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RULES OF THE ROAD FOR MOTOR VEHICLE
DRIVERS IN HAWAII: A COMPARATIVE REPORT

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INTRODUCTION

In 1966 Congress passed two major acts dealing with traffic safety: the National Traffic and Motor Vehicle Act, which primarily affects automobile manufacturers, and the Highway Safety Act, which involves the states in highway safety.

The latter Act (Title 23, USCA, Chapter 4) requires every state to have a highway safety program, approved by the United States Secretary of Transportation, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. The Act itself imposes a number of requirements for the state highway safety programs and also provides that the programs must be in accordance with uniform standards promulgated by the Secretary of Transportation (there are 16 such standards at present). The consequences of a state's failure to comply with the Act, including implementation of compliance with the standards, are two-fold: the state will not qualify for federal moneys appropriated for state highway safety programs, and the state will suffer a ten per cent loss in its federal aid highway funds.

The Hawaii Highway Safety Program

The Hawaii Highway Safety Act of 1967 (Chapter 286, Hawaii Revised Statutes) and amendments thereto meet the intent of the Federal Highway Safety Act of 1966. However, there are areas in which additional study, investigation, and research are needed for the purposes of complying with the Federal Act and of improving highway safety in the State. The Codes and Laws Program is such an area, and it is hoped that this Report will aid the State in complying with the Federal Act in this area.

Highway Safety Program Standard 6 - Codes and Laws

The purpose of the Codes and Laws Program is to achieve uniformity, interstate and intrastate, in traffic regulation. Such uniformity is necessary, for current inconsistencies in codes and laws tend to confuse drivers, encourage them to ignore the law, and adversely affect safe vehicular and pedestrian traffic. The minimum compliance requirements are: (1) a plan to achieve uniform rules of the road in all jurisdictions of the State; and (2) a plan to make the State's unified rules of the road consistent with similar unified plans of other states. In order to comply with the second requirement, it is suggested that each state maintain a continuing comparative study of state traffic laws with comparable provisions of the Rules of the Road section of the Uniform Vehicle Code.

The authority for the Standard is provided in the Federal Act (section 402(a)) as follows:

... uniform standards shall be promulgated . . . so as to improve driver . . . and pedestrian performance . . . In addition, such uniform standards shall include provision for vehicle codes and laws . . .

Codes and Laws in Hawaii

The Hawaii Revised Statutes include a few provisions on rules of the road with statewide applicability. For the most part, however, such laws in Hawaii are dealt with as parts of comprehensive traffic ordinances enacted in the respective counties. The four county traffic ordinances all contain provisions more or less similar to their counterparts in the Uniform Vehicle Code. In order to achieve the objectives of the Standard on Codes and Laws, an analytical comparison must be made to identify the differences among the county provisions, between the county's provisions and the Uniform Vehicle Code, and between state laws and the Code.

Legislative Reference Bureau Study

The import of the study can be stated as follows -- since traffic laws and ordinances provide legal standards for driver and pedestrian conduct and constitute the legal framework for official action, they affect virtually everyone each day. The increases in both nationwide and state traffic and highway safety problems underscore the need for traffic laws and ordinances to be based on realistic principles, to be explicitly stated, and to be uniform within and among the several states. Until achievement of uniform traffic regulation throughout the country, including both uniformity of fundamental principles and textual identity where appropriate, both drivers and pedestrians will continue to be faced with confusing and highly variable ground rules inconsistent with highway safety objectives.

The format used in this study is a section-by-section comparison of the comparable provisions of the Uniform Vehicle Code, each county ordinance, and state law dealing with rules of the road. The sections of the Uniform Vehicle Code covered are Chapter 1 - Words and Phrases Defined, Chapter 10 - Accidents and Accident Reports, and Chapter 11 - Rules of the Road. Each sectional analysis is followed by a comment.

We are indebted to the offices of the mayor, corporation counsel, county attorney, council chairman, and police department of the respective counties, to the department of transportation, and to the office of the district court, Koolaupoko and Koolauloa District, who contributed time and knowledge in reviewing and commenting on the preliminary draft of the sectional comparisons.

Following the sectional comparisons is a recommendation for possible legislation. The recommendation includes the enactment of a statewide traffic law and the adoption of supplementary traffic ordinances by the respective counties. For the purposes of this

study, the statewide traffic law would include appropriate provisions from Chapters 1, 10, and 11 of the Uniform Vehicle Code.

As a matter of short-hand convenience, provisions of the Uniform Vehicle Code are cited as UVC and provisions of the Hawaii Revised Statutes as HRS, all references to county ordinances relate to the respective county traffic code or ordinance.

P A R T . I

Comparison of Provisions of the Uniform Vehicle Code, the County Traffic Ordinances, and State Law.

A. CHAPTER 1, UVC
WORDS AND PHRASES DEFINED

UVC 1-101 Definition of Words and Phrases.

The following words and phrases when used in this Act shall, for the purpose of this Act, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires.

HONOLULU: 15-2.1 Definition of Words and Phrases.

The following words and phrases when used in this Traffic Code shall, for the purposes thereof, have the meanings respectively ascribed to them in this Article, unless it shall be apparent from the context that a different meaning is intended.

HAWAII: 1-1 Definition of Words and Phrases.

(Comparable to the UVC provision.)

MAUI: 10-2.1 Definition of Words and Phrases.

(Comparable to the Honolulu provision.)

KAUAI: None

Comment: The introductory clause of section 286-2 HRS, preceding definitions for purposes of the Hawaii Highway Safety Act states:

The following terms whenever used and referred to in this chapter shall have the following meanings unless a different meaning is clearly apparent from the context.

The phraseology used in section 287-1 HRS to introduce definitions for purposes of the Motor Vehicle Safety Responsibility Act, is, "As used in this chapter:".

UVC 1-102 Alley.

A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

HONOLULU: 15-2.23 (2) Alley.

A narrow street within a block primarily used as a means of access to the rear of residences and business establishments, and not designed for general traffic.

HAWAII: 1-2 Alley.

A narrow thoroughfare primarily devoted to the use of nonpassenger vehicles carrying goods or merchandise to or from premises having service entrances located on such thoroughfare.

MAUI: 10-2.1 (1) Alley.

(Comparable to the Hawaii provision, except "highway" is used instead of "thoroughfare".)

KAUAI: 2-117 (2) Alley.

(Comparable to the Honolulu provision.)

Comment: The definition of "alley" was added to the UVC in 1968; prior versions of the UVC recommended that the term be defined in various ways for particular purposes by local traffic ordinances.

UVC 1-103 Arterial Street.

Any U.S. or State numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highway.

HONOLULU: None

HAWAII: 1-3 Arterial Street.

Any U.S. or State numbered route, controlled access highway, or other major radial or circumferential street or highway forming a part of a major arterial system of streets or highway.

MAUI: None

KAUAI: None

Comment: A concise definition to specify the designation of through streets or highways is desirable for inclusion in a code providing for rules of the road, e.g., in prescribing maximum speed limits.

UVC 1-104 Authorized Emergency Vehicle.

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 commissioner (or other appropriate state official) under section 15-111 of this Act. Section 15-111 provides:

Designation of Authorized Emergency Vehicles.

(a) The commissioner (or other appropriate state official) shall designate any particular vehicle as an authorized emergency vehicle upon a finding that designation of that vehicle is necessary to the

preservation of life or property or to the execution of emergency governmental functions.

(b) The designation shall be in writing and the written designation shall be carried in the vehicle at all times but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle.

HONOLULU: 15-2.3 Authorized Emergency Vehicle, etc.

(1) Authorized emergency vehicle. Any vehicle of the police and fire departments of the City and County of Honolulu, or of a federal agency having similar functions of law enforcement and fire protection as the police and fire departments of the City and County of Honolulu; any vehicle privately owned by police officers designated and approved by the Chief of Police to be used by them in the performance of their duties and any federal, state and city and county ambulance. It shall also mean any other vehicle including vehicles under private ownership, as may be designated by ordinance passed by the City Council after inspection by and approval of the Chief of Police of the Honolulu Police Department.

(2) Authorized maintenance vehicle. Any vehicle of the City and County of Honolulu, the State of Hawaii, and the Federal government which is used in street lighting, traffic signal, highway construction and highway repair and maintenance work. All vehicles used in public utilities construction and repair and maintenance work by public utility corporations that are designated as authorized maintenance vehicles by ordinance passed by the City Council and which are registered as such with the Police Department.

(3) Authorized tow vehicle. Any vehicle specially constructed for towing vehicles other than trucks and farm or

road tractors which is designated as an authorized tow vehicle by the Chief of Police.

HAWAII: 1-4 Authorized Emergency Vehicle.

Vehicles of the fire department, police vehicles while in the course of police work, and ambulances.

Included also shall be such emergency vehicles as are designated or authorized by the Board of Supervisors.

MAUI: 10-2.1 (54) Vehicle, Authorized Emergency.

Any vehicle of the fire department, police vehicle, all ambulances, and such emergency vehicles of government departments or used in public service as are designated or authorized by the Board of Supervisors.

KAUAI: 2-101 Authorized Emergency Vehicle.

Any vehicle of the police and fire departments of the County of Kauai or of a federal agency having similar functions of law enforcement and fire protection as the police and fire departments of the County of Kauai; any vehicle privately owned by police officers designated and approved by the Chief of Police to be used by them in the performance of their duties and any federal, state and county ambulance. It shall also mean any other vehicle, including vehicles under private ownership, as may be designated by ordinance passed by the Board of Supervisors after inspection by and approval of the Chief of Police. It shall also mean all other vehicles when employed in carrying sick or injured persons to hospitals or other places for relief or treatment.

Comment: The reported deliberation on the 1968 amendment to the UVC provision provides the following background information:

It was pointed out that under [the former version of the UVC provision,] certain vehicles (such as police and fire vehicles) receive direct statutory designation while others (such as ambulances not operated by police or fire departments) may be administratively designated by the commissioner or a chief of police. With respect to those which receive direct statutory designation, it is not clear what requirements must be met. It is not known whether a vehicle is a police vehicle because of its ownership by the police department or because it is used in police work. Similarly, it is not clear whether "vehicles of the fire department" include vehicles of nongovernmental fire departments such as some volunteer or private industrial fire departments. In addition . . . only those vehicles owned by municipal departments or public service corporations may be administratively designated as authorized emergency vehicles. This is a severe limitation which would preclude designation of ambulances and emergency vehicles owned by state or federal government agencies and vehicles privately owned by someone other than a public service corporation.

Furthermore, authorized emergency vehicles may be designated by the commissioner or by the chief of police of any incorporated city. The danger in designation by local officials is nonuniformity among various localities and, occasionally, inappropriate designations (such as a TV repair truck) . . . [it was decided] that centralization of authority is essential. The solution would be to give authority to the commissioner, the superintendent of state police, or some other appropriate state official.

Concern was expressed over the lack of guidelines . . . for making such designations by state or local officials. Provisions in verbatim conformity with [the former version of the UVC provision] have been held unconstitutional in the courts of two states for failure to provide standards upon which the designations should be made.

The Arkansas Supreme Court held that a statute identical to [the former version of the UVC provision] conferred unbridled discretion, constituted a delegation of legislative power, and was, therefore, unconstitutional. The Court indicated that, had the legislature established reasonable guidelines, it would be constitutional. Walden

v. Hart, 243 Ark. 650, 420 S.W. 2d 868 (1967). In Texas, ruling on a Dallas city ordinance which was virtually identical [to the former UVC provision], two courts found the ordinance unconstitutional as an attempt to confer absolute authority on the chief of police. Walsh v. Dallas Ry, 167 S.W. 2d 1018 (Supp. Ct. Texas 1943); Karger v. Rio Grande Valley Citrus Exchange, 179 S.W. 2d 816 (Texas civ. app. 1944).

To counteract this deficiency [section 15-111 was added to the UVC to] provide a suitable guideline for the designation of authorized emergency vehicles by the commissioner or some other appropriate state official. The standard approved . . . is one which requires designation of an authorized emergency vehicle upon a finding that such designation is necessary to the preservation of life or property or for the execution of emergency governmental functions.

The . . . designation [must] be in writing and . . . be carried in the vehicle at all times. However, failure to carry the written designation [does] not affect the status of the vehicle as an authorized emergency vehicle. Without a provision to this effect, the Code might be interpreted to mean that a vehicle is an authorized emergency vehicle only while carrying the written designation. Such an interpretation would have unfortunate consequences in a civil action arising out of an accident involving an authorized emergency vehicle.

In summary [it was decided to amend the UVC provision] by conferring a statutory designation upon such police vehicles, fire vehicles and ambulances as are publicly owned. Though this would eliminate vehicles that are privately owned and used by police or fire departments or by rescue squads, these vehicles, and any other vehicles regardless of ownership, may be designated as authorized emergency vehicles by the commissioner or other appropriate state official on a finding that its administrative designation is necessary for preservation of life, property or the execution of emergency governmental functions . . . (Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, October 24, 1968, pp. 47-48.)

UVC 1-105 Bicycle.

Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter.

HONOLULU: 15-2.30 (1) Bicycle.

Every device propelled by human power upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

HAWAII: 1-5 Bicycle.

(Comparable to the Honolulu provision.)

MAUI: 10-2.1 (2) Bicycle.

Every vehicle propelled by human power upon which any person may ride, having two tandem wheels, either of which is over 20 inches in diameter and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

KAUAI: 2-120 (1) Bicycle.

(Comparable to the Honolulu and Hawaii provisions.)

Comment: The reported deliberations on the 1968 amendment to the UVC provision which decreased the minimum wheel diameter criterion from 20 to 14 inches provide the following background information:

It was noted that a new and popular type of bicycle, sometimes referred to as a "high-riser", has wheels that are less than 20 inches in diameter and therefore does not come under the present Code definition of "bicycle" and would not be subject to the rules of the road applicable to bicycles. The revision suggested to solve this problem was to

change the reference in section 1-104 to wheels "more than 14 inches in diameter".

Question was raised as to whether the 14-inch specification would take in children's play vehicles not intended to come within the scope of bicycle regulations. In this connection, the Subcommittee considered an alternative suggestion to define "bicycle" on some basis other than wheel diameter. A very general definition suggested in a letter from the Executive Secretary of the Bicycle Institute of America, Inc. was: "Any two- or three-wheeled, human propelled vehicle that is normally used on the street." Such a definition, he said, "would include all types of unmotored bicycles, tandems, 'high-risers', and the adult-sized three-wheelers, which are rapidly gaining favor with senior citizens". Further, "wheel diameter should not be considered a qualifier . . . as that, too, is a variable. Though 20 inches seems to be the most popular size for the 'high-risers' at the moment, there is nothing to suggest that an 18-inch model could not appear next year, and sweep the country".

It was stated that, of the "high-risers" in question, most had wheels 20 inches in diameter, some had 16-inch wheels, a few had 14-inch wheels. The Subcommittee decided that the proposed amendment would adequately solve the problem. (Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, pp. 131-132.)

UVC 1-106 Bus.

Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

HONOLULU: 15-2.30 (2) Bus.

(Comparable to the UVC provision.)

HAWAII: 1-6 Bus.

(Comparable to the UVC provision, except that a motor vehicle designed for carrying more than 5 passengers is prescribed rather than 10 passengers.)

MAUI: 10-2.1 (3) Bus.

(Comparable to the UVC provision.)

KAUAI: 2-120 (2) Bus.

(Comparable to the UVC provision.)

Comment: Although the definitions of "bus" in the county traffic codes conform substantially to the UVC definition, the Hawaii Highway Safety Act definition in section 286-2 (HRS) is "every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons".

UVC 1-107 Business District.

The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

HONOLULU: 15-2.4 (1) Business District.

The territory contiguous to and including a roadway when within any 600 feet along such roadway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet

collectively on both sides of the roadway. Also, those zones designated on the General Plan as "business districts".

HAWAII: 1-7 Business District.

The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

MAUI: 10-2.1 (6) District, Business.

The territory contiguous to the highway when fifty (50%) per cent or more of the frontage thereon for a distance of five hundred (500) feet or more is built upon either or both sides with buildings in use for business purposes and where signs showing the maximum limits of speed permitted within such zone are erected and maintained at the limits thereof.

KAUAI: 2-102 (1) Business District.

The territory contiguous to and including a roadway when within any 300 feet along such roadway there are buildings in use for business or industrial purposes which occupy 150 feet of frontage on one side or 150 feet collectively on both sides of the roadway.

Comment: The county definitions describe the same type of area described in the UVC provision but with different boundaries. The business district designation in Maui depends upon posting and maintenance of speed limit signs.

UVC 1-108 Cancellation of Driver's License.

The annulment or termination by formal action of the department of a person's driver's license because of some error or defect in the license or because the licensee is no

longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: No provision is included in Chapter 286, Part VI, HRS, dealing with motor vehicle driver licensing, on the general matter of terminating the privilege of driving a motor vehicle, without prejudice, because of such things as technical errors, withdrawal of consent, or removal to another state.

UVC 1-109 Commissioner.

The commissioner of motor vehicles of this State.
(If the term "commissioner" is not appropriate in a particular state, then the appropriate term and definition should be substituted.)

Comment: Since the initial formulation of the UVC in 1926, the Code had endorsed the principle of an independent "department of motor vehicles" within the executive branch of the state government for the administration of motor vehicle laws. A 1968 amendment of Chapter 2 of the UVC provides that a department of motor vehicles need not be an independent agency but might just as effectively be a branch of another major department of state government. A note to the official text of the UVC (section 2-301 ALTERNATE (a)) states:

The precise description and placement within the executive branch of the agency that will administer motor vehicle and driver licensing laws is a matter for the enacting jurisdiction to decide. In some states, an independent and major department of motor

vehicles has been created, while in others, administration of these laws has been vested within a department, bureau or division of another state agency, such as a department of transportation, department of public safety, department of highways or the office of the secretary of state. Although the description and placement of this administration is not significant for purposes of uniformity, the National Committee does recommend that responsibility for such principal functions as licensing drivers and registering or titling vehicles be vested in the same department, bureau or division.

Another significant 1968 amendment deleted provisions relating to a division of highway safety and patrol within the department of motor vehicles. The official note on this change in the UVC (section 2-303) states:

Prior to 1968, this chapter provided for a highway patrol division within the department of motor vehicles and defined its law enforcement powers and duties. Primarily because many states had found it desirable to provide for some other placement of a statewide police agency, these provisions were deleted from the Code. Nevertheless, the National Committee continues to recommend that the laws of each state provide for a strong and effective statewide police agency with traffic and motor vehicle law enforcement responsibilities.

Hawaii is the only state which has not provided for a state agency charged with motor vehicle administration. However, the Hawaii Highway Safety Act (Chapter 286 HRS) vesting specific powers in a State Highway Safety Coordinator, modifies the situation, even though the county governmental agencies continue in large part actually to administer the statewide laws, e.g., registration of vehicles, inspection of vehicles, licensing of drivers.

UVC 1-110 Controlled-Access Highway.

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.

