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# A BILL FOR AN ACT

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RELATING TO TRAFFIC SAFETY.

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

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

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

15       Accordingly, the purpose of this Act is to require drivers  
16 of vehicles approaching stationary motor vehicles stopped on the  
17 shoulder or roadside due to a traffic collision or vehicle



1 maintenance or mechanical problem to slow down and make a lane  
2 change if necessary.

3 SECTION 2. Section 291C-27, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§291C-27 Emergency or stationary vehicle stopped for**  
6 **emergencies; duty of approaching vehicle.** (a) A driver of a  
7 vehicle that is approaching an emergency vehicle that is stopped  
8 for an emergency, investigation of a possible traffic violation,  
9 rendering assistance to a police officer, or other official  
10 duties, or any stationary vehicle that is stopped on the  
11 shoulder or roadside due to a traffic collision or vehicle  
12 maintenance or mechanical problem, as indicated by the flashing  
13 emergency lights or warning signals, including vehicle hazard  
14 warning lights, road flares, traffic cones, caution signs, or  
15 any nonvehicular warning signs of the stopped emergency or  
16 stationary vehicle, shall:

- 17 (1) Slow down to a reasonable and prudent speed that is  
18 safe under the circumstances of an emergency road  
19 situation ahead. Reasonableness and prudence shall  
20 take into account weather conditions, road conditions,  
21 and vehicular and pedestrian traffic in the immediate



1 area. If necessary, the driver shall come to a  
2 complete stop before making a lane change under  
3 paragraph (2); and

4 (2) Make a lane change into the adjacent lane if necessary  
5 and if it is safe to do so, or if possible, to two  
6 lanes over which leaves one lane between the driver  
7 and the emergency vehicle.

8 (b) As used in this section[, ~~"emergency"~~]:

9 "Emergency vehicle" means a police or fire department  
10 vehicle, ocean safety vehicle, emergency medical services  
11 vehicle, freeway service patrol vehicle, sheriff division  
12 vehicle, Hawaii emergency management agency vehicle, county  
13 emergency management vehicle, civil defense vehicle, department  
14 of transportation harbors division vehicle, department of land  
15 and natural resources division of conservation and resources  
16 enforcement vehicle, or a tow truck.

17 "Stationary vehicle" means a stationary motor vehicle or  
18 truck, as defined in section 286-2, used for, including but not  
19 limited to maintenance, utility, construction, delivery,  
20 transit, and passenger movement.



1 (c) Violation of subsection (a) shall not be subject to  
2 section 287-20, relating to furnishing proof of financial  
3 responsibility.

4 A violation of subsection (a) shall constitute a violation  
5 if no death or injury results from the violation.

6 If a death or injury occurs and is attributable to the  
7 driver of the vehicle for a violation of subsection (a), then  
8 the driver shall instead be charged under section 707-702.5 for  
9 negligent homicide in the first degree; section 707-703 for  
10 negligent homicide in the second degree; section 707-704 for  
11 negligent homicide in the third degree; section 707-705 for  
12 negligent injury in the first degree; or section 707-706 for  
13 negligent injury in the second degree, as applicable."

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on January 1, 2027.  
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INTRODUCED BY





# S.B. NO. 2026

**Report Title:**

Stationary Vehicles; Traffic Safety; Duty of Approaching Vehicle

**Description:**

Requires drivers of vehicles approaching stationary motor vehicles stopped on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem to slow down and make a lane change if necessary.

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