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# A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

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PART I

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SECTION 1. The legislature finds that the State's roadways  
3 may present safety risks to individuals that are stopped on the  
4 shoulder or roadside due to a disabled vehicle. Although  
5 existing law requires motorists to slow down and move over when  
6 approaching certain emergency vehicles, the law allows unsafe  
7 passing for all other vehicles. According to the National  
8 Highway Traffic Safety Administration, nearly three thousand six  
9 hundred fatalities occurred nationwide between 2014 and 2022  
10 when ordinary drivers and passengers were stranded in or near  
11 their disabled vehicles.

12

The legislature further finds that, as of 2025, twenty-nine  
13 states have enacted comprehensive "move over" laws to cover all  
14 disabled vehicles displaying hazard warning lights or other  
15 recognized safety signals.



1           Accordingly, the purpose of this part is to require drivers  
2 approaching stationary vehicles displaying warning signals to  
3 slow down and make a lane change if possible and safe to do so.

4           SECTION 2. Section 291C-27, Hawaii Revised Statutes, is  
5 amended by amending its title and subsection (a) to read as  
6 follows:

7           "**§291C-27 Emergency or stationary vehicle stopped for**  
8 **emergencies; duty of approaching vehicle.** (a) A driver of a  
9 vehicle that is approaching an emergency vehicle that is stopped  
10 for an emergency, investigation of a possible traffic violation,  
11 rendering assistance to a police officer, or other official  
12 duties, or any stationary vehicle that is stopped in any  
13 location on the roadway, shoulder, or roadside, as indicated by  
14 the flashing emergency lights or warning signals, including  
15 vehicle hazard warning lights, road flares, traffic cones,  
16 caution signs, or any vehicular warning signs or nonvehicular  
17 warning signs of the stopped emergency or stationary vehicle,  
18 shall[+]

19           ~~(1) Slow~~ slow down to a reasonable and prudent speed that  
20 is safe under the circumstances [~~of an emergency road~~  
21 ~~situation ahead. Reasonableness and prudence shall~~



1 ~~take into account weather conditions, road conditions,~~  
2 ~~and vehicular and pedestrian traffic in the immediate~~  
3 ~~area. If necessary, the driver shall come to a~~  
4 ~~complete stop before making a lane change under~~  
5 ~~paragraph (2); and~~

6 ~~(2) Make a lane change into the adjacent lane if necessary~~  
7 ~~and if it is safe to do so, or if possible, to two~~  
8 ~~lanes over which leaves one lane between the driver~~  
9 ~~and the emergency vehicle.], and, if it is possible~~  
10 ~~and safe to do so, make a lane change to an adjacent~~  
11 ~~lane; provided that if a lane change is not possible~~  
12 ~~or safe, the driver shall continue at a reasonable and~~  
13 ~~prudent speed and come to a complete stop if~~  
14 ~~necessary."~~

15 PART II

16 SECTION 3. Section 291-14, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§291-14 Pickup trucks; passenger restrictions.** (a) No  
19 person shall stand in the bed or load-carrying area of any motor  
20 vehicle commonly known as a pickup truck while the vehicle is in  
21 operation. No operator of any pickup truck shall operate the



1 vehicle with a passenger seated in the bed or load-carrying area  
2 of the vehicle unless:

- 3 (1) There is no seating available in the cab of the  
4 vehicle;
- 5 (2) The side racks of the vehicle are securely attached  
6 and the tailboard or tailgate is securely closed; and
- 7 (3) Every passenger in the bed or load-carrying area of  
8 the vehicle is seated on the floor and does not  
9 attempt to control unlash cargo.

10 (b) Notwithstanding subsection (a), no operator of any  
11 pickup truck shall operate the vehicle with a passenger seated  
12 in the bed or load-carrying area of the vehicle on a roadway  
13 with:

- 14 (1) Posted speed limits of forty-six miles per hour or  
15 higher; or
- 16 (2) Three or more lanes traveling in the same direction.

17 ~~[(b)]~~ (c) This section shall not apply to ~~[persons]~~:

- 18 (1) Persons or corporations operating a business or  
19 businesses that serve the public, who or ~~[which]~~ that  
20 are subject to the jurisdiction, supervision, and  
21 regulations prescribed by state agencies or



1 departments nor to their agents or employees when  
2 engaged in the business of [~~such~~] these persons or  
3 corporations[~~+~~];

4 (2) Persons operating a pickup truck for the  
5 transportation of agricultural or farm workers;

6 (3) Law enforcement, fire, and emergency medical services  
7 vehicles engaged in official duties; and

8 (4) Military vehicles engaged in official operations.

9 [~~+~~] (d) No operator of any pickup truck [~~may~~] shall  
10 operate the vehicle with any passenger [~~twelve~~] under eighteen  
11 years of age [~~or under~~] in the bed or load-carrying area of the  
12 vehicle, unless one of the following applies:

13 (1) An emergency exists that threatens the life of the  
14 passenger being transported in the bed or load-  
15 carrying area of the vehicle; or

16 (2) The vehicle is being operated in parades, caravans, or  
17 exhibitions [~~which~~] that are officially authorized or  
18 otherwise permitted by law.

19 [~~+~~] (e) Any person who violates this section shall be  
20 subject to a fine of \$25 for each violation; provided that any



1 person who violates subsection [~~e~~] (d) shall be subject to a  
2 fine of \$50 for each separate violation.

3 [~~e~~] (f) As used in this section, "pickup truck" means a  
4 light truck that has a cab on the front part of the vehicle  
5 covering the driver's seat and an open bed behind the cab  
6 designed primarily to transport property or cargo, with sides  
7 and a tailgate to retain the contents within the confines of the  
8 bed, and has a maximum gross vehicle weight rating (GVWR) of  
9 [~~11,000~~] eleven thousand pounds or less."

10 PART III

11 SECTION 4. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14 SECTION 5. If any provision of this Act, or the  
15 application thereof to any person or circumstance, is held  
16 invalid, the invalidity does not affect other provisions or  
17 applications of the Act that can be given effect without the  
18 invalid provision or application, and to this end the provisions  
19 of this Act are severable.

20 SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

Stationary Vehicles; Traffic Safety; Duty of Approaching Vehicle; Traffic Violations; Pickup Trucks; Passenger Restrictions

**Description:**

Part I: Requires drivers approaching stationary vehicles displaying warning signals to slow down to a reasonable and prudent speed and make a lane change if possible and safe to do so or come to a complete stop if necessary. Part II: Prohibits the operation of a pickup truck with a passenger seated in the bed or load-carrying area on roadways with posted speed limits of forty-six miles per hour or higher and roadways with three or more lanes traveling in the same direction. Provides certain exemptions from passenger restrictions. Increases the minimum age to ride in the bed or load-carrying area of a pickup truck while in operation from twelve years of age to eighteen years of age. Effective 7/1/3000. (SD2)

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