HONOLULU: 15-2.23 (9) Limited-Access Highway.

Every highway, street, or roadway in respect to which owners or occupants of abutting property or 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 proper authority.

HAWAII: 1-8 Controlled-Access Highway.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (10) Highway, Limited-Access.

(Comparable to the Honolulu provision, except "board of supervisors" is used instead of "proper authority".)

KAUAI: None

Comment: The definitions are essentially alike. "Controlled-access facility" is defined in section 264-61 HRS for the purposes of Part IV of the chapter on highways as a "public highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting and or other persons have no right or easement or have only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon the controlled-access facility or for any other reason".

UVC 1-111 Crosswalks.

(a) 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;

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

HONOLULU: 15-2.23 (6) Crosswalk.

(Comparable to the UVC provision.)

HAWAII: 1-10 Crosswalk.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (5) Crosswalk.

(Comparable to the UVC provision.)

KAUAI: 2-117 (4) Crosswalk.

(Comparable to the UVC provision.)

Comment: Uniformity.

UVC 1-112 Dealer.

Every person engaged in the business of buying, selling or exchanging vehicles who has an established place of business for such purpose in this State (and to whom current dealer registration plates have been issued by the department).

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: "Dealer" is defined for the purposes of Chapter 437 HRS, the Motor Vehicle Industry Licensing Act, as follows:

Section 437-1. (6) "Dealer" includes any person not expressly excluded by this chapter engaged in the business of selling, soliciting, offering, or attempting to negotiate sales, purchases, or exchanges of motor vehicles or any interest therein, including options to purchase motor vehicles. "New motor vehicle dealer" means a dealer who engages in the business of selling at wholesale or retail, or both, new motor vehicles or new and used motor vehicles. "Used motor vehicle dealer" means a dealer who engages in the business of selling at wholesale or retail, or both, only used motor vehicles.

The term "dealer" excludes a person who sells or purchases motor vehicles in the capacity of:

(a) A receiver, trustee, administrator, executor, guardian, or any other person appointed by or acting under a judgment or order of any court; or

(b) A public officer while performing his official duties; or

(c) A holder of a license issued under this chapter, other than a dealer, when acting within the scope of the license; or

(d) An insurance company, finance company, bank, or other financial institution selling or offering for sale motor vehicles repossessed or foreclosed by it under the terms of a retail installment sales contract or security agreement; or

(f) A person not engaged in the business of selling or purchasing motor vehicles when acquiring or disposing of motor vehicles for their own personal, family, or business use; provided such vehicles are acquired or disposed of for such use in good faith and not for the purpose of evading any provision of this chapter.

UVC 1-113 Department.

The department of motor vehicles of this State. (If the administration of this act is not vested in the department of

motor vehicles within a particular state, the definition should be revised to designate the appropriate department or bureau of the state government to administer this act.)

Comment: See comment to UVC 1-109.

UVC 1-113.1 Driveway-Towaway Operation.

Any operation in which any motor vehicle, trailer or semi-trailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The UVC definition "driveway-towaway operation" is comparable to the definition in the Interstate Commerce Commission's Motor Carrier Safety Regulations and is applicable primarily to laws limiting or regulating combinations of vehicles and their equipment.

UVC 1-114 Driver.

Every person who drives or is in actual physical control of a vehicle.

HONOLULU: 15-2.14 (2) Driver.

(Comparable to the UVC provision.)

HAWAII: 1-19 Operator or Driver.

Every person who drives or is in actual physical control of a vehicle, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

MAUI: 10-2.1 (22) Operator.

Every person who drives or operates or is in actual physical control of a vehicle.

KAUAI: 2-109 Driver.

(Comparable to the UVC provision.)

Comment: In the Hawaii Highway Safety Act, section 286-2 HRS, defines "driver" to mean every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed or pushed by a motor vehicle.

See Comment to UVC 1-114.1.

UVC 1-114.1 Driver's License.

Any license to operate a motor vehicle issued under the laws of this State.

Comment: The same definition is used in the Hawaii Highway Safety Act, section 286-2 HRS.

The 1968 amendments to the UVC eliminate the distinction between "operators'" and "chauffeurs'" licenses. The basis of these amendments is stated as follows:

. . . the issuance of a license based on a person's occupation or use of a vehicle, . . . in distinguishing between operators' and chauffeurs' licenses, should be discontinued in favor of licenses based on the type of vehicle to be operated . . . there [is] a definite relationship between highway safety and the issuance of licenses based on the vehicle

to be driven but . . . no such relationship between safety and licenses based on the occupation of the driver. For example, it is not conducive to accident prevention, nor is it fair to highway users generally, to exempt the driver of a complicated combination of vehicles from any requirement to demonstrate his ability to operate such vehicles safely merely because he is transporting his own product or property rather than that of another for hire, or because his employment by a private carrier is in large part for a purpose other than driving.

. . . different types of vehicles do require differing driver skills; . . . driving a large truck or combination of vehicles requires skills in addition to those required for driving a passenger car; and . . . driving a motorcycle involves some control problems not created by a four-wheeled vehicle and requires more knowledge of defensive driving.

(Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, pp. 3, 6.)

Among the conforming amendments to the UVC necessary for converting over to a system of licensing based upon the type of vehicle to be operated by the licensee, are amendments to delete the definitions of "chauffeur" and "operator" and to add the definition of "driver's license".

UVC 1-115 Essential Parts.

All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

HONOLULU: 15-2.30 (12) Reconstructed Vehicle . . .

The words "essential parts" as used herein shall mean any and all integral parts of a vehicle, the removal, alteration or substitution of which would tend to conceal the

identity of the vehicle or substantially alter its appearance, model, make, type or mode of operation.

HAWAII: 1-29 Reconstructed Vehicle.

(Comparable to the UVC provision except that "essential parts" is not defined as such but defined only within the definition of "reconstructed vehicle".)

MAUI: 10-2.1 (56) Vehicle, Reconstructed.

(The definition of "vehicle, reconstructed" is generally comparable to the Honolulu definition of that term but without the internal definition of "essential parts".)

KAUAI: 2-120 (8) Reconstructed Vehicle.

(Comparable to the Honolulu provision.)

Comment: Section 289-1 HRS defines "used motor vehicle part or accessory" for purposes of the chapter on used motor vehicle parts and accessories as "a motor vehicle part or motor vehicle accessory which has been the subject of prior sale at retail, either individually or attached to a motor vehicle as a component part or accessory thereof".

UVC 1-116 Established Place of Business.

The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: For the purposes of Chapter 437 HRS, the Motor Vehicle Industry Licensing Act, section 437-1 defines "business" as:

(4) "Business" includes any activities regularly engaged in by any person or regularly engaged in by him for the object of gain, benefit, or advantage, either direct or indirect";

and defines "premises" as:

(17) "Premises" or "licensed premises" means the premises in connection with which a license has been, or is proposed to be, issued, including branch locations. The term "premises" or "licensed premises" is substituted for the term "place of business" wherever found in this chapter".

UVC 1-117 Explosives.

Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

HONOLULU: 15-2,5 (1) Explosives.

(Comparable to the UVC provision but with the addition of the following proviso clause:

PROVIDED, HOWEVER, that the term "Explosives" as defined herein shall not include the following items:

(a) Fireworks, as defined in Section 13-10.1 of the Revised Ordinances of Honolulu, 1961, including those articles excluded from said definition and set forth in said section; and

(b) Fixed ammunition of small arms.)

HAWAII: None

MAUI: 10-2-1 (8) Explosives.

(Comparable to the UVC provision.)

KAUAI: 2-103 (1) Explosives.

(Comparable to the UVC provision.)

Comment: Although state law does not define "explosives", regulation of explosives, including transportation of explosives, is under the jurisdiction of the Department of Labor and Industrial Relations (see Chapter 376, especially section 376-25 HRS); the county Chiefs of Police with respect to firearms and ammunition (see Chapter 134 HRS); and the Director of Regulatory Agencies as Fire Marshall (see Chapter 132 HRS).

UVC 1-118 Farm Tractor.

Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

HONOLULU: 15-2.25 (1) Farm Tractor.

(Comparable to the UVC provision.)

HAWAII: None

MAUI: 10-2.1 (42) Tractor, Farm.

(Comparable to the UVC provision.)

KAUAI: 2-120 (3) Farm Tractor.

(Comparable to the UVC provision.)

Comment: Uniformity. The Hawaii Highway Safety Act, in section 286-2 HRS, also includes the UVC definition of "farm tractor".

UVC 1-119 Flammable Liquid.

Any liquid which has a flash point of 70° F., or less as determined by a tagliabue or equivalent closed-cup test device.

HONOLULU: 15-2.5 (2) Flammable Liquids.

(Comparable to the UVC provision, except the phrase "closed-cup" is omitted.)

HAWAII: None

MAUI: 10-2.1 (17) Liquid, Flammable.

(Comparable to the UVC provision, except the phrase "tagliabue or equivalent" is omitted.)

KAUAI: 2-103 (2) Flammable Liquids.

(Comparable to the UVC provision.)

Comment: Section 133-1 HRS defines "combustibles" to mean "petroleum and its derivatives, lacquer, paint thinners, or solvents, acetone, alcohols, turpentine, and any other liquid or solid substances which, at ordinary temperatures and in the presence of air or water or both, create or give off inflammable or explosive gases". Regulation and control of combustibles, including transportation of combustibles, is under the jurisdiction of the Director of Regulatory Agencies as Fire Marshall (see Chapter 133 HRS).

UVC 1-120 Foreign Vehicle.

Every vehicle of a type required to be registered hereunder brought into this State from another state, territory or county other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The term "foreign vehicle", most pertinently used under the UVC provisions on motor vehicle registration, has not been found necessary under the Hawaii system of motor vehicle registration.

UVC 1-121 Gross Weight.

The weight of a vehicle without load plus the weight of any load thereon.

HONOLULU: 15-2.6 Gross Weight.

The combined weight of a vehicle and the weight of any load thereon. (This is the definition used by the Interstate Commerce Commission in its motor carrier safety regulations.)

HAWAII: None

MAUI: None

KAUAI: None

Comment: The undefined term "gross weight" is used in the Hawaii, Maui, and Kauai ordinances and in Chapter 291, Part II, RLH, Traffic Violations Equipment, e.g., with respect to axle and wheel loads and braking capability. The term appears to be clear and unambiguous in the context of its usage without a specific definition.

UVC 1-122 Highway.

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.

(Under this definition, the terms "street" and "highway" are synonymous and interchangeable.)

HONOLULU: 15-2.23 (19) Street or Highway.

The entire width between the property lines of every way publicly owned and maintained when any part thereof is open to the use of the public for purposes of vehicular travel or any private street, highway or thoroughfare which for more than five years has been continuously used by the general public.

HAWAII: 1-13 Highway.

(Comparable to the UVC provision; see also Hawaii 1-45.)

MAUI: 10-2.1 (36) Street or Highway.

The entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular and pedestrian travel.

KAUAI: 2-117 (12) Street or Highway.

(Comparable to the UVC provision.)

Comment: Another definiton of "highway" is set forth in the Hawaii Revised Statutes:

Section 264-1. Public Highways, Defined, etc.

All roads, alleys, streets, ways, lanes, trails, and bridges in the State, opened, laid out, or built by the State or any political subdivision thereof, are declared to be public highways. Public highways are of two types:

(1) State or federal-aid highways, which are all those under the jurisdiction of the department of transportation; and

(2) County highways, which are all other public highways.

All roads, alleys, streets, ways, lanes, trails, and bridges in the State, opened, laid out, or built by private parties and dedicated or surrendered to the public use, are declared to be public highways. Dedication of public highways shall be by deed or conveyance naming the State as grantee in the case of a state highway and naming the county as grantee in the case of a county highway. The deed of conveyance shall be delivered to and accepted by the director of transportation in the case of a state highway and shall be delivered to and accepted by the legislative body of a county in the case of a county highway. Surrender of public highways shall be deemed to have taken place if no act of ownership by the owner of the road, alley, street, way, lane, trail, or bridge has been exercised for five years and when, in the case of a county highway, in addition thereto, the legislative body of the county has, thereafter by a resolution, adopted the same as a county highway. In every case where the road, alley, street, way, lane, trail, bridge, or highway is constructed and completed as required by any ordinance of the county or any rule, regulation, or resolution thereof having the effect of law, the legislative body of the county shall accept the dedication or surrender of the same without exercise of discretion.

All county highways once established shall continue until vacated, closed, abandoned, or discontinued by a

resolution of the legislative body of the county wherein the county highway lies.

UVC 1-123 House Trailer.

(a) 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) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), 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.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: Neither the county ordinances nor the Hawaii Revised Statutes define the term "house trailer".

UVC 1-124 Identifying Number.

The numbers, and letters if any, on a vehicle designated by the department for the purpose of identifying the vehicle.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: Although neither the county ordinances nor the Hawaii Revised Statutes define the term "identifying number", section 286-45 HRS uses the term as an item of the information required to be kept by the counties in connection with motor vehicle registrations. Note that the UVC definition extends to all vehicles whereas the Hawaii Highway Safety Act provision applies only to motor vehicles.

UVC 1-125 Implement of Husbandry.

Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

HONOLULU: 15-2.30 (5) Implement of Husbandry.

Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm tractors, farm wagons, wagon trailers or other vehicles used in connection therewith, or for lifting or carrying an implement of husbandry.

HAWAII: None

MAUI: None

KAUAI: None

Comment: Although only Honolulu defines the term "implement of husbandry", the other jurisdictions in the State use the term as self-explanatory for purposes of other definitions, e.g., "farm tractor".

UVC 1-126 Intersection.

(a) 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.

(b) Where a highway includes two roadways (30) 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 (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

HONOLULU: 15-2.23 (10)

(Comparable to subsection (a) only of the UVC provision.)

HAWAII: 1-14 Intersection.

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, including areas contiguous thereto within which vehicles traveling upon different highways may come in conflict.

Where a highway includes two roadways (30) 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 (30) feet or more apart, then every

crossing of two roadways of such highways shall be regarded as a separate intersection.

MAUI: 10-2.1 (13) Intersection.

(Comparable to subsection (a) only of the UVC provision.)

KAUAI: 2-117 (7) Intersection.

(Comparable to subsections (a) and (b) only of the UVC provision.)

Comment: Subsection (c) was added to the UVC provision in 1968 in conjunction with the new definition of "alley". Subsection (c), specifying that the junction of an alley with a street does not constitute an intersection, is important in the context of rules applicable to pedestrians, e.g., unmarked cross-walks would exist.

UVC 1-127 Laned Roadway.

A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

HONOLULU: 15-2.23 (11) Laned Roadway.

(Comparable to the UVC provision.)

HAWAII: None

MAUI: 10-2.1 (31) Roadway, Laned.

(Comparable to the UVC provision.)

KAUAI: None

Comment: A uniform definition of "laned roadway" is desirable in connection with rules of the road particularly directed at driving on roadways laned for traffic; see UVC 11-309.

UVC 1-128 License or Licenses to Operate a Motor Vehicle.

Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this State including:

1. Any temporary license or instruction permit;
2. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;
3. Any nonresident's operating privilege as defined herein.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: See comment to UVC 1-114.1.

UVC 1-129 Lienholder.

A person holding a security interest in a vehicle.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: Neither the county ordinances nor the Hawaii Revised Statutes define the term "lienholder"; the substance of the definition is adequately provided for under the Uniform Commercial Code, Chapter 490, HRS, and Chapter 286, Part III, HRS, dealing with registration of vehicles.

UVC 1-130 Local Authorities.

Every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this State.

Comment: The State of Hawaii is composed of four local governmental units - the counties, with each county charter providing for internal organizational structure. Local government in Hawaii is unique in several respects in comparison with prevailing mainland patterns. The four political subdivisions in the State provide all the local governmental services and exercise all the local governmental powers, delegated by the State. The UVC definition of "local authorities" is inappropriate in Hawaii where the political subdivisions are traditionally and by law referred to as "counties" or "political subdivisions of the State".

UVC 1-131 Mail.

To deposit in the United State mail properly addressed and with postage prepaid.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: Neither the county ordinances nor the Hawaii Revised Statutes define the term "mail".

UVC 1-132 Manufacturer.

Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this State.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: "Manufacturer" is defined for the purposes of Chapter 437 HRS, the Motor Vehicle Industry Licensing Act, as "any person, resident or nonresident, who is engaged in the business of manufacturing or assembling new motor vehicles".

UVC 1-133 Metal Tire.

Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

HONOLULU: 15-2.24 (1) Metal Tire.

(Comparable to the UVC provision.)

HAWAII: None

MAUI: 10-2.1 (39) Tire, Metal.

(Comparable to the UVC provision.)

KAUAI: None

Comment: The definition of "metal tire" is primarily useful in connection with UVC provisions dealing with equipment on vehicles.

UVC 1-134 Motor Vehicle.

Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

HONOLULU: 15-2.30 (11) Motor Vehicle.

(Comparable to the UVC provision.)

HAWAII: 1-15 Motor Vehicle.

Every vehicle which is self-propelled.

MAUI: 10-2.1 (55) Vehicle, Motor.

Every vehicle which is self-propelled and not operated upon rails.

KAUAI: 2-120 Motor Vehicle.

(Comparable to the Maui provision.)

Comment: The Hawaii Revised Statutes contain seven different definitions of "motor vehicle":

1. For purposes of administration of state taxes (section 231-33 (2) HRS), "any self-propelled vehicle to be operated on the public highways";
2. For purposes of county vehicular taxes (section 249-1 HRS), a definition comparable to the UVC provision;
3. For purposes of the Motor Carrier Law (section 271-4 (8) HRS), "any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers property, or any combination thereof determined by the (public utilities) commission, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service". This definition is similar to that used by the Interstate Commerce Commission in its Motor Carrier Safety Regulations;

4. For purposes of the Hawaii Highway Safety Act (section 286-2 HRS), a definition comparable to the UVC provision;
5. For purposes of the Motor Vehicle Safety Responsibility Act (section 287-1 HRS), "has the meaning prescribed by section 286-2 and includes trailers and semitrailers designed for use by such vehicles, but does not include road rollers, farm tractors, tractor cranes, power shovels, and well drillers";
6. For purposes of the Used Motor Vehicle Parts and Accessories Law (section 289-1), "every vehicle which is self-propelled"; and
7. For purposes of the Motor Vehicle Industry Licensing Act (section 437-1 (14)), "any vehicle, motor vehicle, or truck, as defined in sections 249-1 and 249-2 [county vehicular taxes], except for tractors, trailers, and amphibious vehicles".

UVC 1-135 Motorcycle.

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 excluding a tractor.

HONOLULU: 15-2.30 Motorcycle.

(Comparable to the UVC provision.)

HAWAII: 1-16 Motorcycle.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (18) Motorcycle.

(Comparable to the UVC provision, except the words "seat or" are omitted.)

KAUAI: 2-120 (4) Motorcycle.

(Comparable to the Maui provision.)

