

ACT 120

H.B. NO. 1706

A Bill for an Act Relating to Illegal Parking Upon Bikeways.

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

SECTION 1. Pursuant to section 291C-123(a), Hawaii Revised Statutes, subject to enumerated exceptions, “[n]o person shall drive any vehicle other than a bicycle or moped upon a bicycle lane or bicycle path, except upon a permanent or authorized temporary driveway, or park any vehicle upon a bicycle lane or bicycle path.” Illegal driving or more frequently, parking upon bicycle lanes and bicycle paths, is a persistent problem in the State. Although the maximum fine for a parking violation under section 291C-123(b) is \$500, ticketing officers typically impose only a minimum fine of \$35. This \$35 minimum fine is typically paid by the offending individual via return mail and a higher fine is rarely imposed by a court of law for any repeat offenses.

As the counties move towards greater implementation of a robust network of bicycle lanes and bicycle paths, with a greater emphasis on alternative forms of travel, the current minimum fine of \$35 has proven insufficient to deter motorists from obstructing bicycle lanes and bicycle paths. Obstruction of bicycle lanes and bicycle paths by motorists is a real and present danger and poses a safety hazard to bicyclists and to neighborhoods.

Accordingly, the purpose of this Act is to deter illegal parking on bicycle lanes and bicycle paths by setting a non-discretionary fine for the offense of parking a vehicle on a bicycle lane or bicycle path.

SECTION 2. Section 291C-123, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any person violating the parking prohibition in subsection (a) shall be fined ~~[not more than \$500.]~~ \$200. Fines collected pursuant to this section shall be deposited into the state highway fund.”

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

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2014.

(Approved June 20, 2014.)