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# A BILL FOR AN ACT

RELATING TO PEDESTRIAN SAFETY.

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

1           SECTION 1. The legislature finds that the State has  
2 experienced persistently high levels of traffic-related  
3 fatalities over recent years, with pedestrians representing a  
4 disproportionate and growing share of those deaths. In recent  
5 years, pedestrians have accounted for a significant percentage  
6 of all traffic fatalities statewide, reflecting a sustained  
7 pattern of danger for individuals walking along Hawaii's  
8 roadways. Many of the fatalities and serious injuries suffered  
9 by pedestrians have occurred while individuals were lawfully  
10 using marked or unmarked crosswalks, including in residential  
11 neighborhoods, school-adjacent areas, and other locations with  
12 regular pedestrian activity.

13           The legislature further finds that the State, through the  
14 department of transportation and in coordination with county  
15 governments, has committed to reducing traffic deaths and  
16 serious injuries through comprehensive roadway safety planning  
17 consistent with vision zero principles, which recognize that



1 traffic fatalities are preventable and that roadway systems must  
2 prioritize the safety of the most vulnerable road users. These  
3 commitments emphasize safer speeds, safer streets, safer  
4 behavior, and clearer legal standards governing driver conduct.

5 The legislature also finds that walking is a fundamental,  
6 equitable, and environmentally sustainable mode of  
7 transportation and that residents and visitors cannot reasonably  
8 be expected to walk, access public transit, or support  
9 sustainable transportation goals unless pedestrians are afforded  
10 clear, enforceable, and meaningful legal protections when  
11 crossing public roadways.

12 The legislature additionally finds that section 291C-72,  
13 Hawaii Revised Statutes, while requiring drivers to stop for  
14 pedestrians in crosswalks, lacks sufficient specificity  
15 regarding when the duty to stop is triggered and how long a  
16 driver must remain stopped, creating ambiguity that undermines  
17 enforcement, accountability, and compliance. Other  
18 jurisdictions with better pedestrian safety outcomes, such as  
19 Oregon and Washington state, have adopted explicit "stop and  
20 remain stopped" standards and lane-based trigger points that



1 clearly allocate responsibility to the operator of the motor  
2 vehicle, which is the heavier and more dangerous instrument.

3 Furthermore, the legislature finds that children walking to  
4 and from school, older adults, and individuals with visual  
5 impairments face heightened risk and require enhanced statutory  
6 protections, particularly in school zones and other high-  
7 pedestrian-use areas. Existing penalties for crosswalk  
8 violations may be insufficient to deter dangerous driving  
9 behavior and do not adequately reflect the severity of harm  
10 caused when violations result in serious bodily injury.

11 Accordingly, the purpose of this Act is to advance the  
12 State's traffic safety and vision zero-aligned commitments by:

- 13 (1) Clarifying driver obligations at crosswalks;
- 14 (2) Establishing a clear and enforceable duty to stop and  
15 remain stopped for pedestrians;
- 16 (3) Strengthening penalties for violations, particularly  
17 in school zones; and
- 18 (4) Expanding the offense of negligent injury in the  
19 second degree to include bodily injury to a vulnerable  
20 user by the operation of a vehicle in a negligent  
21 manner.



1 SECTION 2. Section 291C-72, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291C-72 Pedestrians' right-of-way in crosswalks. (a)**

4 The driver of a vehicle shall stop [~~for~~] and remain stopped to  
5 allow a pedestrian who is crossing the roadway within a  
6 crosswalk when the pedestrian is [~~either:~~

7 ~~(1) Upon the half of the roadway upon which the vehicle is~~  
8 ~~traveling; or~~

9 ~~(2) Approaching the vehicle so closely from the opposite~~  
10 ~~half of the roadway as to be in danger,]~~

11 upon, entering, or within one lane of the half of the roadway  
12 upon which the vehicle is traveling or onto which the vehicle is  
13 turning, and shall not proceed until the pedestrian has passed  
14 the vehicle and has cleared the lane of travel and any adjacent  
15 lane into which the vehicle would proceed, and the driver can  
16 safely proceed.

17 For roadways consisting of a single lane of travel in each  
18 direction, a pedestrian who is upon or entering a crosswalk  
19 shall be deemed to be within one lane of the half of the roadway  
20 upon which the vehicle is traveling.



1           For the purposes of this section, "a pedestrian who is  
2 crossing the roadway within a crosswalk" occurs when any part or  
3 extension of the pedestrian, including any part of the  
4 pedestrian's body, wheelchair, cane, crutch, or bicycle, is  
5 beyond the curb or edges of the traversable roadway and moves  
6 onto the roadway within an intersection or crosswalk.

7           (b) No pedestrian shall suddenly leave a curb or other  
8 place of safety and walk or run into the path of a vehicle  
9 [~~which~~] that is so close that it is impossible for the driver to  
10 yield.

11           (c) Subsection (a) shall not apply under the conditions  
12 stated in section 291C-73(b).

13           (d) Whenever any vehicle is stopped at a marked crosswalk  
14 or at any unmarked crosswalk at an intersection to permit a  
15 pedestrian to cross the roadway, the driver of any other vehicle  
16 approaching from the rear shall not overtake and pass the  
17 stopped vehicle.

18           (e) Every person who violates this section shall be  
19 subject to the following penalties:



- 1 (1) For a first infraction, or any infraction not preceded  
2 within one year by a prior violation of this section,  
3 a fine of [~~\$150,~~] \$250;
- 4 (2) For an infraction that occurs within one year of a  
5 prior violation of this section, a fine of [~~\$300~~] \$500  
6 and revocation of the person's driver's license and  
7 privilege to operate a vehicle for a period of ninety  
8 days; and
- 9 (3) For an infraction that occurs within two years of two  
10 prior violations of this section, and for the fourth  
11 and each additional infraction of this section,  
12 regardless of when committed, a fine of [~~\$1,000,~~]  
13 \$1,500, and revocation of the person's driver's  
14 license and privilege to operate a vehicle for a  
15 period of one hundred eighty days.
- 16 (f) Any violation of this section that occurs within a  
17 school zone shall be subject to double the applicable penalty in  
18 subsection (e), including fines and revocation of the person's  
19 driver's license and privilege to operate a vehicle.
- 20 As used in this subsection, "school zone" has the same  
21 meaning as in section 291C-104."



1 SECTION 3. Section 707-706, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3 "(1) A person [~~is guilty of~~] commits the offense of  
4 negligent injury in the second degree if that person causes  
5 [~~substantial~~]:

6 (a) Substantial bodily injury to another person by the  
7 operation of a vehicle in a negligent manner~~[-]~~; or

8 (b) Bodily injury to a vulnerable user by the operation of  
9 a vehicle in a negligent manner."

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

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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



**Report Title:**

Pedestrian Safety; Crosswalks; Penalties

**Description:**

Clarifies a driver's obligations at crosswalks. Requires drivers to stop and remain stopped for pedestrians in crosswalks. Strengthens penalties for traffic violations, particularly in school zones. Expands the offense of negligent injury in the second degree to include bodily injury to a vulnerable user by the operation of a vehicle in a negligent manner. Effective 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.*