Comment: The definition of "motorcycle" in the Hawaii Highway Safety Act (section 286-2 HRS) is comparable to the UVC provision, except the specific exclusion covers only farm tractors rather than all tractors.

UVC 1-136 Motor-Driven Cycle.

Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower and every bicycle with motor attached. (Horsepower developed by the engine, as measured at the drive shaft.)

HONOLULU: 15-2.30 (8) Motor Scooter.

Every motor vehicle conforming to the definition of 'motorcycle' including motor-driven bicycles, and propelled by a motor which produces not more than five horsepower.

HAWAII: 1-17 Motor Scooter.

(Comparable to the Honolulu provision.)

MAUI: 10-2.1 (19) Motor Scooter.

Any vehicle hung low on two or more wheels and propelled by a gasoline engine of not more than five horsepower.

KAUAI: 2-120 (5) Motor Scooter.

Any vehicle with two or more wheels and propelled by an engine of not more than ten horsepower.

Comment: Under the Hawaii Highway Safety Act, "motor scooter" is defined in section 286-2 HRS as "every motorcycle including every motor-driven cycle, with a motor which produces not more than five horsepower".

UVC 1-137 Nonresident.

Every person who is not a resident of this State.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The definition of "nonresident" in the Motor Vehicle Safety Responsibility Act (section 287-1 HRS) is comparable to the UVC provision.

UVC 1-138 Nonresident's Operating Privilege.

The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The definition of "nonresident's operating privilege" in the Motor Vehicle Safety Responsibility Act (section 287-1 HRS) is comparable to the UVC provision, except that "use of a motor vehicle" is substituted for the phrase "use of a vehicle".

UVC 1-139 Official Traffic-Control Devices.

All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

HONOLULU: 15-2.27 (3) Traffic-Control Devices.

All signs, signals, pavement markings, traffic cones and devices not inconsistent with this Traffic Code, placed or erected by authority of the City Council or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

HAWAII: 1-18 Official Traffic-Control Devices.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (47) Traffic, Official Control Devices.

(Comparable to the Honolulu provision, except there is no reference to traffic cones.)

KAUAI: 2-107 Official Traffic Control Devices, etc., Defined.

(Comparable to the Maui provision.)

Comment: The county ordinances are substantially uniform and consistent with the UVC provision except for the specific reference in the Honolulu definition of traffic cones.

UVC 1-140 Owner.

A person, other than a lienholder, 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.

HONOLULU: 15-2.14 (3) Owner.

A person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Ordinance.

HAWAII: 1-20 Owner.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (23) Owner.

(Comparable to the Honolulu provision.)

KAUAI: 2-109. (3) Owner.

(Comparable to the Honolulu and Maui provision.)

Comment: For purposes of the Hawaii Highway Safety Act (section 286-2 HRS) and the Motor Vehicle Safety Responsibility Act (section 287-1), "owner" or "registered owner" is defined to include a legal owner of a vehicle where there is no security interest held by anyone on the vehicle, a buyer under a purchase money security interest, or a debtor under any security interest.

UVC 1-141 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.

HONOLULU: 15-2.11 Parking.

(Comparable to the UVC provision except for using the word "freight" instead of "merchandise").

HAWAII: 1-21 Park or Parking.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (24) Parking.

(Comparable to the Honolulu provision.)

KAUAI: 2-108 Park or Parking Defined.

(Comparable to the UVC provision.)

Comment: Uniformity

UVC 1-142 Passenger Car.

Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying 10 passengers or less and used for the transportation of persons.

HONOLULU: None

HAWAII: 1-22 Passenger Car.

Every motor vehicle, except motorcycles and motor-driven cycles, designed and used for the transportation of persons.

MAUI: None

KAUAI: None

Comment: The Hawaii Highway Safety Act definition of "passenger car" (section 286-2 HRS) is comparable to the UVC provision, except for using the term "motor scooters" in place of "motor-driven cycles".

UVC 1-143 Pedestrian.

Any person afoot.

HONOLULU: 15-2.14 (4) Pedestrian.

Any person afoot or in an invalid chair or similar vehicle propelled by a person afoot.

HAWAII: 1-23. Pedestrian.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (25) Pedestrian.

Any person afoot, in an invalid chair, or in a vehicle propelled by a person afoot.

KAUAI: 2-109 (4) Pedestrian.

(Comparable to the Honolulu provision.)

Comment: The Honolulu, Maui, and Kauai definitions of "pedestrian" are more inclusive than the UVC and Hawaii provisions. In connection with accident classification, standard sources provide still other definitions of "pedestrian":

Any person involved in a motor vehicle accident who was not at the time of injury in or on a motor vehicle, railroad train, street-car, animal-drawn vehicle, or other vehicle or on a bicycle or similar adult's three-wheeled vehicle or animal . . . A person hitching onto a vehicle is a pedestrian unless entirely in or on the vehicle . . . Pedestrian also includes . . . a person operating a pushcart; a person riding on, or moving a coaster wagon, sled, scooter, child's tricycle, wheelchair, or similar conveyance; roller skates, ice skates, or skis; a baby in a carriage. A person who is examining, repairing, or adjusting something on a standing vehicle, and is not on or in the vehicle is a pedestrian. This includes a person who may just have alighted from the vehicle. Likewise, a person injured by a motor vehicle while pushing another motor vehicle is . . . a pedestrian.

(Uniform Definitions of Motor Vehicle Accident - Committee on Uniform Traffic Accident Statistics, Traffic and Transportation Conference National Safety Council.)

Any person who is not, at the time of injury on a motor vehicle or nonmotor vehicle. A person hitching onto a vehicle is a pedestrian unless entirely in or on the vehicle. Persons on other vehicles such as a coaster wagon, child's tricycle, roller skates, etc., are considered pedestrians. (Accident Facts - National Safety Council.)

UVC 1-144 Person.

Every natural person, firm, copartnership, association or corporation.

HONOLULU: 15-2.14 (5) Person.

(Comparable to the UVC provision.)

HAWAII: 1-24 Person.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (26) Person.

(Comparable to the UVC provision.)

KAUAI: 2-109 (5) Person.

(Comparable to the UVC provision.)

Comment: Uniformity (See also section 1-19 HRS.)

UVC 1-145 Pneumatic Tire.

Every tire in which compressed air is designed to support the load.

HONOLULU: 15-2.24 (2) Pneumatic Tire.

(Comparable to the UVC provision.)

HAWAII: None

MAUI: 10-2.1 (40) Tire, Pneumatic.

(Comparable to the UVC provision.)

KAUAI: None

Comment: The definition of "pneumatic tire" is primarily useful in connection with UVC provisions dealing with equipment on vehicles.

UVC 1-146 Pole Trailer.

Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

HONOLULU: 15-2.29 (1) Pole Trailer.

(Comparable to the UVC provision.)

HAWAII: 1-25 Pole Trailer.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (49) Trailer, Pole.

(Comparable to the UVC provision.)

KAUAI: 2-120 (7) Pole Trailer.

(Comparable to the UVC provision.)

Comment: Uniformity. The Hawaii Highway Safety Act definition of "pole trailer" (section 286-2 HRS) also is comparable to the UVC provision.

UVC 1-147 Police Officer.

Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

HONOLULU: 15-2.14 (6) Police Officer.

Every officer of the Honolulu police department and any other officer authorized by the chief of police to direct or regulate traffic or to make arrests for violations of traffic regulations.

HAWAII: 1-26 Police Officer.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (20) Officer, Police.

(Comparable to the Honolulu provision.)

KAUAI: 2-109 (6) Police Officer.

Every officer of the police department of the County of Kauai or any other officer authorized to direct or regulate traffic or to make arrests or issue citations for violations of traffic regulations.

Comment: Although the Honolulu, Maui, and Kauai definitions are worded differently than the UVC provision, their general meanings are the same.

UVC 1-148 Private Road or Driveway.

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.

HONOLULU: 15-2.23 (14) Private Road or Driveway.

(Comparable to the UVC provision, except the last phrase is omitted, "but not by other persons".)

HAWAII: 1-27 Private Road or Driveway.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (29) Road, Private or Driveway.

(Comparable to the UVC provision.)

KAUAI: 2-117 (9) Private Road or Driveway.

(Comparable to the UVC provision.)

Comment: Uniformity, except for the omitted phrase in the Honolulu definition.

UVC 1-149 Railroad.

A carrier of persons or property upon cars, (other than streetcars), operated upon stationary rails.

HONOLULU 15-2.16 (1) Railroad.

(Comparable to the UVC provision without the parenthetical phrase.)

HAWAII: None

MAUI: 10-2.1 (27) Railroad.

(Comparable to the UVC provision without the parenthetical phrase.)

KAUAI: 2-111 (1) Railroad.

(Comparable to the UVC provision without the parenthetical phrase.)

Comment: Uniformity as to Honolulu, Maui, and Kauai.

UVC 1-150 Railroad Sign or Signal.

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.

HONOLULU: 15-2.27 (2) Railroad Sign or Signal.

(Comparable to the UVC provision, except that reference to a "public body or official" is replaced by "the City Council".)

HAWAII: None

MAUI: 10-2.1 (33) Sign, Railroad or Signal.

(Comparable to the UVC provision, except that reference to a "public body or official" is replaced by "the board of supervisors".)

KAUAI: 2-111 (2) Railroad Sign or Signal.

(Comparable to the UVC provision, except that reference to a "public body or official" is replaced by "the Board of Supervisors".)

Comment: Uniformity as to Honolulu, Maui, and Kauai.

UVC 1-151 Railroad Train.

A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

HONOLULU: 15-2.16 (2) Railroad Train.

(Comparable to the UVC provision, except the phrase "except streetcars" is omitted.)

HAWAII: None

MAUI: 10-2.1 (51) Train, Railroad.

(Comparable to the UVC provision, except the phrase "except streetcars" is omitted.)

KAUAI: 2-111 (3) Railroad Train.

(Comparable to the UVC provision, except the phrase "except streetcars" is omitted.)

Comment: Uniformity as to Honolulu, Maui, and Kauai.

UVC 1-152 Reconstructed Vehicle.

Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

HONOLULU: 15-2.30 (12) Reconstructed Vehicle.

Any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types, or which if originally otherwise constructed, shall have been materially altered by the removal of essential parts, or by addition or substitution of essential parts, new or used, derived from other vehicles, or makes of vehicles. The words "essential parts" as used herein shall mean any and all integral parts of a vehicle, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, make, type or mode of operation.

HAWAII: 1-29 Reconstructed Vehicle.

Every vehicle which is materially altered from the original construction by the removal, addition or substitution of essential parts, new or used.

Essential parts are all integral and body parts of a vehicle of a type required to be registered, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

MAUI: 10-2.1 (56) Vehicle, Reconstructed.

Any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types, or which if originally otherwise constructed, shall have been materially altered by the removal of essential parts, new or used, derived from other vehicles, makes of vehicles.

KAUAI: 2-120 (8) Reconstructed Vehicle.

(Comparable to the Honolulu provision.)

Comment: The Honolulu, Maui, and Kauai definitions of "reconstructed vehicle" encompass under that term "specially constructed vehicles" as well as reconstructed vehicle. Hawaii more closely follows the UVC and provides a separate definition of "specially constructed vehicle"; see UVC 1-167.

UVC 1-153 Registration.

The registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The Motor Vehicle Safety Responsibility Act, in section 287-1 HRS, defines "registration" as "the certificate of registration issued pursuant to Chapter 286". The Hawaii Highway Safety Act provides for registration of motor vehicles, without specifically defining the term, in Chapter 286, Part III, HRS.

UVC 1-154 Residence District.

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residence or residences and buildings in use for business.

HONOLULU: 15-2.4 (2) Residence District.

(Comparable to the UVC provision with the addition of a sentence, "also, those zones designated on the General Plan as 'residence districts'".)

HAWAII: 1-30 Residential District.

(Comparable to the UVC provision, except "one-quarter mile or more" is used instead of "300 feet or more".)

MAUI: 10-2.1 (7) District, Residence.

The territory contiguous to a highway, not comprising a business district, having dwelling houses and/or business structures on either or both sides of such highway and where signs showing the maximum limits of speed permitted within such zones are erected and maintained at the limits thereof.

KAUAI: 2-102 (2) Residence District.

(Comparable to the UVC provision.)

Comment: Although the Maui definition describes the same type of area described in the UVC provision, the residence district designation in Maui depends upon posting and maintenance of speed limit signs.

UVC 1-155 Revocation of Driver's License.

The termination by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this Act.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The Hawaii Highway Safety Act provides for revocation (and suspension) of drivers' licenses and of privileges of driving (Chapter 286, Part VI) without specifically defining "revocation (or suspension) of driver's license".

UVC 1-156 Right-of-Way.

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.

HONOLULU: 15-2.17 Right-of-Way, etc.

(1) Right-of-way. The privilege of the immediate priority of the use of the roadway.

(2) Yield right-of-way. The term "yield right-of-way" when required by an official sign shall mean the act of granting the preference to another vehicle or pedestrian within the intersection and to such vehicles or pedestrians approaching from the right or left to proceed in a lawful manner, but when the roadway is clear may then proceed into the intersection.

HAWAII: 1-31 Right-of-Way.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (28) Right-of-Way.

The privilege of the immediate priority of use of the roadway.

KAUAI: 2-112 Right-of-Way, etc., Defined.

(Subsection (1) comparable to the UVC provision.)

(2) Yield Right-of-Way. Where a vehicle loses its preferential passage on any street, intersection, or highway due to the presence or proximity of another vehicle or pedestrian lawfully within his path of travel.

Comment: Prior to 1962 the UVC defined "right-of-way" as the privilege of the immediate use of the roadway. The 1962 UVC amendment included the concept of the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another. The import of the change is stated as follows:

The significance of this concept to many rules of the road can best be illustrated by applying it to Code provisions mentioning right-of-way. For instance, drivers are required to yield the right of way:

- (1) To pedestrians proceeding on a "Walk" signal. (UVC 11-203 (a))
- (2) When proceeding on the left side of a roadway around an obstruction. (UVC 11-301 (a))
- (3) At open intersections. (UVC 11-401)
- (4) When making a left turn. (UVC 11-402)
- (5) After stopping for stop signs and flashing red lights. (UVC 11-403 (b), 11-204 (a) (1))
- (6) After stopping or proceeding past yield signs. (UVC 11-403 (c))
- (7) When entering a highway from a driveway. (UVC 11-404)
- (8) To an authorized emergency vehicle. (UVC 11-405)
- (9) To pedestrians in crosswalks. (UVC 11-502 (d))
- (10) To pedestrians on sidewalks. (UVC 11-509)

And, when crossing a roadway outside a crosswalk, a pedestrian is generally required to yield the right-of-way to vehicles. (UVC 11-503 (a), 11-504, 11-801)

In each of these situations, the driver or pedestrian having the duty to yield is obliged to surrender not merely the immediate use of the roadway but its lawful use by another person. However, this concept is not new to the law or to the Code. For many years, Code provisions . . . describing the duties of drivers at intersections where traffic is regulated by signals have required yielding by drivers proceeding on a green light to vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk. (11-202 (a) (1) and (2)) In addition, many appellate and lower courts have applied this concept in

civil and criminal proceedings. Thus, the effect of the 1962 change is to apply this principle to all rules pertaining to right-of-way rather than the adoption of a new concept.

(Traffic Laws Commentary, No. 68-1 National Committee on Uniform Traffic Laws and Ordinances, October 31, 1968. p. 3)

UVC 1-157 Road Tractor.

Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

HONOLULU: 15-2.25 (2) Road Tractor.

(Comparable to the UVC provision.)

HAWAII: 1-32. Road Tractor.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (43) Tractor, Road.

(Comparable to the UVC provision.)

KAUAI: 2-120 (9) Road Tractor.

(Comparable to the UVC provision.)

Comment: Uniformity.

UVC 1-158 Roadway.

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 shall refer to any such roadway separately but not to all such roadways collectively.

HONOLULU: 15-2.23 (16) Roadway.

(Comparable to the UVC provision.)

HAWAII: 1-33 Roadway.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (30) Roadway.

(Comparable to the UVC provision, except there is no specific exclusion of the berm or shoulder.)

KAUAI: 2-117 (10) Roadway.

(Comparable to the UVC provision.)

Comment: The Maui definition raises the question of whether or not the shoulder is part of the roadway. The usual definitions of roadway exclude the shoulder.

UVC 1-159 Safety Zone.

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.

HONOLULU: 15-2.19 Safety Zone.

(Comparable to the UVC provision.)

HAWAII: 1-34 Safety Zone.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (57) Zone, Safety.

(Comparable to the UVC provision.)

KAUAI: 2-113 (3) Safety Zone.

(Comparable to the UVC provision.)

Comment: Uniformity.

UVC 1-160 School Bus.

Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of Minimum Standards for School Buses and is used to transport children to or from school or in connection with school activities but not including buses operated by common carriers in urban transportation of school children.

(Minimum Standards for School Buses is produced and sponsored by the National Commission on Safety Education of the National Education Association.)

HONOLULU: 15-2.30 (3) School Bus.

Every bus displaying a sign containing the words "SCHOOL BUS" as required by this Code operated for the transportation of children to or from school and for the transportation of children in connection with any school activity.

HAWAII: 1-35 School Bus.

Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

MAUI: 10-2.1 (4) Bus, School.

(Comparable to the Hawaii provision, except the words "for compensation" are omitted.)

KAUAI: 2-120 (10) School Bus.

(Comparable to the Honolulu provision.)

Comment: Chapter 296 HRS, dealing with the Department of Education, defines "school bus" (section 296-47 HRS) in the same way as the Hawaii Ordinance. This definition was used in the UVC prior to 1962 Code amendments.

UVC 1-161 Security Agreement.

A written agreement which reserves or creates a security interest.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The Uniform Commercial Code (Section 490: 9-105 (h) HRS) defines "security agreement" as "an agreement which creates or provides for a security interest".

UVC 1-162 Security Interest.

Any interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The Uniform Commercial Code (section 490: 1-201 (37)HRS) defines "security interest" as follows:

"Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment of delivery to the buyer (section 490: 2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts, chattel paper, or contract rights which is subject to Article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under section 490: 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (section 490: 2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for nominal consideration does make the lease one intended for security.

In connection with perfection of a security interest the provisions of Act 9 SLH 1968 should be noted:

ACT 9

A Bill for an Act Amending Chapter 160, Revised Laws of Hawaii 1955, as Amended, Relating to Security Interests in Motor Vehicles.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest

within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Section 160-10 (e), Revised Laws of Hawaii 1955, as amended, by Act 79, Session Laws of Hawaii 1967, provides that "the Uniform Commercial Code shall exclusively control the attachment and perfection of a security interest" in a motor vehicle.

