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# A BILL FOR AN ACT

RELATING TO PEDESTRIANS.

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

1 PART I

2 SECTION 1. The legislature finds that pedestrian mobility  
3 is an essential part of a sustainable and accessible  
4 transportation system. However, pedestrian safety is a critical  
5 concern, especially in densely populated areas with high  
6 vehicular traffic. While the legislature acknowledges the  
7 benefits of walking as a mode of transportation, including  
8 reducing carbon emissions and promoting public health, it also  
9 recognizes the need to balance pedestrian freedom with public  
10 safety.

11 The legislature further finds that counties with smaller  
12 populations may be better suited to test pedestrian-friendly  
13 policies, whereas counties with populations exceeding 250,000  
14 require a more structured approach to ensure pedestrian and  
15 driver safety.

16 Accordingly, the purpose of this Act is to provide  
17 pedestrians with greater freedom by:



- 1           (1) Establishing a three-year pedestrian safety pilot
- 2                program in each county with a population of two
- 3                hundred fifty thousand or less, under certain
- 4                conditions, which prohibits a pedestrian from being
- 5                stopped, fined, or subjected to a penalty for crossing
- 6                outside of a marked crosswalk;
- 7           (2) Authorizing the governor to:
- 8                (A) Revoke and abolish the pilot program statewide at
- 9                any time if deemed necessary for public safety;
- 10              and
- 11              (B) Overturn a county's approved opt-out request
- 12              after consulting with certain individuals;
- 13           (3) Authorizes a county with a population of over two
- 14              hundred fifty thousand to participate in the pilot
- 15              program, subject to certain conditions;
- 16           (4) Requires reports to the legislature; and
- 17           (5) Requiring any driver of a vehicle to yield to a
- 18              pedestrian who clearly indicates their intention to
- 19              cross the roadway at a crosswalk.

20                           PART II



1 SECTION 2. (a) There shall be established a three-year  
2 pedestrian safety pilot program in each county with a population  
3 of two hundred fifty thousand or less; provided that a county  
4 may opt out of the pilot program upon request by the appropriate  
5 mayor, subject to the approval of the director of  
6 transportation. Notwithstanding any other law to the contrary,  
7 under the pilot program, no pedestrian shall be stopped by a law  
8 enforcement officer, fined, or subjected to any other penalty  
9 for crossing outside of a marked crosswalk, provided that:

10 (1) The pedestrian is at least two hundred feet from the  
11 nearest crosswalk; and

12 (2) A reasonably careful pedestrian would determine there  
13 is no immediate danger of a collision with a moving  
14 vehicle.

15 (b) Except as provided under subsection (c), a pedestrian  
16 shall be subject to a fine if they engage in behavior that  
17 creates an immediate danger of collision with a moving vehicle,  
18 as determined by a reasonable person standard.

19 The fines shall be as follows:

20 (1) \$50 for a first violation;



1 (2) \$100 for a second violation within a twelve month  
2 period; and

3 (3) \$200 for a third or subsequent violation within a  
4 twelve month period.

5 Fines collected under this subsection shall be deposited  
6 into the state highway fund established pursuant to section  
7 248-8, Hawaii Revised Statutes, to support pedestrian safety  
8 infrastructure improvements.

9 (c) No fines shall be imposed pursuant to subsection (b)  
10 if the pedestrian:

11 (1) Is within a legally designated pedestrian zone or  
12 crosswalk;

13 (2) Crosses when no vehicles are present within three  
14 hundred feet; or

15 (3) Was cited without documented proof of engaging in a  
16 behavior that creates an immediate danger of collision  
17 with a moving vehicle.

18 (d) A pedestrian who receives a fine pursuant to  
19 subsection (b) may contest the citation through an  
20 administrative hearing process.



1 (e) The department of transportation and each county law  
2 enforcement agency shall develop clear enforcement guidelines to  
3 enforce the pilot program.

4 (f) Burden of proof shall lie with the issuing officer who  
5 shall show that the pedestrian engaged in behavior that creates  
6 an immediate danger of collision with a moving vehicle.

7 (g) The governor may:

8 (1) Revoke and abolish the pilot program statewide at any  
9 time if deemed necessary for public safety; and

10 (2) Overturn a county's approved opt-out request under  
11 subsection (a); provided that the governor shall  
12 consult with the following individuals before  
13 overturning an opt-out request:

14 (A) The attorney general;

15 (B) The president of the senate;

16 (C) The speaker of the house of representatives;

17 (D) The chairs of the senate and house standing  
18 committees with primary jurisdiction over  
19 transportation; and



1 (E) The chairs of the senate and house standing  
2 committees with primary jurisdiction over the  
3 judiciary.

