

A Bill for an Act Relating to Amendment to the Bicycle Laws.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that certain state laws relating to the use and operations of bicycles are outdated and responsible for some of the confusion that exists among motorists and bicyclists over the bicycle’s rightful place on the road. At the core of this problem is the treatment of bicycles as children’s toys somewhere between a vehicle and a pedestrian. With the increased use of bicycles as a basic mode of transportation as well as for recreation, there is a critical public safety need to address this problem. Therefore, the purpose of this Act is to amend those sections of the Hawaii Revised Statutes relating to bicycles to conform with the uniform vehicle code, where applicable, and to provide for more progressive, safer bicycle laws.

SECTION 2. Section 249-17.5, Hawaii Revised Statutes, is amended to read as follows:

“[[§249-17.5[]] **Bikeway fund; established.** All taxes collected under sections 249-14 and 249-14.5 shall be deposited in a fund to be known as the “bikeway fund” and shall be expended in the county in which the taxes are collected for the following purposes:

- (1) For acquisition, design, construction, improvement, repair, and maintenance of bikeways, including the installation and repair of storm drains and bridges;
- (2) For installation, maintenance, and repair of bikeway lights and power, including replacement of old bikeway lights;
- (3) For purposes and functions connected with traffic control and preservation of safety upon bikeways; [and]
- (4) For payment of interest on and redemption of bonds issued to finance bikeway construction and improvements[.]; and
- (5) For the promotion of bicycling transportation and recreation.”

SECTION 3. Section 291C-1, Hawaii Revised Statutes, is amended to read as follows:

“§291C-1 Definitions. As used in this chapter:

[(1)] “Alley” means a street or highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

[(2)] “Arterial street” means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by counties within their respective jurisdictions as part of a major arterial system of streets or highways.

[(3)] “Authorized emergency vehicle” includes such fire department vehicles, police vehicles, and ambulances as are publicly owned and such other publicly or privately owned vehicles as are designated by the city or county council.

[(4)] “Bicycle” means every [device] vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, [sixteen inches in diameter or greater,] and including any [device] vehicle generally recognized as a bicycle though equipped with two front or two rear wheels[.] except a toy bicycle.

[(5)] “Bicycle lane” means that portion of any highway which has been set aside for the preferential or exclusive use of bicycles.

[(6)] “Bicycle path” means any facility set aside for the preferential or exclusive use of bicycles and physically separated from a highway.

[(7)] “Bicycle route” means any highway that is designated to be shared by bicycles and pedestrians or motor vehicles, or both.

[(8)] “Bikeway” means a bicycle lane, bicycle path, or bicycle route, or any traffic control device, shelter, parking facility, or other support facility to serve bicycles and persons using bicycles.

[(9)] “Bus” means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a school bus or a taxicab, designed and used for the transportation of persons for compensation.

[(10)] “Business district” means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

[(11)] “Controlled-access highway” means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points

only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

[(12)] "Crosswalk" means [(A)]:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

[(B)] (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

[(13)] "Driver" means every person who drives or is in actual physical control of a vehicle.

[(14)] "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

[(15)] "House trailer" means:

[(A)] (1) A trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

[(B)] (2) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in [subparagraph (A),] paragraph (1), but which is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

[(16)] "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway shall not constitute an intersection.

[(17)] "Laned roadway" means roadway which is divided into two or more clearly marked lanes for vehicular traffic.

[(18)] "Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of one and one-half horsepower (one thousand, one hundred nineteen watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the device unassisted, on a level surface at a maximum speed no greater than thirty-five miles per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.

[(19)] "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power but not operated upon rails but excludes a moped.

[(20)] "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excludes a farm tractor and a moped.

[(21)] "Motor scooter" means every motorcycle which produces not more than five horsepower, and excludes a moped.

[(22)] "Official traffic-control devices" mean all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

[(23)] "Owner" means a person, other than a lien-holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

[(24)] "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

[(25)] "Pedestrian" means any person afoot, in an invalid chair, or in a vehicle propelled by a person afoot.

[(26)] "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

[(27)] "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

[(28)] "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

[(29)] "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

[(30)] "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

[(31)] "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

[(32)] "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

[(33)] "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein refers to any such roadway separately but not to all such roadways collectively.