Under the Uniform Commercial Code, the usual method of perfection of security interests is by recordation in the Bureau of Conveyances. Consequently the above quoted section 160-10 (e) provision can be misconstrued as prescribing such recordation for perfection of security interests in motor vehicles. In actuality, the Uniform Commercial Code provisions intended to be referred to are those that (1) make an exception to the usual perfection method of recordation and prescribe registration with the county treasurer as heretofore pursuant to Chapter 160, Revised Laws of Hawaii 1955, in order to perfect a security interest in a motor vehicle which is not inventory, and (2) prescribe recordation with the bureau of conveyances in order to perfect a security interest in a motor vehicle that is inventory. (Uniform Commercial Code, sections 9-302 (3) (b) and 9-302 (4).)

In view of the ready susceptibility of section 160-10 (e) to an opposite unintended construction and the large volume of commerce in motor vehicles, in which certainty of security interests is very important, it is urgent and in the public interest that section 160-10 (e) be clarified.

SECTION 2. Section 160-10 (e), Revised Laws of Hawaii 1955, as amended, is further amended to read:

"(e) Until the treasurer has issued the new certificate of registration and certificate of ownership as in subdivision (d) provided, delivery of such vehicle shall be deemed not to have passed, and the intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose, notwithstanding any

provision of the Uniform Commercial Code; provided that a security interest in a motor vehicle shall be perfected as provided in the Uniform Commercial Code, sections 9-302 (3) (b) and 9-302 (4), and that the validity, attachment, priority and enforcement of such security interest shall be governed by Article 9 of said Code".

UVC 1-163 Semitrailer.

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

HONOLULU: 15-2.29 (2) Semi-Trailer.

(Comparable to the UVC provision.)

HAWAII: 1-36 Semi-Trailer.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (50) Trailer, Semi.

(Comparable to the UVC provision.)

KAUAI: 2-120 (11) Semi-Trailer.

(Comparable to the UVC provision.)

Comment: Uniformity as to the counties. Under the Hawaii Highway Safety Act, "semitrailer" is defined as "a trailer so constructed that a substantial part of its weight rest upon the truck-tractor by which it is drawn". (Section 286-2 HRS.)

UVC 1-164 Sidewalk.

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

HONOLULU: 15-2.23 (17) Sidewalk.

(Comparable to the UVC provision.)

HAWAII: 1-37 Sidewalk.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (32) Sidewalk.

(Comparable to the UVC provision.)

KAUAI: 2-117 (11) Sidewalk.

(Comparable to the UVC provision.)

Comment: Uniformity

UVC 1-165 Solid Tire.

Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

HONOLULU: 15-2.24 (3) Solid Tire.

(Comparable to the UVC provision.)

HAWAII: 1-38 Solid Tire.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (41) Tire, Solid.

(Comparable to the UVC provision.)

KAUAI: None

Comment: Uniformity as to Honolulu, Hawaii, and Maui. The definition of "solid tire" is primarily useful in connection with UVC provisions dealing with equipment on vehicles.

UVC 1-166 Special Mobile Equipment.

Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

HONOLULU: None (but see Honolulu entry under UVC 1-104)

HAWAII: 1-39 Special Mobile Equipment.

(Comparable to the UVC provision.)

MAUI: None

KAUAI: None

Comment: Although "special mobile equipment" is not defined in the Hawaii Revised Statutes, such equipment is exempted from motor vehicle registration requirements; see section 286-41 HRS.

UVC 1-167 Specially Constructed Vehicle.

Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name,

make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

HONOLULU: None (but see UVC 1-152)

HAWAII: 1-41 Specially Constructed Vehicle.

(Comparable to the UVC provision.)

MAUI: None (but see UVC 1-152)

KAUAI: None (but see UVC 1-152)

Comment: See UVC 1-152.

UVC 1-168 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.

HONOLULU: 15-2.21 Stand or Standing.

(Comparable to the UVC provision, but the word "temporarily" is omitted.)

HAWAII: 1-42 Stand or Standing.

(Comparable to the UVC provision.)

MAUI: None (but see UVC 1-171)

KAUAI: 2-115 Stand or Standing Defined.

(Comparable to the UVC provision.)

Comment: Note the distinction between "stand or standing" and "park or parking" (UVC 1-141); the former refers to receiving or discharging passengers in the exclusionary phrase while the latter refers to loading or unloading merchandise or passengers.

UVC 1-169 State.

A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: Among the definitions of "state" in the Hawaii Revised Statutes are:

1. For purposes of the Hawaii Hawaii Safety Act, "except where reference is clearly to another state, territory, or possession of the United States, . . . the State of Hawaii". (Section 286-2 HRS);
2. For purposes of the Motor Vehicle Safety Responsibility Act, "except in reference to the State of Hawaii . . . any state, territory, possession of the United States, the District of Columbia, or any province of the Dominion of Canada". (Section 287-1 HRS.)

UVC 1-170 Stop.

When required means complete cessation from movement.

HONOLULU: 15-2.22 (1) Stop.

(Comparable to the UVC provision.)

HAWAII: 1-43 Stop.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (34) Stop.

(Comparable to the UVC provision.)

KAUAI: 2-116 (1) Stop.

(Comparable to the UVC provision.)

Comment: Uniformity

UVC 1-171 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.

HONOLULU: 12-2.22 (2) Stopping.

(Comparable to the UVC provision with the addition after the word "officer" of a phrase "or any other persons authorized to direct and regulate traffic". The same meaning is explicit in the definition of "police officer"; see UVC 1-147.)

HAWAII: 1-44 Stop or Stopping.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (35) Stop, Stopping, or Standing.

When prohibited means any stopping or standing 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. (See UVC 1-168.)

KAUAI: 2-116 (2) Stopping.

(Comparable to the UVC provision.)

Comment: The UVC definition relates to regulatory signs other than the stop sign whereas the definition of stop (UVC 1-170) has the meaning relating to stop signs, stop signals, flashing red, and steady red alone.

UVC 1-172 Street.

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. (Under this definition the terms "street" and "highway" are synonymous and interchangeable.)

Comment: See UVC 1-122.

UVC 1-173 Streetcar.

A car other than a railroad train for transporting persons or property and operated upon rails principally with a municipality. (This definition is omitted by states in which streetcars are not in operation.)

UVC 1-174 Suspension of Driver's License.

The temporary withdrawal by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: See Comment to UVC 1-155.

UVC 1-175 Through Highway.

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 in this Act.

HONOLULU: 15-2.23 (22) Through Street.

Any street or highway or part thereof on which vehicular traffic is given preferential right-of-way, and at the entrance to which are signs requiring every operator to bring his vehicle to a full stop before entering or crossing such street or highway, except when traffic at such points of entrance or crossing is controlled by police officers, any other persons authorized to direct and regulate traffic, or official traffic control signals.

HAWAII: 1-47 Through Highway.

(Comparable to the pre-1968 UVC provision which does not specifically state that a through highway may be designated by traffic-control devices other than a stop sign or yield sign.)

MAUI: 10-211 (11) Highway, Through.

Any street or highway, or part thereof, at which signs require every operator to bring his vehicle to a full stop before entering or crossing such street or highway, except

when traffic at points of entrance or crossing is controlled by police officers or official traffic control signals or signs.

KAUAI: 2-117 (13) Through Highway.

Any street or highway or part thereof on which vehicular traffic is given preferential right-of-way, and at the entrance to which are signs requiring every operator to bring his vehicle to a full stop before entering or crossing is controlled by police officers, any other persons authorized to direct and regulate traffic, or official traffic control signals.

Comment: The Honolulu, Maui, and Kauai definitions of "through highway" are based in the 1954 UVC version. The UVC definition, as amended in 1968, is consistent with the definition in the Manual on Uniform Traffic Control Devices for Streets and Highways, (U.S. Department of Transportation, Bureau of Public Roads).

UVC 1-176 Trackless Trolley Coach.

Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: Inapplicable.

UVC 1-177 Traffic.

Pedestrians, ridden or herded animals, vehicles, street-cars and other conveyances either singly or together while using any highway for purposes of travel.

HONOLULU: 15-2.26 (1) Traffic.

(Comparable to the UVC provision.)

HAWAII: 1-49 Traffic.

(Comparable to the UVC provision but omitting the word "streetcars".)

MAUI: 10-2.1 (45) Traffic.

(Comparable to the UVC provision but omitting the word "streetcars".)

KAUAI: 2-119 Traffic Defined.

(Comparable to the UVC provision but omitting the word "streetcars".)

Comment: Uniformity. Note that under the definitions in "street" and "highway", sidewalk travel is included in "traffic".

UVC 1-178 Traffic-Control Signal.

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

HONOLULU: 15-2.27 (4) Traffic Control.

(Comparable to the UVC provision, with the added phrase at the end, "or is otherwise controlled".)

HAWAII: 1-50 Traffic-Control Signal.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (46) Traffic-Control Signals.

(Comparable to the UVC provision.)

KAUAI: None

Comment: Uniformity as to Honolulu, Hawaii, and Maui.

UVC 1-179 Trailer.

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

HONOLULU: 15-2.29 (3) Trailer.

Every vehicle with or without motive power, other than a pole trailer, drawn by a motor vehicle and designed to carry persons or property, and so constructed that no appreciable part of its weight rests upon the towing vehicle.

HAWAII: 1-51 Trailer.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (48) Trailer.

(Comparable to the UVC provision.)

KAUAI: 2-120 (12) Trailer.

(Comparable to the UVC provision.)

Comment: Uniformity as to Hawaii, Maui, and Kauai. Under the Hawaii Highway Safety Act, "trailer" is defined as " a vehicle designed for carrying persons or property and for being drawn by a motor vehicle". (Section 286-2 HRS.)

○ UVC 1-180 Transporter.

Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: Inapplicable.

○ UVC 1-181 Truck.

Every motor vehicle designed, used or maintained primarily for the transportation of property.

HONOLULU 15-2.30 (9) Truck.

(Comparable to the UVC provision.)

HAWAII: 1-52 Truck.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (52) Truck.

(Comparable to the UVC provision.)

KAUAI: 2-120 (13) Truck.

(Comparable to the UVC provision.)

Comment: Uniformity. The Hawaii Highway Safety Act also uses the same definition of "truck" (section 286-2 HRS).

UVC 1-182 Truck Tractor.

Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

HONOLULU: 15-2.25 (3) Truck Tractor.

(Comparable to the UVC provision.)

HAWAII: 1-53 Truck Tractor.

(Comparable to the UVC provision.)

MAUI: 10-2.1 (44) Truck Tractor.

(Comparable to the UVC provision.)

KAUAI: 2-120 (14) Truck Tractor.

(Comparable to the UVC provision.)

Comment: Uniformity. The Hawaii Highway Safety Act also uses the same definition of "truck tractor". (Section 286-2 HRS.)

UVC 1-183 Urban District.

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 100 feet for a distance of a quarter of a mile or more.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: A term not used in the State with respect to operation of motor vehicles.

UVC 1-184 Vehicle.

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

HONOLULU: 15-2.30 (10) Vehicle.

(Comparable to the UVC provision.)

HAWAII: 1-54 Vehicle.

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

MAUI: 10-2.1 (53) Vehicle.

(Comparable to the UVC provision.)

KAUAI: 2-120 (16) Vehicle.

(Comparable to the UVC provision.)

Comment: Uniformity as to Honolulu, Maui, and Kauai. The Hawaii definition is broad enough to include railroad trains, bicycles, wheelbarrows, and the like. The Hawaii Highway Safety Act uses the UVC definition of "vehicle". (Section 286-2 HRS.)

COUNTY DEFINITIONS NOT IN THE UVC

HONOLULU

Abandoned Vehicle (15-2.2)
Mail Boxes (15-2.7)
Muffler (15-2.8)
Noise, Excessive or Unusual (15-2.9)
Official Time Standard, etc. (15-2.10)
Parking Meter (15-2.12 (1))
Parking Meter Zone (15-2.12 (2))
Parking Meter Space (15-2.12 (3))
Morning Peak Traffic Hours (15-2.13 (1))
Afternoon Peak Traffic Hours (15-2.13 (2))
Disabled Person (15-2.14 (1))
Public Holiday (15-2.15)
Yield Right-of-Way (15-2.17 (2))
Safety Glass (15-2.18)
Curb Loading Zone (15-2.19 (1))
Freight Curb Loading Zone (15-2.19 (2))
Passenger Curb Loading Zone (15-2.19 (3))
Tow or Tow-Away Zone (15-2.19 (5))
School (15-2.20 (1))
School Crossing Zone (15-2.20 (2))
School Zone (15-2.20 (3))
Stop Line (15-2.22 (3))
Acceleration Line (15-2.23 (1))
Center of Intersection (15-2.23 (3))
Center or Center Line (15-2.23 (4))
Channelized Intersection (15-2.23 (5))
Deceleration Lane (15-2.23 (7))
Divided Highway (15-2.23 (8))
Multiple Lane Highway (15-2.23 (12))
Medial Strip (15-2.23 (13))
Reversible Lane (15-2.23 (15))
Signalized Intersection (15-2.23 (18))
Street Block (15-2.23 (20))
Traffic Island (15-2.23 (21))
Merging Traffic (15-2.26 (2))
Barricade (15-2.27 (1))
Warning Sign (15-2.27 (5))
Traffic Violations Bureau (15-2.28)
Combination of Vehicles (15-2.30 (4))
Mechanical Street Sweeper (15-2.30 (6))

HAWAII

County Engineer (1-9)
District Engineer (1-11)
Divided Highway (1-12)
Public Holidays (1-28)
Special Hazard Vehicles (1-40)
Taxicab (1-46)
Tour Vehicle (1-48)
Muffler (20-36 (a))
Safety Glazing Materials (20-42 (b))
Air-Conditioning Equipment (20-46 (a))

MAUI

Highway, Divided (10-2.1 (9))
Holiday, Public (10-2.1 (12))
Intersection, Channelized (10-2.1 (14))
Lane, Deceleration (10-2.1 (16))
Operate (10-2.1 (21))
Strip, Medial (10-2.1 (37))
Time, Official Standard (10-2.1 (38))
Zone, School (10-2.1 (58))
Muffler (10-17.40 (1))

KAUAI

Broken Lines (2-104 (1))
Center Line (2-104 (2))
Solid Lines (2-104 (3))
Stop Line (2-104 (4))
Stop Line Where Not Visible (2-104 (4) (a))
Muffler (2-105)
Noise, Excessive or Unusual (2-106)
Public Holiday (2-110)
Yield Right-of-Way (2-112 (2))
Freight Loading Zone (2-113 (1))
Passenger Loading Zone (2-113 (2))
School Zone (2-114)
Acceleration Lane (2-117 (1))
Channelized Intersection (2-117 (3))
Deceleration Lane (2-117 (5))
Divided Highway (2-117 (6))
Medial Strip (2-117 (8))
Day Time (2-118 (1))
Night Time (2-118 (2))

B. CHAPTER 10, UVC
ACCIDENTS AND ACCIDENT REPORTS

UVC 10-101 Provisions of Chapter Apply Throughout State.

The provisions of this chapter shall apply upon highways and elsewhere throughout the State.

HONOLULU: 15-1.1 Purpose of Ordinance.

The provisions hereinafter set forth are to provide for the regulation of traffic upon the public streets of the City and County of Honolulu, and such private streets, highways, or thoroughfares which for more than five (5) years have been continuously used by the general public . . .

HAWAII: Ordinance No. 39, An Ordinance Regulating Traffic Upon the Public Streets and Highways of the County of Hawaii . . .

MAUI: 10-1.2 Purpose.

The provisions hereinafter set forth in this ordinance are necessary to secure an adequate and improved code for the regulation and control of traffic upon the streets and highways of the county of Maui.

KAUAI: 1-101 Purpose.

(Comparable to the Honolulu provision.)

Comment: UVC provides that laws describing the duties of a driver at the scene of an accident and laws requiring accident reports apply everywhere in the State, on the highways and off. HRS sections 291-2 (duties at the scene of an accident) and 287-4 (accident reports) apply to operators of all vehicles but do not expressly state that they apply on the highways and elsewhere.

UVC 10-102 Accidents Involving Death or Personal Injury.

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 10-104. Every such stop shall be made without obstructing traffic more than is necessary.

HONOLULU: 15-5.1 Accidents Involving Death or Personal Injuries.

(Comparable to the UVC provision.)

HAWAII: None

MAUAI: 10-5.1 Accidents Involving Death or Personal Injuries.

(Comparable to the UVC provision.)

KAUAI: 5-101 (1) Accidents Involving Death or Personal Injuries.

(Comparable to the UVC provision.)

Comment: Although the Hawaii Ordinance does not require a driver who is involved in an accident resulting in injury to or death of any person to stop at the accident scene and remain there until he has performed certain required duties, drivers in that county as well as in the other counties are subject to the requirements of section 291-2 HRS which provides, "Whenever any vehicle strikes any person or collides with any second vehicle containing a person, the driver of and all persons within the vehicle who have or assume authority over the driver shall immediately cause the vehicle to stop . . ." Section 291-2 HRS apparently requires stops only by drivers whose vehicles actually collide with other vehicles or persons while the UVC and the three county ordinances apply to any driver "involved" in an accident even though there is no collision or striking of another vehicle or person.

UVC 10-102 Accidents Involving Death or Personal Injury.

(b) Any person failing to stop or to comply with said requirements under such circumstances shall, upon conviction be punished by imprisonment for not less than 30 days nor more than 1 year or by a fine of not less than \$100 nor more than \$5,000, or by both such fine and imprisonment.

(c) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

HONOLULU: 15-25.10 Penalty.

(Maximum penalty - \$200 fine. Section 15-25.11 also provides for driver license suspension or revocation for violations involving a vehicle in motion.)

HAWAII: 22-3 Penalties.

(Maximum penalty - \$500 fine.)

MAUI: 10-20.3 Penalty.

(Maximum penalty - \$100 fine for first offense and \$250 fine for subsequent offenses.)

KAUAI: 5-101 (2)

(Comparable to the UVC provision except the maximum fine is \$1,000. Section 25-112 also provides for driver license suspension or revocation for violations involving a vehicle in motion.

Comment: In addition to the penalties prescribed by county ordinances, the maximum penalty for violating section 291-2 HRS is imprisonment at hard labor for not more than 10 years or a \$1,000 fine, or both. Three to six points may also be imposed under the "point system" (section 286-128 (5) HRS) for leaving the scene of an accident.

Section 286-124 HRS provides for mandatory revocation of driver's licenses for failure to stop and render aid as required under the law of the State or any political subdivision thereof in the event of a motor vehicle accident resulting in the death or personal injury of another.

The county ordinances are structured to provide a general penalty section applicable to most violations of the respective traffic Code or Ordinance.

UVC 10-103 Accidents Involving Damage to Vehicle or Property.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 10-104. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 17-101. (The applicable provisions of section 17-101 are a fine of not more than \$100 or imprisonment for not more than 10 days for a first conviction; a fine of not more than \$200 or imprisonment for not more than 20 days, or both, for a second conviction within one year; and a fine of not more than \$500 or imprisonment for not more than 6 months, or both, for a third conviction within one year.)

HONOLULU: 15-5.2 Accidents Involving Damage to a Vehicle.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of the accident or as close thereto as possible, but shall forthwith

return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Sec. 15-5.3. Every such stop shall be made without obstructing traffic any more than is necessary.