4 (h) A county with a population of over two hundred fifty  
5 thousand, may participate in the pilot program; provided that  
6 the state highway safety and modernization council shall first,  
7 in consultation with the department of transportation and county  
8 law enforcement agencies, determine designated areas in the  
9 county to implement the pilot program, subject to the final  
10 approval from the director of transportation in consultation  
11 with the:

12 (1) Chairs of the senate and house standing committees  
13 with primary jurisdiction over transportation; and

14 (2) Chairs of the senate and house standing committees  
15 with the primary jurisdiction over the judiciary.

16 (i) The department of transportation shall, in  
17 coordination with the state highway safety and modernization  
18 council, collect and analyze data on the impacts of the pilot  
19 program and submit biannual reports to the legislature no later  
20 than sixty days prior to the convening of the regular sessions  
21 of 2026, 2027, and 2028 and sixty days after adjournment sine



1 die of the regular sessions of 2026, 2027, and 2028. The  
2 reports shall include but is not limited to:

3 (1) Assessments of the benefits and drawbacks of the pilot  
4 program;

5 (2) Traffic crash data before and after the implementation  
6 of the pilot program;

7 (3) Pedestrian citation data, including how many fines  
8 were issued and contested;

9 (4) Public feedback on the pilot program's effectiveness  
10 and concerns raised by business districts and  
11 communities;

12 (5) Law enforcement reports on compliance challenges; and

13 (6) Recommendations for the continuation, expansion, or  
14 modification of the pilot program.

15 (j) This section shall not apply to:

16 (1) Roadways with speed limits exceeding twenty-five miles  
17 per hour;

18 (2) Roadways with limited pedestrian visibility, such as  
19 tunnels, bridges, and high-traffic intersections; and

20 (3) Areas with high pedestrian-vehicle conflict, as  
21 determined by law enforcement agencies.



- 1 (k) This section shall not relieve:
- 2 (1) A pedestrian from the duty of using due care for their
- 3 safety and the safety of others; or
- 4 (2) A driver of a vehicle from the duty of exercising due
- 5 care for the safety of any pedestrian within the
- 6 roadway.
- 7 (l) For purposes of this section, "immediate danger" means
- 8 crossing in a manner that requires an oncoming vehicle to brake
- 9 suddenly or swerve to avoid impact.

10 PART III

11 SECTION 3. Section 291C-72, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) The driver of a vehicle shall stop for a pedestrian  
14 who is crossing the roadway within a crosswalk when the  
15 pedestrian is [~~either~~]:

- 16 (1) Upon the half of the roadway upon which the vehicle is
- 17 traveling; [~~or~~]
- 18 (2) Approaching the vehicle so closely from the opposite
- 19 half of the roadway as to be in danger[~~er~~]; or
- 20 (3) Clearly indicating to the driver of a vehicle their
- 21 intention to cross the roadway,



1 and shall not proceed until the pedestrian has passed the  
2 vehicle and the driver can safely proceed.

3 For purposes of this section, "a pedestrian who is crossing  
4 the roadway within a crosswalk" occurs when any part or  
5 extension of the pedestrian, including any part of the  
6 pedestrian's body, wheelchair, cane, crutch, or bicycle, is  
7 beyond the curb or edges of the traversable roadway and moves  
8 onto the roadway within an intersection or crosswalk."

9 PART IV

10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 3000, and  
13 shall be repealed on June 30, 2028.



**Report Title:**

Pedestrians; Safety; Street Crossing; Pilot Program

**Description:**

Establishes a three-year Pedestrian Safety Pilot Program in a county with population of two hundred fifty thousand or less, under certain conditions. Authorizes the Governor to revoke and abolish the Pilot Program and overturn a county's request to opt-out of the Pilot Program. Authorizes a county with a population of over two hundred fifty thousand to participate in the Pilot Program, subject to certain conditions. Requires reports to the Legislature. Requires a driver of a vehicle to yield to a pedestrian when the pedestrian clearly indicates their intention to cross a roadway within a crosswalk. Sunsets 6/30/2028. Effective 7/1/3000. (HD1)

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

