle, and vehicle  
17 detection device does not recognize the arrival of a  
18 moped;

19           (2) The operator of the moped comes to a full and complete  
20 stop at the intersection as defined in 291C-32(3)(A),



1           and waits over a vehicle loop detector when visible in  
2           the pavement;  
3       (3) The traffic control signal, including the left turn  
4           only signal, as appropriate, does not change to a  
5           green signal after either the completion of one  
6           traffic signal cycles or the time it would take for  
7           the completion of one traffic signal cycles;  
8       (4) No contraflow lane is in operations or being set-up;  
9           and  
10       (5) The operator of the moped exercises due care and  
11           proceeds with caution through the intersection  
12           yielding the right-of-way to any vehicle which has  
13           entered the intersection from another highway, or  
14           which is approaching so closely on the other highway  
15           as to constitute an immediate hazard during the time  
16           when such operator is moving across or within the  
17           intersection."

18       SECTION 5. New statutory material is underscored.

19       SECTION 6. This Act shall take effect on June 30, 3000.



**Report Title:**

Traffic Code; Bicycles; Motorcycles; Mopeds; Intersection;  
Inoperative Vehicle Detection Device

**Description:**

Allows operators of bicycles, motorcycles, and mopeds to proceed through an intersection on a steady red signal during certain hours if the traffic signal is controlled by a vehicle detection device that is inoperative due to the size or composition of the bicycle, motorcycle, or moped. Effective 6/30/3000. (HD1)

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