HAWAII: None

MAUI: 10-5.2 Accident Involving Damage to a Vehicle.

(Comparable to the Honolulu provision.)

KAUAI: 5-102 Accident Involving Damage to Vehicle or Property.

(Comparable to the Honolulu provision, except for the section caption's inclusion of damage to property as well as to a vehicle.)

Comment: The Honolulu, Maui, and Kauai provisions are in conformity with the 1956 UVC, applicable to accidents resulting in damage to a "vehicle driven or attended by any person". In 1962 the reference to "other property" was inserted in the UVC to cover all accidents involving damage to attended property. Section 291-2 HRS is applicable to situations where a vehicle collides with a second vehicle containing a person. With respect to the relationship of the Hawaii Ordinance and HRS, see the Comment to UVC 10-102 (a). With respect to penalty provisions see the Comment to UVC 10-102 (b) and (c).

UVC 10-104 Duty to Give Information and Render Aid.

(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 such accident or to the driver or occupant of or person attending any vehicle or other property damaged

in such 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 such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such 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.

(b) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subdivision (a) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of section 10-102 and subdivision (a) of this section, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of a duly authorized police authority and submit thereto the information specified in subdivision (a) of this section.

HONOLULU: 15-5.3 Duty to Give Information and Render Aid.

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 damage, shall give his name, and the vehicle license number of the vehicle he is driving and shall, upon request, exhibit his driver's license to the person struck, or to the driver or occupant of, or person attending, the vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such 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.

HAWAII: None

MAUI: 10-5.3 Duty to Give Information and Render Aid.

(Comparable to the Honolulu provision, except for the additional information of the driver's address required to be given.)

KAUAI: 5-103 Duty to Give Information and Render Aid.

(Comparable to the Maui provision, except the duty is not imposed with respect to "other property damage" and is restricted in the case of damage to a vehicle to one "which is driven or attended".)

Comment: In addition to the duties imposed by the Honolulu, Maui, and Kauai ordinances, section 291-2 HRS (applicable statewide) provides:

Whenever any vehicle strikes any person, or collides with any second vehicle containing a person, the driver of and all persons within the vehicle who have or assume authority over the driver shall immediately cause the vehicle to stop and shall forthwith render to the person struck, or to the occupant of the second vehicle, all needed assistance, including the carrying of the person or occupant to a physician or surgeon for medical or surgical treatment, if that treatment seems to be required, or if the carrying is requested by the person struck or the occupant of the second vehicle; and the driver, or persons having or assuming authority over him, shall forthwith give to the person struck or the occupant of the second vehicle, the number, if any, of the vehicle with the name and address of the driver, of the owner, and of each person in the vehicle at the time of the striking or collision.

None of the county ordinances nor the state statute contains all of the key provisions of the UVC which include:

1. Coverage over any accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended;
2. Information required to be given by the driver to any person injured or to the driver or occupant of or person attending any vehicle or other property damaged and to any police officer at the scene of the accident or who is investigating the accident;
3. The information to include the driver's name, address, vehicle registration number, and, upon request and if available, exhibition of his license or permit to drive;
4. Requirement that the driver give reasonable assistance to any person injured, including the carrying or making arrangements for the carrying of injured persons to a physician, surgeon, or hospital on request or if it appears necessary; and
5. Requirement of a report to the nearest police authority when none of the persons entitled to receive the information is in condition to receive it.

UVC 10-105 Duty Upon Damaging Unattended Vehicle or Other Property.

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving and shall

without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary.

HONOLULU: 15-5.4 Duty Upon Striking Unattended Vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and of the owner of the vehicle striking the unattended vehicle together with the license number of said vehicle, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, together with the license number of said vehicle and a statement of the circumstances thereof.

15-5.5 Duty Upon Striking Fixtures Upon a Highway.

The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a street or highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact, and of his name and address, and of the vehicle license number of the vehicle he is driving, and shall upon request exhibit his driver's license, and shall make a report of such accident when and as required by this Traffic Code.

HAWAII: 4-4 Duty Upon Striking Unattended Vehicle or Other Property.

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other

○ property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or, in the event an unattended vehicle is struck, shall attach securely in a conspicuous place in or on such vehicle a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking. In the event such notice cannot be given, the driver shall immediately by the quickest means available, give notice to the nearest police station.

MAUI: 10-5.4 Duty Upon Striking Unattended Vehicle or Property.

The operator of any vehicle which collides with any vehicle which is unattended or any highway fixture or other property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or property of the name and address of the operator and of the owner of the vehicle striking the unattended vehicle or property together with the license number of said vehicle, or shall leave in a conspicuous place in the vehicle or property struck a written notice giving the name and address of the operator and of the owner of the vehicle doing the striking, together with the license number of said vehicle and a statement of the circumstances thereof.

KAUAI: 5-104 Duty Upon Striking Unattended Vehicle.

5-105 Duty Upon Striking Fixtures Upon a Highway.

(Comparable to the Honolulu provisions.)

Comment: The UVC provision, as amended in 1968, is intended to provide a fair and comprehensive rule for drivers involved in accidents resulting in damage to any unattended property.

The UVC provides alternative courses of action for the driver to follow:

1. He must locate and notify the owner of the property;
or
2. He must leave a note and notify the police.

Previous to the 1968 amendment, the UVC allowed leaving a note only in accidents involving damage to an unattended vehicle and did not require police notification when the damage to property was relatively minor. (See comment to UVC 10-106 (a).)

UVC 10-106 Immediate Notice of Accident.

(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of \$100 or more shall immediately by the quickest means of communication give notice of such accident to the nearest office of a duly authorized police authority.

HONOLULU: 15-5.6 Immediate Reports of Accidents.

(Comparable to the UVC provision, except it also provides that if an agreement cannot be reached by the persons whose property is involved as to the amount of the property damages, the accident shall be reported immediately to the police department.)

HAWAII: 4-1 Immediate Notice of Accident.

(First paragraph - comparable to the UVC provision.)

MAUI: 10-5.5 (1) Immediate Reports of Accidents.

(Comparable to the UVC provision.)

KAUAI: 5-106 Immediate Report of Accidents.

(First paragraph and item (1) - comparable to the Honolulu provision, except that (a) reports to the police upon the disagreement as to the amount of damages are required when the parties involved disagree rather than when the persons whose property is involved disagree; and (b) the reports are required immediately "or as soon thereafter as possible".)

Comment: This provision of the UVC requires a driver to give immediate notice to the police when property damage is \$100 or more. When damage is \$100 or more under 10-105 (unattended vehicle or other property), a driver locating and identifying the property owner must still give immediate notice to the police. If damage is less than \$100 in a 10-105 situation and the driver cannot locate the property owner, the driver must leave a note and call the police.

UVC 10-106 Immediate Notice of Accident.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

HONOLULU: 15-5.11 (2) When Drivers Unable to Report.

(Comparable to the UVC provision.)

HAWAII: 4-2 (a) When Driver Unable to Report.

(Comparable to the UVC provision.)

MAUI: 10-5.5 (2) Immediate Reports of Accidents.

(Comparable to the UVC provision, except that it relates to written reports as well as immediate reports.)

KAUAI: 5-108 When Drivers Unable to Report.

Whenever the driver is physically incapable of reporting an accident, the duty to report falls upon an occupant of the vehicle, if any. If there is no occupant, then the owner of the vehicle must report the accident. In any event, the driver of the vehicle must report the accident, if there is no occupant or owner, after the period of incapacity to report is over.

Comment: UVC in this section deals only with immediate reports. See UVC 10-107 for provisions applicable to written reports.

UVC 10-107 Written Report of Accident by Drivers or Owners.

(a) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of (\$25, \$50, \$100) or more shall, within 10 days after such accident, forward a written report of such accident to the department.

HONOLULU: 15-5.7 (1) Subsequent Reports of Accidents.

In addition to the report required in Sec. 15-5.6, the driver of a vehicle involved in an accident resulting in injury to or death of any person or in total property damage to an apparent extent of One Hundred Dollars (\$100.00) or more shall, within 24 hours after such accident, report such accident in writing or in person to the police department. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat.

HAWAII: None

MAUI: None

KAUAI: None

Comment: The state written accident report provisions are included in the Motor Vehicle Safety Responsibility Act (Chapter 287 HRS) rather than among general accident report laws and are phrased in terms differing somewhat from UVC 10-107 (a), particularly with respect to property damage accidents. The first sentence of section 287-4, HRS, applies only to operators of motor vehicles in any manner involved in accidents resulting in death or personal injury or "damage to the property of any one person, including himself, to an apparent extent in excess of \$100". The Hawaii law requires the report, in writing or in person, to be made to the chief of police at the earliest practical time, and in any event within twenty-four hours after the accident. It further provides that a report is not required under the Safety Responsibility Act if a report is made pursuant to any ordinance or other provision or requirement of law.

UVC 10-107 Written Report of Accident by Drivers or Owners.

(b) The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

HONOLULU: 15-5.7 (2) Subsequent Reports of Accidents.

The police department may require any driver of a vehicle involved in an accident of which a report must be made as provided herein to file supplemental reports whenever the original report is insufficient in the opinion of the said department and may require witnesses of accidents to render reports to the said department. (Comparable to UVC before 1962 amendment.)

HAWAII: 4-1 Immediate Notice of Accident.

. . . The police department may require any driver of any vehicle involved in an accident of which a report must be made as required in this section, to file supplemental reports.

MAUI: None

KAUAI: 5-106 (2) Immediate Report of Accidents.

(Comparable to the UVC provision, except no specification that the supplemental reports be written.)

Comment: Under the Motor Vehicle Safety Responsibility Act, the supplemental report provision is "The operator, occupant and registered owner shall furnish such additional relevant information as the chief of police shall require"

UVC 10-107 Written Report of Accident by Drivers or Owners.

(c) A written accident report is not required under this Chapter from any person who is physically incapable of making a report during the period of such incapacity.

(d) Whenever the driver is physically incapable of making a written report of an accident as required in this section and such driver is not the owner of the vehicle then the owner of the vehicle involved in such accident shall within 10 days after the accident make such report not made by the driver.

HONOLULU: 15-5.11 When Drivers Unable to Report.

• (Paragraph (1) comparable to UVC 10-107 (c), except it does not specify that the accident report must be in writing; and paragraph (3) comparable to UVC 10-107 (d), except the time within which the owner must report is "5 days after learning of the accident" instead of "10 days after the accident".)

HAWAII: 4-2 (b) When Drivers Unable to Report.

(Nothing comparable to UVC 10-107 (c); subsection (b) is comparable to UVC 10-107 (d), except it does not specify that the accident report must be in writing and the time within which the owner must report is "24 hours after learning of the accident" instead of "10 days after the accident".)

MAUI: 10-5.5 Immediate Reports of Accidents.

(Nothing comparable to UVC 10-107 (c).) Subsection (2) Whenever the operator of a vehicle is physically incapable of making an immediate or a written report of an accident and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report not made by the operator.

KAUAI: 5-108 When Drivers Unable to Report.

Whenever the driver is physically incapable of reporting an accident, the duty to report falls upon an occupant of the vehicle if any. If there is no occupant, then the owner of the vehicle must report the accident. In any event, the driver of the vehicle must report the accident, if there is no occupant or owner, after the period of incapacity to report is over.

Comment: The Motor Vehicle Safety Responsibility Act in section 287-4 HRS provides:

If the operator is physically incapable of making the report any other occupant in the vehicle at the time of the accident capable of making the report shall make or cause to be made the report not made by the driver, and the registered owner of the motor vehicle involved in the accident shall, unless the report is filed, within ten days after learning of the accident make the report.

Since the accident report requirements of the State law are included in the Motor Vehicle Safety Responsibility Act, it is not necessary to repeat them in a general accident report law; moreover, it is preferable for the purposes of intrastate uniformity and record keeping that one form for accident reports be devised and used whether in connection with safety responsibility or with general accident reporting requirements.

UVC 10-107 Written Report of Accident by Drivers or Owners.

(e) All written reports required in this section to be forwarded to the department by drivers or owners of vehicles involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other State agencies having use for the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

(f) No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating officers. The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of section 10-108.

HONOLULU: 15-5.10 Accident Reports Confidential.

All accident reports in writing made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other City and County agencies having use for the records for accident prevention purposes, except that the police department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the police department shall furnish upon demand of any person who has, or claims to have made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the police department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the police department. (Comparable to the 1938 version of the UVC.)

HAWAII: None

MAUI: None

KAUAI: None

Comment: The Motor Vehicle Safety Responsibility Act in section 287-14 HRS provides:

Matters not to be evidence in civil court. Neither the report required by section 287-4, the action taken by the chief of police pursuant to this chapter, the findings of the chief of police upon which the action is based, nor the security filed as provided in this chapter shall be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action to recover damages.

It is assumed that in Hawaii (as in Georgia, Louisiana, Maryland, Michigan, Missouri, Nevada, and South Dakota) such accident reports are admissible in criminal proceedings if they are otherwise admissible in evidence.

UVC 10-108 False Reports.

Any person who gives information in oral or written reports as required in this Chapter knowing or having reason to believe that such information is false shall be fined, upon conviction, not more than \$1,000, or imprisoned for not more than 1 year, or both.

HONOLULU: None

HAWAII: 4-5 False Reports.

(Comparable to the UVC provision, except the maximum penalty is \$500 fine.)

MAUI: 10-5.5 Immediate Reports of Accidents.

. . . (3) It shall be unlawful for any person to knowingly make a false report of any accident to any police officers. It shall be unlawful for any person knowingly to give false information or misrepresent facts to any police officer relative to a traffic accident. (Maximum penalty - \$100 fine for first offense and \$250 for subsequent offenses.)

KAUAI: None

Comment: The Motor Vehicle Safety Responsibility Act provision in section 287-44 (c) HRS is comparable to the UVC provision.

UVC 10-109 Penalty for Failure to Report.

The commissioner shall suspend the license or permit to drive and any nonresident operating privileges of any person

failing to report an accident as herein provided until such report has been filed, and the commissioner may extend such suspension not to exceed 30 days. Any person who shall fail to make a written report as required in this Chapter and who shall fail to file such report with the department within the time prescribed shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 17-101. (17-101 provides for maximum penalties for misdemeanors - \$100 fine or 10 days imprisonment for a first conviction; \$200 fine or 20 days imprisonment, or both, for a second offense within one year; \$500 fine or 6 months imprisonment, or both, for subsequent offenses within one year of the first offense.)

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The Motor Vehicle Safety Responsibility Act provisions in section 287-44 (a) and (b) HRS are comparable to the UVC provisions, except the Hawaii law does not refer to "nonresident operating privileges," and the maximum penalty for failure to report is a \$1,000 fine or 1 year imprisonment, or both.

In addition, under the point system, 3 to 6 points are assessed for driving while license is suspended or revoked, including safety responsibility violations (section 286-128 (2) HRS), and 1 to 4 points are assessed for failure to report an accident immediately (section 286-128 (7) HRS.)

UVC 10-110 State Bureau of Vital Statistics to Report.

The state bureau of vital statistics (or other state agency keeping records of death) shall on or before the 10th day of each month report in writing to the department the death of any person resulting from a vehicle accident, giving the time and place of accident and the circumstances relating thereto.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: Although there is no single provision in the state law specifically requiring periodic reports from the bureau of vital statistics to a state department of motor vehicles, the provisions of Chapter 338, Part I HRS, dealing with the State Public Health Statistics Act together with Chapter 286, Part VIII, HRS, providing for a statewide traffic records system, accomplish the substance and objectives of the UVC provision.

UVC 10-111 Garage to Report.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which written report must be made by the driver thereof as provided in section 10-107, or struck by any bullet, shall report to the local police department if such garage is located within a municipality, otherwise to the office of the county sheriff or the nearest office of the (State Highway Patrol, State Police), within 24 hours after such motor vehicle is received by the garage or

repair shop, giving the vehicle identification number, registration number, and the name and address of the owner or driver of such vehicle.

HONOLULU: 15-5.9 Garages to Report.

(Comparable to the UVC provision, except "engine number" is used instead of "vehicle identification number" as was the case in the UVC prior to a 1968 amendment.)

HAWAII: 4-3 Garage Keeper to Report on Accidents.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident resulting in damages to an apparent extent of one hundred dollars or more or struck by any bullet shall report to the police department immediately after such vehicle is received giving the license number and engine number of the vehicle and the name and address of the owner or driver of such vehicle, excepting motor vehicles to which have been affixed an official Damaged Vehicle Sticker showing the extent of damages, date of occurrence, and license number. This sticker shall remain affixed to the motor vehicle until repairs have been completed.

MAUI: 10-5.7 Garages to Report.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made, as provided in section 10-5.5 herein, or struck by a bullet, shall report to the police department within twenty-four hours after such motor vehicle is received and prior to the time of starting any repair work on said vehicle, giving the engine number, license number, the name and address of the owner or driver of such vehicle and the extent of damages.

KAUAI: 5-107 Garage Keeper to Report on Accidents.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the police department immediately after such vehicle is received giving the license number and engine number of the vehicle and name and address of the owner or driver of such vehicle.

Comment: The several variations in the counties' provisions on accident reports by garages is illustrative of existing legal barriers to obtaining sound data on motor vehicle accidents.

UVC 10-112 Police to Report.

(a) Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this Chapter, or who otherwise prepares a written report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall forward a written report of such accident to the department within 10 days after his investigation of the accident.

(b) Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential.

HONOLULU: 15-5.7 Subsequent Reports of Accidents.

. . . (3) Every law enforcement officer who, in the regular course of duty, investigate a motor vehicle accident of which report must be made as provided herein, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall, within 24 hours

after completing such investigation, forward a written report of such accident to the police department.

(Comparable to the 1938 version of the UVC provision, except that under the UVC, such reports were required to be made to the Department of Motor Vehicles (or appropriate state agency) rather than to the police department.)

In addition, the Charter of the City and County of Honolulu provides:

Section 12-110 Records and meetings open to public.

1. All books and records of every agency of the city shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same, and paying or tendering a reasonable fee to be fixed by the council for such copies or extracts; but the records of the police department or of the prosecuting attorney shall not be subject to such inspection unless permission is given by the chief of police or the prosecuting attorney, except in the case of traffic accidents where such records, including all statements taken, shall after the termination of any criminal proceeding arising out of any such accident, or in any event after six months from the date of such accident, be available for inspection by the parties directly concerned in such accident or their duly licensed attorneys acting under written authority signed by either party. Any person who may sue because of death resulting from any such accident shall be deemed a party directly concerned.

HAWAII: None

MAUI: None

KAUAI: None

Comment: The general objective of subsection (a) of the UVC provision is provided for under Chapter 286, Part VIII, HRS, which provides for a statewide traffic records system; however, neither the law nor any regulation promulgated with respect to the statewide traffic records system contains the specific requirements of the UVC e.g. applicability to investigations of "vehicle" accidents, requirement of written reports by law enforcement officers whether or not the accident is reportable and whether or not the investigation is in the regular course of duty of the law enforcement officer, and requirement that the written reports be forwarded to the state agency within ten days after investigation by a law enforcement agency.