[(34)] "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

[(35)] "School bus" means every motor vehicle as defined in section 286-181 and any regulations promulgated pursuant thereto by the department of education.

[(36)] "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

[(37)] "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

[(38)] "Stop" when required means complete cessation from movement.

[(39)] "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

[(40)] "Street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

[(41)] "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device, when such signs or devices are erected as provided by law.

“Toy bicycle” means every device propelled solely by human power upon which any person may ride, having two tandem wheels, including any device generally recognized as a bicycle though equipped with two front or two rear wheels, which has a seat height of not more than twenty-five inches from the ground when the seat is adjusted to its highest position; or a scooter or similar device regardless of seat height.

[(42)] “Traffic” means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

[(43)] “Traffic-control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

[(44)] “Urban district” means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more.

[(45)] “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, [but excludes] including mopeds and bicycles, but excluding toy bicycles, devices other than bicycles moved by human power [or], and devices used exclusively upon stationary rails or tracks; and mopeds].”

SECTION 4. Section 291C-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his license or permit to drive to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and shall give such information and upon request exhibit such license or permit to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person[.]; provided that if the vehicle involved in the accident is a bicycle, the driver of the bicycle need not exhibit a license or permit to drive.”

SECTION 5. Section 291C-50, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The driver of a [motor] vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.”

SECTION 6. Section 291C-81, Hawaii Revised Statutes, is amended to read as follows:

§291C-81 Required position and method of turning at intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. [Where a bicycle lane adjacent to the edge of the roadway is designated by appropriate traffic lane markings, the edge of the bicycle lane nearest the center of the roadway shall be deemed the equivalent of the edge of the roadway.]
- (2) Left turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) The director of transportation and the counties in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.”

SECTION 7. Section 291C-84, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning[.]; provided that for a bicycle or moped, such signal shall be given continuously during not less than the last one hundred feet traveled by the bicycle or moped before turning, and shall be given when the bicycle or moped is stopped waiting to turn; and further provided that a signal by hand and arm need not be given continuously by the driver of a bicycle or moped if the hand is needed in the braking, control, or operation of the bicycle or moped.”

SECTION 8. Section 291C-102, Hawaii Revised Statutes, is amended to read as follows:

“[]§291C-102[] **Noncompliance with speed limit prohibited.** (a) No person shall drive a [motor] vehicle at a speed greater than a maximum speed limit [or] and no person shall drive a motor vehicle at a speed less than a minimum speed limit established by county ordinance.

(b) The director of transportation with respect to highways under his jurisdiction may place signs establishing maximum speed limits or minimum speed limits. Such signs shall be official signs and no person shall drive a [motor] vehicle at a speed greater than a maximum speed limit [or] and no person shall drive a motor vehicle at a speed less than a minimum speed limit stated on such signs.”

SECTION 9. Section 291C-103, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [No] Except as provided in section 291C-, no person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.”

SECTION 10. Section 291C-123, Hawaii Revised Statutes, is amended to read as follows:

“§291C-123 **Driving upon bikeway [or sidewalk].** No person shall drive any vehicle other than a bicycle or moped upon a bicycle lane[,] or bicycle path, [sidewalk, or sidewalk area] except upon a permanent or authorized temporary driveway; provided that any vehicle may be driven in a bicycle lane or bicycle path as applicable if:

- (1) It is in the process of executing a legal turn, lane change, or parking maneuver;
- (2) It is an authorized emergency vehicle performing the functions under section 291C-26;
- (3) It is an official federal, state, or county vehicle in the performance of its actual duty;
- (4) It is a stalled or broken vehicle;
- (5) It is necessary to assist a stalled or broken vehicle;
- (6) It is necessary to yield to an authorized emergency vehicle pursuant to section 291C-65; or
- (7) It is otherwise provided by law.”

SECTION 11. §291C-144, Hawaii Revised Statutes, is amended to read as follows:

“[]§291C-144[] **Clinging to vehicles.** No person riding upon any [bicycle,] coaster, roller skates, sled, or toy bicycle or other toy vehicle shall attach it or himself or herself to any vehicle upon a roadway[.], and no person riding a bicycle or moped upon any roadway shall attach the bicycle or moped or himself or herself to any vehicle other than the one he or she is riding.”

