

JAN 20 2023

A BILL FOR AN ACT

RELATING TO PEDESTRIANS.

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

1 SECTION 1. The legislature finds that current statutes
2 relating to pedestrians are needlessly restrictive. Fines for
3 pedestrians can have a disproportionate impact on people who do
4 not drive and who primarily rely upon walking as a means of
5 transportation. The legislature notes that, in many situations,
6 the perception and judgment of pedestrians can be more effective
7 in mitigating injuries than traffic lights or street markings.
8 The legislature additionally finds that pedestrians should be
9 trusted to cross the street when the absence of oncoming traffic
10 makes it reasonably safe to cross, even if the decision to cross
11 the street requires pedestrians to act contrary to existing
12 traffic rules; provided that pedestrians use reasonable care in
13 making such crossings.

14 The legislature further finds that there are numerous
15 benefits to walking, which can include greater physical
16 longevity, lower personal expenses for transportation, and a
17 decrease in the carbon dioxide entering the atmosphere.



1 Further, California, with the support of over ninety pedestrian
2 advocacy groups, passed the Freedom to Walk Act in 2022, which
3 substantially relaxed enforcement of pedestrian street-crossing
4 violations and makes California's streets more walkable.

5 Accordingly, the purpose of this Act is to provide
6 pedestrians with greater freedom to walk by allowing pedestrians
7 to cross the street when a reasonably careful pedestrian would
8 consider doing so to be safe.

9 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
10 amended by adding a new section to part VII to be appropriately
11 designated and to read as follows:

12 "§291C- Freedom to walk; absence of an immediate danger.

13 (a) Notwithstanding any law to the contrary, a pedestrian shall
14 not be stopped by a law enforcement officer, fined, or subjected
15 to any other penalty, for acting contrary to this chapter,
16 unless a reasonably careful pedestrian would determine that
17 there is an immediate danger of a collision with a moving
18 vehicle.

19 (b) This section does not relieve a pedestrian from the
20 duty of using due care for their safety and the safety of
21 others.



1 (c) This section does not relieve a driver of a vehicle
2 from the duty of exercising due care for the safety of any
3 pedestrian within the roadway."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Kal Alford*



S.B. NO. 926

Report Title:

Pedestrians; Safety; Street Crossing

Description:

Authorizes pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle.

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