No law in the State deals specifically with the privileged or non-privileged nature of written accident reports of law enforcement officers. The general law on availability of public records is set forth in section 92-4 HRS:

Public records; available for inspection; cost of copies. All public records shall be available for inspection by any person during established office hours unless public inspection of such records is in violation of any other state or federal law, provided that, except where such records are open under any rule of court, the attorney general and the responsible attorneys of the various counties may determine which records in their offices may be withheld from public inspection when such records pertain to the preparation of the prosecution or defense of any action or proceeding, prior to its commencement, to which the State or county is or may be a party, or when such records do not relate to a matter in violation of law and are deemed necessary for the protection of the character or reputation of any person.

Certified copies of extracts from public records shall be given by the officer having the same in custody to any person demanding the same and paying or tendering 20 cents a folio of one hundred words for such copies or extracts.

UVC 10-113 Accident Report Forms.

(a) The department shall prepare and upon request supply to police departments, sheriffs, and other appropriate agencies or individuals, forms for written accident reports as required

in this Chapter and in Chapter 7, suitable with respect to the persons required to make such reports and the purposes to be served. The written reports shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all the information required therein unless not available.

(Chapter 7 of UVC is Financial Responsibility.)

HONOLULU: 15-5.8 Accident Report Forms.

- (1) The police department shall prepare and upon request supply to garages and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to such accidents the causes, conditions then existing, and the persons and vehicles involved.
- (2) Every accident report required to be made in writing shall be made on the appropriate form approved by the police department and shall contain all of the information required therein unless unavailable.

(Comparable to the 1938 version of the UVC provision.)

HAWAII: None

MAUI: 10-5.6 Accident Report Forms.

The police department shall prepare and, upon request, supply to garages and other suitable agencies or individuals forms for accident reports required hereunder appropriate with respect to the persons required to make such reports and the purposes to be served.

KAUAI: None

Comment: The Motor Vehicle Safety Responsibility Act provides in section 287-4 HRS, "The report, the form of which shall be prescribed by the chief of police, shall contain information to enable the chief of police to determine" the financial responsibility requirements. Chapter 286, Part VIII, HRS, providing for a statewide traffic records system, is also available for implementing the objectives of the UVC provision.

UVC 10-114 Department to Tabulate and Analyze Accident Reports.

The department shall tabulate and may analyze all accident reports received in connection with this Chapter and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of vehicle accidents.

HONOLULU: 15-5.12 Police Department to Tabulate and Analyze Accident Reports.

The police department shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

HAWAII: None

MAUI: None

KAUAI: None

Comment: The substance of the UVC provision is included within Chapter 286, Part VIII, HRS, providing for a statewide traffic records system.

UVC 10-115 Any Local Authority May Require Accident Reports.

Any local authority may by ordinance require that the driver of a vehicle involved in an accident, or the owner of such vehicle, shall also file with the designated municipal department a written report of such accident or a copy of any report herein required to be filed with the department on accidents occurring within their jurisdiction. All such reports shall be for the confidential use of the municipal department and subject to the provisions of section 10-107 of this Act.

Comment: Tacit authorization of county accident report requirements is in the Motor Vehicle Safety Responsibility Act; section 287-4 HRS provides ". . . If the reports required hereunder are made pursuant to any ordinance or other provisions or requirement of law, no additional report, except as specifically provided herein, shall be required hereby". As to whether such reports are privileged and confidential, see UVC 10-112.

C. CHAPTER 11, UVC
RULES OF THE ROAD

UVC ARTICLE I - OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

UVC 11-101 Provisions of Chapter Refer to Vehicles Upon the Highways - Exceptions

The provisions of this Chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of Article IX and Chapter 10 shall apply upon highways and elsewhere throughout the State.

HONOLULU: 15-1.1 Purpose of Ordinance.

The provisions hereinafter set forth are to provide for the regulation of traffic upon the public streets of the City and County of Honolulu, and such private streets, highways, or thoroughfares which for more than five (5) years have been continuously used by the general public

HAWAII: Ordinance No. 39, An Ordinance Regulating Traffic Upon the Public Street and Highways of the County of Hawaii

. . . .

MAUI: 10-1.2 Purpose.

The provisions hereinafter set forth in this ordinance are necessary to secure an adequate and improved code for the regulation and control of traffic upon the streets and highways of the county of Maui.

KAUAI: 1-101 Purpose.

(Comparable to the Honolulu provision.)

Comment: See Comment to UVC 10-101.

UVC 11-102 Required Obedience to Traffic Laws.

It is unlawful and, unless otherwise declared in this Chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Chapter.

HONOLULU: 15-4.2 Misdemeanor to Violate Traffic Regulations.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Traffic Code.

HAWAII: 3-2 Required Obedience to Traffic Laws.

Any person doing any act forbidden by this ordinance or failing to perform any act required by this ordinance shall be punished as provided in Section 22-3. (Penalties - Any person convicted of a violation of any section or provision of this ordinance shall be punished by a fine of not more than five hundred dollars (\$500).)

MAUI: 10-4.2 Misdemeanor to Violate Traffic Regulations.

(Comparable to the Honolulu provision.)

KAUAI: 4-103 Required Public Obedience to Traffic Regulations.

(Comparable to the Honolulu provision.)

Comment: The county ordinances generally comply with the intent of the UVC provision. The county of Hawaii also refers to the general provision setting a maximum penalty of \$500 for violation of its traffic code.

UVC 11-103 Obedience to Police Officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

HONOLULU: 15-4.3 Obedience to Police Officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, officers of the fire department when authorized to direct traffic as provided herein, or any other persons authorized to direct, control, or regulate traffic.

HAWAII: 3-3 Obedience to Police and Fire Officials.

No person shall fail to comply with any lawful order or direction of a police officer or fire department official.

MAUI: 10-4.3 Obedience to Police Officer.

(Comparable to the UVC provision.)

KAUAI: 4-101 Authority of Chief of Police and Police Department.

(1) . . . and it shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer.

4-102 Authority of the Fire Department.

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Comment: The county ordinances are generally comparable to the UVC. The county ordinances of Honolulu, Hawaii, and Kauai specifically include fire department officials, and the Honolulu ordinance goes further and includes "any persons authorized to direct, control, or regulate traffic".

UVC 11-104 Persons Riding Animals or Driving Animal-Drawn Vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except those provisions of this Chapter which by their very nature can have no application.

HONOLULU: 15-4.6 Persons Propelling Push-Carts or Riding Animals to Obey Traffic Regulations.

Every person propelling any push-cart or ricksha or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Traffic Code applicable to the driver of any vehicle, except those provisions which by their very nature can have no application.

HAWAII: 3-4 Persons Riding Animals or Driving Animal-Drawn Vehicle.

(Comparable to the UVC provision.)

MAUI: 10-4.7 Persons Propelling Push-Carts or Riding Animals to Obey Traffic Regulations.

(Comparable to the Honolulu provision.)

KAUAI: None

Comment: The county ordinances of Honolulu, Hawaii, and Maui comply with the intent of the UVC. The Honolulu and Maui ordinances include human powered devices. Although Kauai does not have a similar ordinance, "vehicle" is defined in its county ordinance to include animals and animal drawn vehicles.

UVC 11-105 Persons Working on Highways - Exceptions.

Unless specifically made applicable, the provisions of this Chapter except those contained in Article IX

hereof shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

HONOLULU: 15-4.4 Public Officers and Employees to Obey Traffic Regulations.

The provisions of this Traffic Code shall apply to the driver of any vehicle owned by or used in the service of the United States government, the State of Hawaii and the City and County of Honolulu, and it shall be unlawful for any such driver to violate any of the provisions of this Traffic Code, except as otherwise permitted in this Traffic Code or by any other ordinance of the City and County of Honolulu or by any federal or state law.

HAWAII: 3-6 Public Employees to Obey Traffic Regulations.

(Comparable to the Honolulu provision.)

MAUI: 10-4.5 Public Officers and Employees to Obey Traffic Regulations.

(Comparable to the Honolulu provision.)

KAUAI: 4-104 Public Employees to Obey Traffic Regulations.

(Comparable to the Honolulu provision.)

Comment: The county ordinances are comparable to the first portion of the 1930 UVC provision: "Public Employees to Obey Traffic Regulations [Drivers of State, County and City Vehicles Subject to Provisions of the Act.] The provisions of this Act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town district or any other political subdivision of the state,"

Unlike the 1930 UVC provision, which goes on to mention persons working on highways, the county ordinances of Honolulu, Maui, and Kauai do not refer to such persons. The county ordinance of Hawaii provides for highway maintenance vehicles under Section 3-7 Authorized Emergency and Special Hazard Vehicles (e): "The operator of a special hazard vehicle may drive or park said vehicle contrary to the provisions of this ordinance when such operation or parking is essential to public safety and does not endanger other users of the highways."

"Special Hazard Vehicles" are defined in the Hawaii Ordinance to include highway maintenance vehicles.

UVC 11-106 Authorized Emergency Vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this Chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the maximum speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of Section 12-401(d) and visual signals meeting the

requirements of Section 12-218 of this Act, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

HONOLULU: 15-4.5 Exemptions to Authorized Emergency Vehicles.

(1) The provisions of this Traffic Code regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, as hereinbefore defined; except as follows:

A driver when operating any such vehicle in an emergency, except when otherwise directed by a police officer may -

- (a) Park or stand notwithstanding the provisions of this Traffic Code;
- (b) Proceed past a red light or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the speed limits so long as he does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(2) The exemptions provided for herein with reference to the movement of an authorized emergency vehicle shall

apply only when the driver of said vehicle sounds a siren, bell or exhaust whistle as may be reasonably necessary, and the vehicle displays a lighted red lamp, or in the case of the Honolulu Police Department only, a lighted blue lamp, visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle as a warning to others.

(3) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his ordinary negligence or reckless disregard of the safety and property rights of others.

HAWAII: 3-7 Authorized Emergency and Special Hazard Vehicles.

(Comparable to the UVC provision with the following addition:

(e) The operator of a special hazard vehicle may drive or park said vehicle contrary to the provisions of this ordinance when such operation or parking is essential to public safety and does not endanger other users of the highways.)

MAUI: 10-4.6 Exemptions to Authorized Emergency Vehicles.

(Comparable to Honolulu provision but does not include provisions for visual signals.)

KAUAI: 4-105 Exemptions to Authorized Emergency Vehicles.

(Comparable to the Honolulu provision with the following addition: (3) In the event the authorized emergency vehicle is not equipped with a siren, whistle, bell or red or blue lamp, then said vehicle shall constantly sound its horn and display its head lights. Whenever possible, the driver of

such emergency vehicle shall secure the assistance of a police officer while traveling to its destination.)

Comment: All of the county ordinances generally comply with the intent of the UVC provision. The county ordinances of Honolulu, Maui, and Kauai do not include the introductory subsection (d) of the UVC provision. The Maui ordinance does not specify the necessity of a visual signal on an emergency vehicle. The Kauai ordinance includes the kinds of audible and visual signals which are to be used in the event that an authorized emergency vehicle is not equipped with standard emergency signals. For inclusion of Special Hazard Vehicles in this section of the Hawaii Ordinance, see the Comment to UVC 11-105.

UVC ARTICLE II - TRAFFIC SIGNS, SIGNALS AND MARKINGS

UVC 11-201 Obedience to and Required Traffic-Control Devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act.

(b) No provision of this Act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this Act, such devices shall be presumed to have

been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to the provisions of this Act and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Act, unless the contrary shall be established by competent evidence.

HONOLULU: 15-6.1 Obedience to Official Traffic Control Devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed or erected in accordance with the provisions of this Code; provided that, at any intersection where both stop signs and traffic signal lights have been erected or installed, the driver of any vehicle shall operate his vehicle in conformity with the traffic signal lights whenever said traffic signal lights are in operation, unless otherwise directed by a police officer or any other persons authorized to direct, control, or regulate traffic; and provided further that the provisions of this subsection shall not be deemed to affect the exemptions granted to the driver of an authorized emergency vehicle.

15-6.2 Traffic Devices Required for Enforcement Purposes.

(1) When the use of signs, signals, pavement markings or other traffic control devices is expressly required by any provisions of this Traffic Code to be placed at the particular locations involved to give notice of the existence

and application or operation of any such provision, there shall be no prosecution for violation of such provisions, unless at the time and place of the alleged violation such signs, signals, pavement markings or other official traffic control devices were placed in accordance with the requirement of such provision and were sufficiently legible or understandable to a person of ordinary understanding or observation. Whenever any particular provision of this Traffic Code does not state that signs, signals, pavement markings or other traffic control devices are required, such provision shall be effective even though no signs, signals, pavement markings or other traffic control devices are erected or in place.

(2) All signs, signals, pavement markings or other traffic control devices placed or erected on streets and highways shall be deemed official, i.e. authorized by the City Council or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(2A) Any provision of this Traffic Code to the contrary notwithstanding, all types of signs, signals and markings, whether in conformity with the standards of the American Association of State Highway Officials or not, installed by the Traffic Engineer prior to April 11, 1967 and in use on said date, for the purpose of regulating, warning or guiding traffic, are hereby approved and designated as official traffic control devices.

(3) The installation and use of traffic signal lights is hereby authorized at the streets and intersections described in Schedule I attached hereto and made a part hereof.

HAWAII: 5-1 Obedience to and Required Traffic-Control Devices.

(Comparable to the UVC provision but specifies that pedestrians shall also obey traffic-control devices.)

MAUI: 10-6.1 Obedience to Official Traffic-Control Devices.

10-6.2 When Traffic Devices are Required for Enforcement Purposes.

(Comparable to the Honolulu provision but does not include the situation where both stop signs and traffic signal lights have been erected or installed at an intersection.)

KAUAI: 6-101 Obedience to Official Traffic-Control Devices.

(Comparable to the UVC provision but specifies that pedestrians shall also obey traffic-control devices.)

6-102 Traffic Devices Required for Enforcement Purposes.

(Comparable to subsections (1) and (2) of Section 15-6.2 of the Honolulu provision.)

Comment: All of the county ordinances have generally complied with the intent of the UVC provision. The county ordinances of Honolulu, Maui, and Kauai have used two sections (Obedience to Official Traffic Control Devices and Traffic Devices Required for Enforcement Purposes) to comply with the intent of the single UVC provision. The county ordinances of Kauai and Hawaii specify that pedestrians shall also obey traffic-control devices. The Honolulu ordinance specifies that when both stop signs and traffic signal lights have been erected or installed at any intersection, the driver of any vehicle shall obey the traffic signal lights when they are in operation.

UVC 11-202 Traffic-Control Signal Legend.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication

- (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (2) Vehicular traffic facing a green arrow signal shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
(It is recommended that the display of a turning green arrow alone or with another indication should indicate that during this display the turning movement is not

interfered with by oncoming traffic, which simultaneously should face a red signal.)

(3) Unless otherwise directed by a pedestrian control signal, as provided in section 11-203, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication. (It is recommended that the color yellow be used only before red. If yellow is used following the red, traffic facing the signal has a tendency to start before the green signal appears, causing interference with cross traffic clearing the intersection.)

(1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in section 11-203, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication

(1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or

if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsection (c) 2.

- (2) When a sign is in place permitting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn indicated by such sign after stopping as required by subsection (c) 1. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless otherwise directed by a pedestrian control signal as provided in section 11-203, pedestrians facing a steady red signal alone shall not enter the roadway.

(d) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

HONOLULU: 15-6.4 Traffic Control Signal Legend.

Whenever traffic controlled by traffic control signals exhibiting the words "Go", "Caution", or "Stop", or exhibiting different colored lights successively, one at a time, or with arrows, the following colors only shall

be used and said words and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone or "Go".

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone or "Caution" when shown following the Green or "Go" signal.

(a) Vehicular traffic facing the signal is thereby warned that the Red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the Red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal are thereby warned that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) Red alone or "Stop".

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the

near side of the intersection or, if none, then before entering the intersection, and shall remain standing until the green or "Go" signal is exhibited alone; provided,

(1) Where no sign has been erected at such intersection prohibiting right turns against a red signal, vehicular traffic facing such signal, after first coming to a complete stop as specified above, may enter the intersection with caution from the right lane to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection; and

(2) At intersections of two one-way streets where no sign has been erected at such intersection prohibiting right or left turns, as the case may be, against a red signal, vehicular traffic facing such signal, after first coming to a complete stop, as specified above, may enter the intersection with caution from the right or left lane to make a right or left turn, respectively, in the direction of the one-way flow of traffic, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection.

(b) No pedestrian facing such signal shall enter the roadway within a crosswalk or otherwise.

(c) Right or left turns against a red signal at the designated intersections described in Schedule III attached hereto and made a part hereof, are prohibited, effective upon the erection of signs indicating such prohibition.

(4) Red with green arrow.

(a) Vehicular traffic facing such signal may enter the intersection with caution only to make the movement in the direction indicated by such green arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) No pedestrian facing such signal shall enter the roadway whether in a crosswalk or otherwise.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions hereinabove set forth shall be applicable except as to those provisions which by their nature can have no application.

(6) Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the nearest crosswalk at the intersection, or at the prolongation of the property lines.

HAWAII: 5-2 Traffic-Control Signal Legend.

(Comparable to the UVC provision with the following exceptions:

(b) Steady Yellow indication

(1) Vehicular traffic facing the signal is thereby warned that the Red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall stop before entering the intersection when the Yellow or "Caution" signal is exhibited; provided, however, that if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(c) Steady Red indication

(1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection, and shall remain standing until Green or "Go" is shown alone; provided, however, the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection in obedience to a red or "stop" signal, may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection. The Board of Supervisors may by resolution prohibit any such turn against a red or "stop" signal at any intersection, provided a sign is erected at such intersection giving notice thereof.)

MAUI: 10-6.3 Traffic-Control Signal.

(Comparable to the Honolulu provision but does not include the provision permitting a right turn against a red signal at intersections where no sign has been erected prohibiting such a turn or a right or left turn, as the case may be, at intersections of two one way streets where no sign has been erected prohibiting right or left turns.)

KAUAI: 6-103 Traffic Control Signal Legend

(Comparable to the Honolulu provision but does not include a provision for vehicular or pedestrian traffic facing a red with green arrow signal. The provision for an official traffic control signal erected at a place other than an intersection and the provision for a required stop at a sign or marking on the pavement indicating where the stop shall be made, or, in the absence of any such sign or marking, a required stop to be made at the nearest crosswalk at the intersection, or at the prolongation of the property line are not included in the Kauai ordinance.)

Comment: The UVC provision has been amended several times and the county ordinances reflect the intent of the Code from time to time. The initial section of the Honolulu, Maui, and Kauai ordinances conforms to the edition of the UVC predating 1962 when word legends were specified as a means of conveying instructions to drivers. The revision of the UVC in 1962, however, authorized the use of word legends only for pedestrians traffic control. The Hawaii ordinance complies with this revision.