SECTION 12. Section 291C-145, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Persons riding bicycles upon a roadway shall ride in single file; provided that where the flow of traffic is unimpeded, [upon bicycle lanes and bicycle paths,] riding two abreast upon bicycle lanes and bicycle paths shall be permitted when such lane or path is of sufficient width to allow riding two abreast unless otherwise prohibited by rule or ordinance adopted by the director of transportation or by the counties.”

SECTION 13. Section 291C-146, Hawaii Revised Statutes, is amended to read as follows:

“[]§291C-146[] **Carrying articles.** No person operating a bicycle shall carry any package, bundle, or article which prevents the [driver from keeping at least one hand upon the handle bars.] use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handle bars at all times.”

SECTION 14. Section 291C-147, Hawaii Revised Statutes, is amended to read as follows:

“§291C-147 **Lamps and other equipment on bicycles.** (a) Any bicycle used [upon any highway] from thirty minutes after sunset until thirty minutes before sunrise shall [display a lighted lamp, facing forward, which shall meet the following specifications:

- (1) Emit a white light;
- (2) Be visible at night when viewed from any direction within thirty degrees to each side of the longitudinal axis toward the front of the bicycle from a distance of at least five hundred feet.

(b) A tail lamp when used on a bicycle shall meet the following specifications:

- (1) Emit a red light; and,
- (2) Be visible at night when viewed from any direction within thirty degrees to each side of the longitudinal axis toward the rear of the bicycle from a distance of at least five hundred feet.

(c) A lamp meeting the specifications of subsections (a) and (b) displayed on the left arm or left leg of the bicycle operator shall be considered to meet the requirements of subsections (a) and (b).

(d) After December 31, 1974, no person shall use any bicycle upon any highway from thirty minutes after sunset until thirty minutes before sunrise unless the bicycle or the operator is equipped with Class A reflectors meeting the specifications of the Society of Automotive Engineers Standard J594d-1970, or an area of reflectorized material, as follows:

- (1) A crystal (white) reflector with a minimum of three square inches in area or six square inches of white reflectorized material on the front facing straight ahead in a position which will not be obstructed at any time when viewed from the front of the bicycle;
- (2) An amber reflector with a minimum of three square inches in area or twelve square inches of amber reflectorized material on each side facing outward;
- (3) Amber reflectors on both front and rear surfaces of all pedals;
- (4) A red reflector with a minimum of three square inches in area facing to the rear in a position which will not be obstructed at any time when viewed from the rear; and

(5) The requirements of item (2) of this subsection shall not apply to bicycles having a reflectorized finish covering the entire bicycle frame.

(e) After December 31, 1974, no person shall use any bicycle upon the highway unless it is equipped with a bell or any other device, except a siren or a whistle which are prohibited, capable of giving a signal audible for a distance of at least one hundred feet.] be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(b) Every bicycle shall be equipped with a red reflector at least four square inches in size which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(c) Every bicycle when in use at the time described in subsection (a) shall be equipped with reflective material at least four square inches in size and of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(d) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing subsections.

(e) A lamp meeting the specification of subsection (a) displayed on the left arm or left leg of the bicycle operator shall be considered to meet the requirements of subsection (a).

(f) A bicycle shall be equipped with a brake [which will enable the operator to make the braked wheels skid] or brakes which enable the bicycle's driver to stop the bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement."

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SECTION 15. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§291C- Driving upon sidewalk. (a) Except as provided in subsection (b), no person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or authorized temporary driveway.

(b) Unless otherwise prohibited, a bicycle may be driven at a speed of ten miles per hour or less on a sidewalk or sidewalk area; provided that the driver of the bicycle shall yield the right of way to any pedestrian and that bicycle riding shall be prohibited on sidewalks in business districts.”

SECTION 16. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§291C- Bicycle racing. (a) Bicycle racing on the highways is prohibited except as authorized in this section.

(b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by local authorities for any highway under their respective jurisdictions or for state highways, by the director of transportation. The director may adopt rules pursuant to chapter 91 necessary for the purposes of this chapter. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(c) By agreement with the local authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.”

SECTION 17. Statutory material to be repealed is bracketed. New material is underscored.¹

SECTION 18. This Act shall take effect upon its approval.

(Approved June 7, 1984.)

Note

1. Edited pursuant to HRS §23G-16.5.