

Resolution

No. 19-204

APPROVING FOR INCLUSION IN THE 2020
MAUI COUNTY 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 Maui County Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President of the State Senate, the Speaker of the State House of Representatives, the County's delegation to the State Legislature, the Mayor of the County of Maui, and the Corporation Counsel.

____.B. NO. _____

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 Hāna Highway,
6 between Mile Marker 00 and Mile Marker 34, where visibility
7 around turns is inhibited because of the natural contours of the
8 road. The purpose of this Act is to require the driver of the
9 lead vehicle on Hāna Highway, between Mile Marker 00 and Mile
10 Marker 34, to use turnouts and allow vehicles to pass, thereby
11 promoting traffic safety on this roadway.

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

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

____.B. NO. _____

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

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

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

12 (4) Upon a roadway designated and signposted one-way
13 traffic.

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

1 (c) Upon any roadway having four or more lanes for moving
2 traffic and providing for two-way movement of traffic, no
3 vehicle shall be driven to the left of the center line of the
4 roadway, except when authorized by official traffic-control
5 devices designating certain lanes to the left side of the center
6 of the roadway for use by traffic not otherwise permitted to use
7 such lanes, or except as permitted under subsection (a) (2). This
8 subsection shall not be construed to prohibit the crossing of
9 the center line in making a left turn into or from an alley,
10 private road, or driveway.

11 (d) Upon Hāna Highway, between Mile Marker 00 and Mile
12 Marker 34, where passing is unsafe because of traffic in the
13 opposite direction or other conditions, any vehicle proceeding
14 upon the roadway, behind which five or more vehicles are formed
15 in line, must turn off the roadway at the nearest place
16 designated as a turnout by signs erected by the authority having
17 jurisdiction over the roadway, or wherever sufficient area for a
18 safe turnout exists, in order to permit the vehicles following
19 it to proceed."

20 SECTION 3. New statutory material is underscored.

____.B. NO. _____

1 SECTION 4. This Act shall take effect upon approval.

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3 INTRODUCED BY: _____

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COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 19-204 was adopted by the Council of the County of Maui, State of Hawaii, on the 12th day of December, 2019, by the following vote:

MEMBERS	Kelly T. KING Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. RIKI HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Excused	Excused	Excused	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK