

A Bill for an Act Relating to Pedestrians' Right of Way.

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

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

"§291C-72 Pedestrians' right of way in crosswalks. (a) The driver of a vehicle shall stop ~~[and yield the right of way, to]~~ for a pedestrian who is crossing the roadway within a crosswalk when the pedestrian is ~~[upon]~~ either:

- (1) Upon the half of the roadway upon which the vehicle is traveling[-]; or
[when the pedestrian is approaching]
- (2) Approaching the vehicle so closely from the opposite half of the roadway as to be in danger[-],

and shall not proceed until the pedestrian has passed the vehicle and the driver can safely proceed.

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

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

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass ~~[such]~~ the stopped vehicle.

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

- (1) For a first infraction, or any infraction not preceded within one year by a prior violation of this section, a fine of \$150;
- (2) For an infraction that occurs within one year of a prior violation of this section, a fine of \$300 and revocation of the person's driver's license and privilege to operate a vehicle for a period of ninety days; and
- (3) For an infraction that occurs within two years of two prior violations of this section, and for the fourth and each additional infraction of this section, regardless of when committed, a fine of \$1,000, and revocation of the person's driver's license and privilege to operate a vehicle for a period of one hundred eighty days."

SECTION 2. Section 291C-73, Hawaii Revised Statutes, is amended to read as follows:

"[§291C-73] Crossing at other than crosswalks. (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally,

nally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to ~~[such]~~ the crossing movements.

(e) Every person who violates this section shall be fined \$100.”

SECTION 3. Section 291C-161, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Every person convicted ~~[of violating]~~ under or found in violation of section 291C-12, 291C-12.5, 291C-12.6, 291C-72, 291C-73, 291C-95, or 291C-105 shall be sentenced or fined in accordance with those sections.”

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

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

SECTION 6. This Act shall take effect upon its approval.

(Approved June 4, 2007.)