The Honolulu and Maui ordinances include a section dealing with a red with green arrow signal. This section conforms to the UVC as it appeared in 1938. The 1962 Revision of the UVC contemplates that a green arrow may be used in combination with a red signal, yellow signal, by itself, or

with other green arrows. The Hawaii ordinance complies with this intent. The Kauai ordinance makes no provision for any such combination of signals.

The county provisions under the yellow signal sections again reflect the intent of various revisions of the UVC. The Hawaii provision complies with the UVC as it appeared in 1934. The intent of the UVC at that time was, that as a general rule, drivers should not proceed through the intersection on a yellow signal. The Honolulu, Maui, and Kauai provisions comply with the 1944 revision. The UVC as revised in 1962 deleted the words "or be crossing" which appeared in the 1944 revision so that a driver may now legally enter the intersection on a yellow signal and lawfully continue across it even though a red signal may be shown during the time of such crossing. The provision for pedestrians facing a yellow signal was also revised in 1962 so that a pedestrian may not legally begin to cross the roadway on a yellow signal. The Hawaii ordinance complies with this intent. The Honolulu, Maui, and Kauai ordinances reflect the intent of the UVC from 1934 to 1956 when a pedestrian could begin to cross on a yellow signal if he yielded the right-of-way to vehicles.

Turning on a Red Light - The Honolulu, Hawaii, and Kauai ordinances provide for a right turn against a red signal after a vehicle has made a complete stop if no sign has been erected at such intersection prohibiting such right turns. The Honolulu ordinance furthermore specifies that a right or left turn may be made against a red signal, as the case may be, at intersections of two one-way streets after a vehicle has made a complete stop if no sign has been erected at the intersection prohibiting such a turn. The Maui ordinance makes no provision for any turn against a red signal. The county ordinances providing for turns against a red signal differ from the UVC provision in that the UVC authorizes turns against a red signal only when a sign is in place permitting such a turn. The UVC provision complies with the Manual on Uniform Traffic Control Devices, U. S. Department of Transportation, Bureau of Public Roads, page 162:

Permitting . . . right or left turns during . . . the red signal without a modifying arrow or sign is not recommended.

Other reasons for allowing a turn only when a sign permits it are:

First, the existence of a sign permitting the turn is less confusing to drivers and overcomes their reluctance to make the turn in traffic situations where it would be safe to do so. These factors are of paramount importance in view of the fact that most drivers are not accustomed to making a right or left turn against an unmodified red light. Second, the rule allowing such turns unless prohibited by a sign would require the erection of many prohibitory signs in urban areas. Third, requiring the presence of a sign authorizing the turn is consistent with the Manual on Uniform Traffic Control Devices.

Allowing drivers to turn on a red light in compliance with a sign has many advantages. It of course reduces unnecessary congestion and delay by encouraging the maximum use of available highway space near the intersection at any given time. Though the creation of a special turn lane is probably the most desirable method of expediting the safe movement of traffic, the cost of this approach is considerably higher than installation of a sign and may often be impractical, particularly in urban areas. Further, as to relative cost, the installation of a sign is generally far less expensive than turn arrow signals and may, at some intersections, provide greater flexibility in the control and movement of traffic. (Discussed in Traffic Laws Commentary, National Committee on Uniform Traffic Laws and Ordinances, October 31, 1968, pp. 2-3.)

The county ordinances of Honolulu and Maui generally conform with 11-202 (d) of the UVC. The Honolulu and Maui provisions differ only in that any required stop, in the absence of a sign or marking on the pavement indicating where the stop shall be made, must be made at the nearest crosswalk at the intersection, or at the prolongation of the property lines. A motorist may have difficulty determining the point of prolongation of the property lines. The Kauai ordinance has no provision similar to UVC 11-202 (d). The Hawaii ordinance conforms with this section of the UVC.

UVC 11-203 Pedestrian Control Signals.

Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows: (In

states where pedestrian control signals using the "Wait" legend are still in use, authorization for them should be continued in the law until they are replaced by signals using the "Don't Walk" legend.)

(a) Walk. - Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(b) Don't Walk. - No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

HONOLULU: 15-6.5 Pedestrian Control Signals.

Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk", or exhibiting different colored lights successively one at a time, the following colors only shall be used and said words and lights shall indicate and apply to pedestrians as follows:

(1) Green or "Walk."

Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by drivers of all vehicles.

(2) Red, "Wait" or "Don't Walk."

No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his

crossing on the Green or "Walk" signal shall proceed to a sidewalk or safety island while the Red, "Wait" or "Don't Walk" signal is showing.

HAWAII: 5-3 Pedestrian Control Signals.

(Comparable to the UVC provision.)

MAUI: 10-6.4 Pedestrian Control Signals.

(Comparable to the Honolulu provision, except that only the words "Walk" or "Wait" are used. The words "Don't Walk" are not mentioned.)

KAUAI: 6-104 Pedestrian Control Signals.

(Comparable to the Honolulu provision but includes the following:

(3) Warning Lights at Mid-Block Crosswalk

Whenever distinctive amber colored lamps are placed at mid-block crosswalks, they shall require vehicle drivers to exercise caution when approaching such crosswalks.

This provision is included in the Honolulu and Maui codes under a separate section.)

Comment: The county ordinances generally comply with the UVC provision. The major difference between the county ordinances of Honolulu, Maui, and Kauai and the UVC is that the counties authorize the use of red and green colors without words to convey instructions to pedestrians. The Hawaii ordinance conforms to the UVC standard of using words alone to convey instructions. The use of the words "Walk" and "Wait" in the Maui ordinance reflects the UVC as it appeared in 1938. The Honolulu and Kauai ordinances, using the words "Walk", "Wait" or "Don't Walk", reflect the UVC as it

appeared in 1952. The Hawaii ordinance, using only the words "Walk" and "Don't Walk", reflect the 1962 version of the UVC. The Kauai ordinance provides for a special warning lamp to drivers at mid-block crosswalks.

UVC 11-204 Flashing Signals.

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). - When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). - When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signals only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 11-701 of this Act.

HONOLULU: 15-6.7 Flashing Signals.

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signals only with caution.

HAWAII: 5-4 Flashing Signals.

(Comparable to the Honolulu provision, except that it specifies that in the absence of a near crosswalk or marked limit line, a driver shall stop before entering the intersection.)

MAUI: 10-6.6 Flashing Signals.

(Comparable to the Honolulu provision.)

KAUAI: 6-105 Flashing Signals.

(Comparable to the Honolulu provision with the following addition:

(3) Flashing red or yellow (temporary police road block)

When a red or yellow lens is illuminated with rapid alternating intermittent flashes from a temporary police road block mechanism, drivers of vehicles shall stop at

or adjacent to the mechanism and shall proceed thereafter upon receiving instructions from the police officers.)

Comment: The county ordinances generally comply with the intent of the UVC. However, they do not contain the provision for railroad grade crossings which was added to the UVC in 1952. The ordinances of Honolulu, Maui, and Kauai do not include the UVC provision for stopping at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in the absence of a near crosswalk or marked stop or limit line. The Hawaii ordinance which includes stopping before entering the intersection reflects the UVC as it appeared in 1948. The Kauai ordinance includes a provision for flashing signals indicating a temporary police road block.

UVC 11-204.1 Lane-Direction-Control Signals.

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

HONOLULU: 15-6.12 Traffic Lane Markings.

(1) Whenever traffic is controlled by pavement markings, such markings shall be white in color, except on state and federal-aid highways, where the color shall be either white or yellow or both.

(2) When a broken line is used for a center or lane line, such a line is a guide line and may not be crossed by vehicular traffic, unless such movement can be made with safety.

(3) When a single solid or a double solid line is used for a center or lane line, the line is of regulatory character and is not to be crossed by vehicular traffic except when turning into or out of private driveways or intersecting highways or when directed by a police officer or any other persons authorized to direct, control, or regulate traffic or when such streets are traffic coned to allow additional lanes at times of emergency or peak traffic hours.

(4) Whenever a combination of solid and broken lines is used, any solid line appearing in the same lane in which the vehicle is traveling shall not be crossed at any time, except when turning into or out of private driveways or roads, or intersecting streets or highways, and, any broken line appearing in the same lane in which the vehicle is traveling may be crossed at any time.

(5) When traffic cones are used by proper authority to temporarily control the flow of traffic in lanes other than designated by the permanent pavement markings, the lines designated by the cones shall have the same regulatory effect as the permanent markings.

HAWAII: None

MAUI: 10-6.11 Traffic Lane Markings.

(Comparable to the Honolulu provision with the following exceptions: (1) The Maui ordinance does not designate the color of the lane markings but states that such marking shall be controlled as set forth in the manual of Uniform Control Devices published by the American Association of State Highway Officials.

(2) The Maui ordinance allows vehicular traffic to cross a broken line used for a center or lane line while the Honolulu ordinance states that such a crossing may only be made if it can be done with safety. (3) The Maui ordinance does not include the provision for crossing a single or a double solid line when directed by a police officer or any other persons authorized to direct, control, or regulate traffic.)

KAUAI: 6-108 Traffic Lane Markings.

(Comparable to the Honolulu provision.)

Comment: The county ordinances do not include a section similar to the UVC provision on lane-direction-control signals. The counties of Honolulu, Maui, and Kauai have substituted sections on Traffic Lane Markings in lieu of the UVC provision. The Hawaii ordinance does not include a section similar either to the UVC provision or similar to the county sections on Traffic Lane Markings. Hawaii does provide that a no passing zone shall be designated by a sign or by a solid yellow line placed at the right-hand element of a combination line along the center or lane line. Although the UVC does not include a standard for lane markings, adoption of a uniform system of lane markings throughout the State may be advisable.

UVC 11-205 Display of Unauthorized Signs, Signals or Markings.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or

railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control-device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

HONOLULU: 15-6.8 Display of Unauthorized Signs, Signals, or Markings.

(Comparable to the UVC provision but does not include the words ". . . or which attempts to direct the movement of traffic, . . ." .)

HAWAII: 5-5 Display of Unauthorized Signs, Signals, or Markings.

(Comparable to the UVC provision but does not include imitations of railroad signs or signals.)

MAUI: 10-6.7 Display of Unauthorized Signs, Signals, or Markings.

(Comparable to the Honolulu provision.)

KAUAI: 6-106 Display of Unauthorized Signs, Signals, or Markings.

(Comparable to the Honolulu provision.)

Comment: The county ordinances generally comply with the intent of the UVC provision. The Hawaii ordinance which does not include imitations of railroad signs reflects the UVC as it appeared in 1930. Section 264-72 HRS provides further control over such signs.

UVC 11-206 Interference with Official Traffic Control Devices or Railroad Signs or Signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

HONOLULU: 15-6.9 Interference with Official Traffic Control Devices or Railroad Signs or Signals.

(Comparable to the UVC provision.)

HAWAII: 5-6 Interference with Official Traffic Control Devices.

(Comparable to the UVC provision but includes the word "obstruct". The Hawaii ordinance does not include railroad signs or signals.)

MAUI: 10-6.8 Interference with Official Traffic Control Devices or Railroad Signs or Signals.

(Comparable to the UVC provision.)

KAUAI: 6-109 Interference with Official Traffic Control Devices or Railroad Signs or Signals.

No person shall erect or maintain any red or green light or red or green neon sign within 75 feet of any intersection where traffic is controlled by signal lights without first obtaining a written permit from the Traffic Engineer certifying that such light or sign at the specified location does not constitute undue distraction to a vehicle driver acting in obedience to the directions of the traffic signal lights.

Comment: The county ordinances of Honolulu, Hawaii, and Maui generally conform to the UVC provision. The Kauai ordinance appears to be more in keeping with the intent of the UVC section dealing with the display of unauthorized signs, signals, or markings. Kauai does not have a separate provision to prohibit the obstruction of visibility of traffic signs or signals.

UVC ARTICLE III - DRIVING ON RIGHT SIDE OF ROADWAY - OVERTAKING AND PASSING - USE OF ROADWAY.

UVC 11-301 Drive on Right Side of Roadway - Exceptions

- (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon, or
 4. Upon a roadway restricted to one-way traffic.
- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- (c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control

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

HONOLULU: 15-9.1 Driving on Right Side of Roadway - Exceptions.

- (1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half thereof, except as follows:
 - (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - (b) When the right half of a roadway is closed to traffic while under construction or repair;
 - (c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 - (d) Upon a roadway designated and signposted for one-way traffic;
 - (e) Vehicles of the United States Postal Service while delivering and/or collecting mail matter.
- (2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

HAWAII: 6-1 Driving on Right Side of Roadway-Overtaking and Passing-Use of Roadway.

(Comparable to the UVC provision but does not specify under subsection (c) that a vehicle may cross the center line in making a left turn into or from an alley, private road, or driveway.)

MAUI: 10-9.2 Operate Vehicles Proceeding in Opposite Direction.

(Comparable to the Honolulu provision but does not include the provisions dealing with postal vehicles and vehicles proceeding at less than the normal speed of traffic.)

KAUAI: 9-101 Driving on Right Side of Roadway, Overtaking and Passing.

(Comparable to the Honolulu provision but does not include the exemption of postal vehicles.)

Comment: The county ordinances comply with the general intent of the UVC provision prior to 1962. Honolulu, Maui, and Kauai do not include UVC subsection (c) dealing with roadways having four or more lanes for moving traffic. This subsection was added to the UVC in 1962. The Honolulu, Maui, and Kauai ordinances are not in verbatim conformity to subsection (a) 2 of the UVC provision. The county ordinances instead reflect the UVC subsection as it appeared prior to 1962. The Honolulu ordinance exempts vehicles of the United States Postal Service while delivering or collecting mail matter from the rules governing driving on the right. The Maui ordinance does not provide instructions for vehicles proceeding at less than the normal speed of traffic. The Hawaii ordinance conforms most closely with the intent of the present UVC provision.

UVC 11-302 Passing Vehicles Proceeding in Opposite Directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the maintraveled portion on the roadway as nearly as possible.

HONOLULU: 15-9.3 Passing Vehicles Proceeding in Opposite Directions.

(Comparable to the UVC provision.)

HAWAII: 6-2 Passing Vehicles Proceeding in Opposite Directions.

(Comparable to the UVC provision.)

MAUI: 10-9.2 Passing Vehicles Proceeding in Opposite Directions.

(Comparable to the UVC provision.)

KAUAI: 9-102 Passing Vehicles Proceeding in Opposite Directions.

(Comparable to the UVC provision.)

Comment: Uniformity.

UVC 11-303 Overtaking a Vehicle on the Left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

HONOLULU: 15-9.3 Overtaking a Vehicle on the Left.

(Comparable to the UVC provision.)

HAWAII: 6-3 Overtaking a Vehicle on the Left.

(Comparable to the UVC provision with an additional subsection:

(b) The driver of a vehicle shall not drive to the left of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free from oncoming traffic, for a sufficient distance ahead, to permit such overtaking and passing to be made in safety.

Subsection (b) of the UVC provision appears as subsection (c) in the Hawaii Code.)

MAUI: 10-9.3 Overtaking a Vehicle on the Left - Limitations.

(Comparable to the UVC provision but does not include the introductory phrase "Except when overtaking and passing on the right is permitted," . . . of subsection (b) in the UVC provision.)

KAUAI: 9-104 Overtaking a Vehicle on the Left.

(Comparable to the Hawaii provision but specifies in subsection (1) that the driver of a vehicle shall sound his horn.)

Comment: The county ordinances generally comply with the intent of the UVC provision. The Kauai ordinance which specifies that the driver of an overtaking vehicle shall sound his horn reflects the UVC as it appeared prior to 1934. The UVC at that time required drivers to give an audible signal before any passing movement. At present the UVC requires an audible signal from the overtaking driver only when he expects the driver being passed to give way to the right. The Maui provision in subsection (2), does not include the UVC introductory phrase "Except when overtaking and passing on the right is permitted," reflecting the UVC as it appeared prior to 1934. The Hawaii and Kauai ordinances include an additional subsection which specifies that an overtaking driver shall not drive to the left center of the roadway "unless such left side is clearly

visible and is free from oncoming traffic, for a sufficient distance ahead, . . . This subsection of the Kauai and Hawaii ordinances is included in UVC section 11-305 Limitations on Overtaking on the Left.

UVC 11-304 When Overtaking on the Right is Permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;
2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or maintraveled portion of the roadway.

HONOLULU: 15-9.4 When Overtaking on the Right is Permitted.

(Comparable to the UVC provision but in the subsection which is similar to UVC provision (a) 2 specifies that in addition to "sufficient width", lanes must be marked for two or more lines of moving vehicles in each direction.)

HAWAII: 6-4 When Overtaking on the Right is Permitted.

(Comparable to the UVC with the following exceptions:

Subsection (a) 2 states only that overtaking or passing on the right is allowed "(u)pon a street or highway marked for two or more lanes of moving traffic in each direction,"

The Hawaii ordinance does not contain a provision similar to subsection (b) of the UVC.)

MAUI: 10-9.4 When Overtaking on the Right is Permitted.

(Comparable to the Honolulu provision.)

KAUAI: 9-103 When Overtaking on the Right is Permitted.

(Comparable to the UVC provision.)

Comment: The county ordinances of Honolulu, Maui, and Kauai comply with the general intent of the UVC provision. The Honolulu and Maui ordinances specify that in order to pass on the right, one-way streets excepted, there must be lanes marked for two or more lines of moving vehicles in each direction. The UVC specifies only that there must be sufficient width for two or more lines of moving vehicles in each direction. The Hawaii provision generally reflects the UVC as it appeared in 1930 when passing to the right of a vehicle "making or about to make a left turn" and whenever vehicles were "moving in two or more substantially continuous lines" was authorized. Unlike the 1930 version of the UVC, however, the Hawaii provision permits passing to the right on one-way streets where there is sufficient width for two or more lines of moving vehicles.

UVC 11-305 Limitations on Overtaking on the Left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this article and unless such left side is clearly visible

and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

HONOLULU: 15-9.5 Limitations on Overtaking on the Left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made completely without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

HAWAII: 6-5 Limitations on Overtaing on the Left.

(Comparable to the UVC provision.)

MAUI: 10-9.5 Limitations on Overtaking on the Left.

(Comparable to the Honolulu provision but requires an overtaking vehicle to "return to the right-hand side of the roadway before coming within 200 feet of any vehicle approaching from the opposite direction".)

KAUAI: 9-104 Overtaking a Vehicle on the Left.

Subsection (2) The driver of a vehicle shall not drive to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free from oncoming traffic, for a sufficient distance ahead, to permit such overtaking and passing to be made in safety. (Other than the subsection of 9-104, which covers, in part, UVC 11-305, the Kauai ordinance has no section similar to the UVC provision.)

