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# 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.

16 Accordingly, the purpose of this part is to require drivers  
17 of vehicles approaching stationary motor vehicles stopped in any



1 location on the roadway, shoulder, or roadside to slow down and  
2 make a lane change if necessary.

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

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

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





1 (2) The side racks of the vehicle are securely attached  
2 and the tailboard or tailgate is securely closed; and

3 (3) Every passenger in the bed or load-carrying area of  
4 the vehicle is seated on the floor and does not  
5 attempt to control unlashd cargo.

6 (b) Notwithstanding subsection (a), no operator of any  
7 pickup truck shall operate the vehicle with a passenger seated  
8 in the bed or load-carrying area of the vehicle on a roadway  
9 with:

10 (1) Posted speed limits of forty-six miles per hour or  
11 higher; or

12 (2) Three or more lanes traveling in the same direction.

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

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



- 1        (2) Persons operating a pickup truck for the  
2        transportation of agricultural or farm workers;  
3        (3) Law enforcement, fire, and emergency medical services  
4        vehicles engaged in official duties; and  
5        (4) Military vehicles engaged in official operations.

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

- 10        (1) An emergency exists that threatens the life of the  
11        passenger being transported in the bed or load-  
12        carrying area of the vehicle; or  
13        (2) The vehicle is being operated in parades, caravans, or  
14        exhibitions [~~which~~] that are officially authorized or  
15        otherwise permitted by law.

16        [~~d~~] (e) Any person who violates this section shall be  
17        subject to a fine of \$25 for each violation; provided that any  
18        person who violates subsection [~~e~~] (d) shall be subject to a  
19        fine of \$50 for each separate violation.

20        [~~e~~] (f) As used in this section, "pickup truck" means a  
21        light truck that has a cab on the front part of the vehicle



1 covering the driver's seat and an open bed behind the cab  
2 designed primarily to transport property or cargo, with sides  
3 and a tailgate to retain the contents within the confines of the  
4 bed, and has a maximum gross vehicle weight rating (GVWR) of  
5 [~~11,000~~] eleven thousand pounds or less."

6 PART III

7 SECTION 4. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10 SECTION 5. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

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

**Description:**

Part I: Requires drivers of vehicles approaching stationary motor vehicles stopped in any location on the roadway, shoulder, or roadside to slow down and make a lane change 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. 0Effective 7/1/3000. (HD1)

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

