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OFFICE OF THE  
COUNTY COUNCIL

MEMO TO: GET-3(1) File

F R O M: Councilmember Shane Sinenci



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2020  
HSAC LEGISLATIVE PACKAGE)** (PAF 19-281)

The attached legislative proposal pertains to Item 3(1) on the Committee's agenda.

paf:kmatt:19-281n

Attachment

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2020  
HAWAII STATE ASSOCIATION OF COUNTIES  
LEGISLATIVE PACKAGE A STATE BILL TO  
PROMOTE TRAFFIC SAFETY ON TWO-LANE  
ROADWAYS

WHEREAS, unsafe driving conditions may be created on two-lane roadways where the lead vehicle is moving slowly, with a back-up of vehicles behind it, and traffic moving in the opposite direction makes it a hazard to pass; and

WHEREAS, this situation is frequently encountered on the road to Hāna, where visibility around turns is inhibited because of the natural contours of the road; and

WHEREAS, it would promote traffic safety to require the driver of the lead vehicle with five or more vehicles behind it to turn off the roadway at the nearest place designated as a turnout or wherever sufficient area for a safe turnout exists, to allow the vehicles following it to proceed; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to promote traffic safety on two-lane roadways, is approved for inclusion in the 2020 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

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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           SECTION 1. The legislature finds that unsafe driving  
2 conditions may be created on two-lane roadways where the lead  
3 vehicle is moving slowly, with a back-up of vehicles behind it,  
4 and traffic moving in the opposite direction makes it unsafe to  
5 pass. This situation is frequently encountered on the road to  
6 Hāna, where visibility around turns is inhibited because of the  
7 natural contours of the road. The purpose of this Act is to  
8 require the driver of the lead vehicle to use turnouts and allow  
9 vehicles to pass, thereby promoting traffic safety.

10           SECTION 2. Section 291C-41, Hawaii Revised Statutes, is  
11 amended by adding a new subsection d to read as follows:

12           "§291C-41 Drive on right side of roadway; exceptions. (a)  
13 Upon all roadways of sufficient width a vehicle shall be driven  
14 upon the right half of the roadway, except as follows:

15           (1) When overtaking and passing another vehicle  
16 proceeding in the same direction under the rules governing such  
17 movement;

**EXHIBIT "   A   "**

\_\_\_\_.B. NO. \_\_\_\_\_

1           (2) When an obstruction exists making it necessary to  
2 drive to the left of the center of the highway; provided any  
3 person so doing shall yield the right-of-way to all vehicles  
4 traveling in the proper direction upon the unobstructed portion  
5 of the highway within such distance as to constitute an  
6 immediate hazard;

7           (3) Upon a roadway divided into three marked lanes  
8 for traffic under the rules applicable thereon; or

9           (4) Upon a roadway designated and signposted one-way  
10 traffic.

11          (b) Upon all roadways any vehicle proceeding at less than  
12 the normal speed of traffic at the time and place and under the  
13 conditions then existing shall be driven in the right-hand lane  
14 then available for traffic, or as close as practicable to the  
15 right-hand curb or edge of the roadway, except when overtaking  
16 and passing another vehicle proceeding in the same direction or  
17 when preparing for a left turn at an intersection or into a  
18 private road or driveway.

19          (c) Upon any roadway having four or more lanes for moving  
20 traffic and providing for two-way movement of traffic, no  
21 vehicle shall be driven to the left of the center line of the  
22 roadway, except when authorized by official traffic-control

\_\_\_\_.B. NO. \_\_\_\_\_

1 devices designating certain lanes to the left side of the center  
2 of the roadway for use by traffic not otherwise permitted to use  
3 such lanes, or except as permitted under subsection (a)(2). This  
4 subsection shall not be construed to prohibit the crossing of  
5 the center line in making a left turn into or from an alley,  
6 private road, or driveway.

7 (d) Upon a two-lane roadway where passing is unsafe  
8 because of traffic in the opposite direction or other  
9 conditions, any vehicle proceeding upon the roadway, behind  
10 which five or more vehicles are formed in line, shall turn off  
11 the roadway at the nearest place designated as a turnout by  
12 signs erected by the authority having jurisdiction over the  
13 roadway, or wherever sufficient area for a safe turnout exists,  
14 in order to permit the vehicles following it to proceed."

15 SECTION 3. New statutory material is underscored.  
16 SECTION 4. This Act shall take effect upon approval.

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18 INTRODUCED BY: \_\_\_\_\_  
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