

JAN 21 2026

A BILL FOR AN ACT

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.



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

2026-0482 SB HMSO



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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