
A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

1 PART I

2 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. Chapter 291C, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§291C- Stationary vehicle stopped for emergencies;
8 duty of approaching vehicle. (a) A driver of a vehicle that is
9 approaching a stationary vehicle stopped in any location on the
10 roadway or shoulder, as indicated by reasonable warning signals,
11 including vehicle hazard warning lights, road flares, traffic
12 cones, caution signs, or any other vehicular or nonvehicular
13 warning signs of the stopped stationary vehicle, shall slow down
14 to a reasonable and prudent speed that is safe under the
15 circumstances, and, if it is possible and safe to do so, make a
16 lane change to an adjacent lane; provided that if a lane change
17 is not possible or safe, the driver shall continue at a
18 reasonable and prudent speed and come to a complete stop if
19 necessary.



1 shall operate the vehicle with a passenger seated in the bed or
2 load-carrying area 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) This section shall not apply to [persons]:

11 (1) Persons or corporations operating a business or
 12 businesses that serve the public, who or ~~[which]~~ that
 13 are subject to the jurisdiction, supervision, and
 14 regulations prescribed by state agencies or
 15 departments nor to their agents or employees when
 16 engaged in the business of ~~[such]~~ these persons or
 17 corporations~~[-]~~;

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

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



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.



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: Provides certain exemptions from passenger restrictions related to the operation of a pickup truck with a passenger seated in the bed or load-carrying area of the vehicle. 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 sixteen years of age. (CD1)

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