
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 by:

- 7 (1) Allowing them to act contrary to the statewide traffic
8 code when a reasonably careful pedestrian would
9 consider it safe to do so if the pedestrian is more
10 than two hundred feet from a crosswalk; and
- 11 (2) Requiring any driver of a vehicle to yield to a
12 pedestrian who clearly indicates their intention to
13 cross the roadway at a crosswalk.

14 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
15 amended by adding a new section to part VII to be appropriately
16 designated and to read as follows:

17 **"§291C- Freedom to walk; absence of an immediate danger.**

18 (a) Notwithstanding any law to the contrary, a pedestrian shall
19 not be stopped by a law enforcement officer, fined, or subjected
20 to any other penalty, for acting contrary to this chapter,
21 unless a reasonably careful pedestrian would determine that



1 there is an immediate danger of a collision with a moving
2 vehicle; provided that the pedestrian is more than two hundred
3 feet from a marked crosswalk.

4 (b) This section shall not relieve a:

5 (1) Pedestrian from the duty of using due care for their
6 safety and the safety of others; or

7 (2) Driver of a vehicle from the duty of exercising due
8 care for the safety of any pedestrian within the
9 roadway."

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

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

15 (1) Upon the half of the roadway upon which the vehicle is
16 traveling; [~~or~~]

17 (2) Approaching the vehicle so closely from the opposite
18 half of the roadway as to be in danger[~~er~~]; or

19 (3) Clearly indicating to the driver of a vehicle their
20 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 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Pedestrians; Safety; Street Crossing

Description:

Authorizes pedestrians to act contrary to the statewide traffic code when a reasonably careful pedestrian would determine that there is no immediate danger of a collision with a moving vehicle if the pedestrian is more than 200 feet from a crosswalk. 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. Effective 7/1/2050.
(SD1)

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