Comment: The Honolulu ordinance reflects the UVC as it appeared in 1934 to 1956. The addition of the words in the present UVC "unless authorized by the provisions of this article and" and the change from 100 feet to 200 feet were made in 1962. The Hawaii and Maui ordinances reflect the change from 100 feet to 200 feet and generally comply with other specifications of the UVC provision. The Kauai ordinance does not contain a section which complies with the major portion of the UVC provision.

UVC 11-306 Further Limitations on Driving on Left of Center of Roadway.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
2. When approaching within 100 feet or traversing any intersection or railroad grade crossing;
3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in 11-301 (a) 2,

nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

HONOLULU: 15-9.6 Further Limitations on Driving to Left Center of Roadway.

(Comparable to the UVC provision with the following differences:

Subsection (1) (a) similar to UVC subsection (a) 1- prohibits driving to the left of the center line when approaching the crest of a grade but not when upon the crest of a grade, and when upon a curve in the highway but not when approaching such a curve. Subsection (2) similar to UVC subsection (b) - includes exemption only as to one-way roadways.

Subsection (1) (d) of the Honolulu ordinance as follows does not appear in the UVC provision: "On any roadway marked with a single solid or a double solid center line except when streets are traffic coned to allow additional traffic lanes at time of emergency or peak traffic hours".)

HAWAII: 6-6 Further Limitations on Driving to Left of Center of Roadway.

(Comparable to the Honolulu provision with the following differences:

"(a) 2. When approaching within 100 feet of or traversing any intersection where said approach is designated by a solid centerline; . . ."

The Hawaii ordinance also differs in that it does not contain the Honolulu subsection dealing with single or double solid center lines.)

MAUI: 10-9.6 Further Limitations on Operating to Left of Center of the Roadway.

(Comparable to the Honolulu provision but specifies only a solid double center line rather than a single or double solid line.)

KAUAI: 9-105 Further Limitations on Driving to the Left Side of the Center of the Roadway.

(Comparable to the Honolulu provision but does not include the subsection discussing single or double solid center lines.)

Comment: The UVC provision was revised in 1968 so that the section would apply to driving on the left of the center line rather than just to overtaking and passing as the words "driving to left of center of roadway" may imply. The words "or upon" following the word "approaching" were also added in 1968 to extend the kinds of situations where such driving on the left is prohibited. The county ordinances do not provide exceptions for situations when an obstruction exists (11-301 (a) 2) or for drivers turning left into or from an alley, private road, or driveway. The county ordinances generally comply with the intent of the UVC provision prior to the 1968 revision. The counties of Honolulu and Maui specify solid lines as prohibiting driving to the left but the kinds of lines are not uniformly specified. The Hawaii ordinance prohibits driving to the left when approaching within 100 feet of an intersection but only when the approach is marked by a solid center line. The county ordinances of Honolulu, Maui, and Hawaii require reliance on the driver's understanding of lane markings in order to obey their respective codes. (See Comment to UVC 11-204.1 where a need for standard lane markings is discussed.)

UVC 11-307 No-Passing Zones.

(a) The (state highway commission) and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(c) This section does not apply under the conditions described in 11-301 (a) 2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

HONOLULU: 15-9.7 No-Passing Zones.

The Director of Transportation of the State of Hawaii, in the case of State or Federal-aid highways, and the Traffic Engineer of the City and County of Honolulu, in the case of City and County highways, are hereby authorized by the use of signs, markings, or other traffic control devices to establish and indicate a "no-passing zone" on any portion of a highway where the overtaking and passing of another vehicle or the driving to the left of the center line of the roadway would be hazardous. Such signs, markings or other traffic control devices shall clearly indicate the beginning and ending of each "no-passing zone".

It shall be unlawful for any person to overtake and pass another vehicle or to drive to the left of the center line of the roadway within any "no-passing zone" established and indicated as hereinabove provided.

HAWAII: 6-7 No-Passing Zones.

(Comparable to the UVC but specifies the marking used, a solid yellow line. The county ordinance includes the exception of making a left hand turn but not the exception described in

UVC 11-301 (a) 2. The County Engineer and District Engineer are authorized to determine and mark such zones.)

MAUI: 10-9.7 No-Passing Zones.

(Subsection (1) is comparable to the Kauai provision but specifies the county engineer of the county of Maui or the Maui district engineer of the department of transportation, State of Hawaii. Subsection (2) is comparable to subsection (b) of the UVC provision.)

KAUAI: 9-110 No-Passing Zones.

The Department of Public Works is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and said Department may by appropriate signs or markings on the roadway indicate the beginning and end of such zones.

9-106 Prohibited Passing.

No driver of a vehicle shall overtake and pass on any highway another vehicle proceeding in the same direction:

- (1) At the intersection of any street or highway.
- (2) On a two-lane bridge.
- (3) At a crosswalk, whether marked or unmarked.
- (4) At or on a solid line, unless broken lines are painted adjacent to the solid line on the side of the driver of a vehicle proceeding in the same direction.

Comment: The Kauai provision is concerned specifically with the portion of the UVC section which authorizes certain officials or agencies to determine no-passing zones and does not contain a subsection similar to subsection (b) of the UVC provision. The county of Kauai appears to depend on the driver's understanding of lane markings to ensure obedience to the provision.

None of the county ordinances include a subsection similar to UVC 11-307 (c); however, the Hawaii provision includes the exception for left turns. This subsection was added in 1968. The feeling was that it would be desirable to specify the permissability of left turns and to specify exceptions.

UVC 11-308 One-Way Roadways and Rotary Traffic Islands.

(a) The (state highway commission) and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

HONOLULU: 15-10.1 One-Way Streets.

(1) Vehicular traffic, on any street or highway or portions thereof designated by the City Council by ordinance as a one-way street, shall move only in the direction indicated by signs erected and maintained thereon.

(2) The streets, highways or portions thereof described in Schedule X attached hereto and made a part hereof are hereby designated one-way streets.

HAWAII: 12-1 One-Way Streets.

Upon a street designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

MAUI: 10-10.1 One-Way Streets.

Upon the following named streets, or portions thereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

KAUAI: 10-101 One-Way Streets.

Vehicular traffic on any street or highway or portion thereof shall move only in the indicated direction when signs or markings indicating the direction of traffic are erected or maintained at every intersection where movement in the opposite direction is prohibited.

Comment: The county ordinances reflect the UVC as it appeared prior to 1968 when signs were specified to designate one-way streets. The 1968 revision permits greater flexibility. By substituting the term "official traffic-control devices" for the term "sign" and by including "part of a roadway" or "specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices", the UVC authorizes the utilization of periodic, one-way streets. The counties do not include specific provisions for such periodic, one-way streets. The counties of Honolulu, Maui, and Kauai, however, do provide for the use of traffic cones to control temporarily the flow of traffic (sections on Traffic Lane Markings) and in this sense provide for periodic, one-way traffic on portions of streets. The county ordinances are in keeping with the 1968 UVC which gives local authorities express permission to designate such roadways. None of the county provisions include a subsection similar to the UVC subsection dealing with passing around a rotary traffic island.

UVC 11-309 Driving on Roadways Laned for Traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the direction of every such device.

HONOLULU: 15-9.8 Driving on Roadways Laned for Traffic.

(Comparable to the UVC with the following exceptions:

11-309 (a) The Honolulu ordinance is more stringent in specifying that a vehicle must be driven within the boundaries of a single lane.

11-309 (b) Unlike the UVC which specifies a three lane roadway providing for two-way movement of traffic, the Honolulu provision does not mention two-way movement of traffic.

The Honolulu ordinance does not use the more flexible term "official traffic-control devices" and instead specifies signs and pavement markings.

Honolulu specifies "slow-moving traffic" rather than the UVC "specified traffic".

The county ordinance does not have a subsection similar to UVC 11-309 (d).

The Honolulu ordinance includes the following subsection:

(2) No person operating a motorcycle or motor scooter shall pass another vehicle that is within the same lane or attempt to pass another vehicle or to come abreast of such other vehicles by operating such motorcycle or motor scooter atop of and following the course of traffic lane markings.)

HAWAII: 6-8 Driving on Roadways Laned for Traffic.

(Comparable to the UVC provision.)

MAUI: 10-9.8 Operating on Roadway Laned for Traffic.

(Comparable to the Honolulu provision but includes UVC subsection (d) and is more similar to UVC subsection (a) than is the Honolulu provision.)

KAUAI: 9-107 Driving on Roadway Laned for Traffic.

(Comparable to the Honolulu provision but does not include the subsection dealing with three-laned roadways and is more similar to UVC subsection (a) than is the Honolulu provision.)

Comment: The Hawaii ordinance complies most closely with the UVC provision. The Honolulu ordinance generally reflects the intent of the UVC prior to 1962. The Maui ordinance is similar to the Honolulu provision but includes subsection (d) of UVC 11-309 which was adopted in 1962. Kauai has no provision dealing with three-laned roadways.

UVC 11-310 Following too Closely.

(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.

(b) The driver of any motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

HONOLULU: 15-9.9 Following Too Closely.

(Comparable to the UVC provision but specifies "or other processions moving under police escort" in addition to funeral processions.)

HAWAII: 6-9 Following Too Closely.

(Comparable to the UVC provision.)

MAUI: 10-9.9 Following Too Closely.

(Comparable to the UVC provision.)

KAUAI: 9-108 Following Other Vehicles.

(Comparable to the Honolulu provision with the following addition:

(3) When any vehicle shall be drawn or towed by another vehicle upon a roadway, the distance between vehicles shall not exceed twenty feet. No vehicle shall draw or tow at the same time more than one vehicle upon any roadway. A truck-tractor and semi-trailer shall be regarded as one vehicle when determining the number of vehicles.)

Comment: The county ordinances substantially conform with the UVC provision. Honolulu and Kauai specify other processions moving under police escort in addition to funeral processions. Kauai stipulates a maximum of twenty feet between a vehicle being towed or drawn and the vehicle towing or drawing it and also specifies that not more than one vehicle shall be drawn or towed by another at the same time.

UVC 11-311 Driving on Divided Highways.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by public authority.

HONOLULU: 15-9.10 Driving on Divided Highway.

Whenever any highway has been divided into two or more separate roadways by medial strips, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such medial strips except through an opening in such strips or at a crossover or intersection; provided, however, that a driver who enters such opening, crossover or intersection shall yield the right-of-way to approaching vehicles before emerging upon the adjacent roadway of such divided highway, unless otherwise instructed.

HAWAII: 6-10 Driving on Divided Highways.

(Comparable to the UVC provision.)

MAUI: 10-9.10 Operating on Divided Highways.

(Comparable to the Honolulu provision.)

KAUAI: 9-109 Driving Through Medial Strip on Divided Highways.

Whenever any highway has been divided into two or more separate roadways by leaving an intervening space, curbed medial strip barriers or by a clearly indicated dividing section, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within any such medial strip or curbed barrier except at a crossover or intersection, lawfully established; provided, however, that in every event, any driver who enters such crossover opening or intersection shall bring his vehicle to a full stop before emerging upon the same or adjacent roadway of such divided highway.

Comment: The Hawaii ordinance conforms with the UVC provision. The Honolulu and Maui ordinances specify only medial strips as dividers. The Kauai ordinance conforms more closely to the dividers described in the UVC provision.

Honolulu, Maui, and Kauai provided an exception to driving on the right-hand roadway of such highway. Unlike the UVC provision the Honolulu and Maui ordinances specify that drivers crossing-over at designated sections shall yield the right-of-way to approaching vehicles. The Kauai ordinance specifies that the driver shall make a full stop in such situations.

UVC 11-312 Restricted Access.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

HONOLULU: 15-9.11 Restricted Access.

(Comparable to the UVC provision but uses "limited-access roadway" rather than "controlled-access roadway".)

HAWAII: None

MAUI: None

KAUAI: None

Comment: Honolulu is the only county with a similar provision. The intent of the UVC provision is covered by statute. Section 264-64 HRS states: ". . . . No person shall have any right of ingress or egress to, from, or across controlled access facilities, except at the designated points at which access may be permitted, upon such terms and conditions as may be specified by the director. . . .".

UVC 11-313 Restrictions on Use of Controlled-Access Roadway.

(a) The (state highway commission) by resolution or order entered in its minutes and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway (or highway) within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The (state highway commission) or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices.

HONOLULU: None

HAWAII: 13-14 Restricted Use of Highways by Certain Vehicles.

The use of certain streets by certain classes of vehicles may be restricted as designated by resolution of the Board of Supervisors, and appropriate signs shall be posted giving notice thereof.

MAUI: None

KAUAI: None

Comment: The Hawaii ordinance includes the possibility of restriction applicable to streets in general rather than just to controlled-access roadways. The UVC provision was amended in 1968 with the intent of leaving the necessity of such restrictions up to the discretion of state or local authorities. Section 264-64 HRS impowers the director of transportation . . . "to regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended . . ." on controlled-access facilities and in this sense appears in keeping with the intent of the UVC. Section 291-34 HRS sets a height limitation

and access restrictions on motor vehicles by establishing the overall height limitation on motor vehicles operated within the State at thirteen and one-half feet and providing that a motor vehicle shall not be operated under or through a bridge or other highway structure if the vehicle exceeds the posted height for the bridge or structure. The State thus specifies certain restrictions. The Honolulu ordinance, sections 15-21.9, 15-21.10, 15-21.11, is even more specific in that it designates in these sections access restrictions to specifically named roadways and to a specific bridge.

UVC ARTICLE IV - RIGHT-OF-WAY

UVC 11-401 Vehicle Approaching or Entering Intersection.

(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in paragraph (a) is modified at through highways and otherwise as stated in this Chapter.

HONOLULU: 15-11.1 Vehicles Approaching or Entering Intersections.

(1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different way.

(2) When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(3) The foregoing rules are modified at through highways and otherwise as hereinafter stated.

HAWAII: 7-1 Vehicle Approaching or Entering Intersections.

(Comparable to the UVC provision.)

MAUI: 10-11.1 Vehicles Approaching or Entering Intersections.

(Comparable to the Honolulu provision with the following addition:

(4) Whenever any person driving a vehicle approaches any intersections with a "yield" sign facing him, he shall yield the right-of-way to any pedestrian within a marked or unmarked crosswalk at such intersection, or to any vehicle which is within such intersection or approaching so closely thereto as to constitute an immediate hazard.)

KAUAI: 11-101 Vehicles Approaching or Entering Intersections.

(Comparable to the Honolulu provision.)

Comment: The county ordinances generally conform with the intent of the UVC provision as it appeared prior to 1968. The revision in 1968 was made with the intent of having one clear rule regarding right-of-way at intersections. It was felt that under the earlier version, subsection (a) was confusing and inconsistent with subsection (b). Opponents of the revision believe that one absolute rule concerning right-of-way at intersections is inconsistent with the duty to use due care. The driver on the right under the new rule thus is relieved of any restriction at an intersection and can possibly insist on the right-of-way even if it is hazardous to do so.

(Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, pp. 212-213.) Mr. Fisher, a proponent of the UVC revision, states that the first in the intersection rule applies only when one vehicle arrives at an intersection so far in advance that there is no reasonable danger of a collision. He thus feels that the first in the intersection rule need not be specified, for the question of precedence arises only when there is a danger of collision. Mr. Davis, on the other hand, in opposition to the revision feels that the first in the intersection rule is necessary to contend with the heavy flow of traffic. He cites two examples: (1) a vehicle approaching from the left and encountering a continuous line of vehicles from the right, vehicles which under the revised provision he would be obliged to yield to; and (2) four vehicles, entering an intersection at the same time, each vehicle having the right of precedence with respect to the vehicle on its right. (Discussed in articles by Edward C. Fisher, Counsel

for Legal Research and Publications, the Traffic Institute and by J. Allen Davis, Member and former draftsman of National Committee on Uniform Traffic Laws and Ordinances. The two articles appear in the Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances May 29, 1968, pp. 217-230.) This right-of-way provision is discussed in 7 American Jurisprudence 2d:

Section 202. Right-of-way as affected by relative distance from, or time of reaching, intersection. The rule supported by nearly all the cases is that the right-of-way accorded to vehicles approaching an intersection is not an absolute right or privilege, but is subject to, and affected by, the relative distance of the vehicles from the point of intersection. A statute or ordinance giving the right-of-way to the vehicle approaching an intersection from the right, . . . is generally considered to be applicable only when the vehicles are approaching an intersection so nearly at the same time, and at such distances and speed, that if each proceeds without regard to the other a collision is likely to occur. Stated otherwise such a statute or ordinance is applicable only when the vehicles are approaching an intersection at approximately the same time, and is not applicable when one of the vehicles arrives at the intersection substantially in advance of the other.

Whether two vehicles are approaching an intersection at approximately the same time does not necessarily depend upon which vehicle enters the intersection first, but upon the imminence of collision when the relative distances and speeds of the two vehicles are considered.

UVC 11-402 Vehicle Turning Left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

HONOLULU: 15-11.2 Vehicles Turning Left at Intersections.

The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

HAWAII: 7-2 Vehicles Turning Left.

(Comparable to the UVC provision.)

MAUI: 10-11.2 Vehicles Turning Left at Intersection or Turning Left into Private Road or Driveways.

(Comparable to the UVC provision with the following addition: . . . but said operator, having so yielded and having given a signal when and as required by this ordinance, may make such left turn and the operator of all other vehicles approaching from said opposite direction shall yield the right-of-way to the vehicle making the left turn.)

KAUAI: 11-102 Vehicles Turning Left at Intersections.

(Comparable to the UVC provision.)

Comment: The Honolulu provision does not specify that a driver turning left "into an alley, private road or driveway . . . " must yield. The portion of the Maui ordinance requiring "that an approaching driver yield after the turning driver has yielded" reflects the UVC as it appeared prior to 1962. Except as noted above, the county ordinances are comparable to the UVC provision.

UVC 11-403 Vehicle Entering Stop or Yield Intersection.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in section 15-109 of this Act.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed *prima facie* evidence of his failure to yield right-of-way.

HONOLULU: 15-11.3 Vehicles Entering Through Streets or Stop Intersections.

(1) The driver of a vehicle shall stop as required by this Traffic Code at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection from said through street or which are approaching so closely on said through street as to constitute an immediate hazard.

(2) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through street and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

15-11.4 Vehicles to Yield Right-of-Way.

(1) Whenever any person driving a vehicle approaches an intersection with a "Yield Right-of-Way" sign facing him, he shall yield the right-of-way to any pedestrian within a marked or unmarked crosswalk at such intersection, or to any vehicle which is within such intersection or approaching so closely thereto as to constitute an immediate hazard.

(2) "Yield Right-of-Way" intersections in addition to those already heretofore established are hereby established as described in Schedule XI attached hereto and made a part hereof.

(3) Whenever any person driving a vehicle approaches one of the bridges hereinafter designated with a "Yield-Right-of-Way" sign facing him, he shall yield the right-of-way to any vehicle approaching from the opposite side which has entered upon the bridge or is approaching so closely thereto as to constitute an immediate hazard:

(a) Ahuimanu Bridge. Traffic in the mauka

direction on Ahuimanu Road shall yield the right-of-way across Ahuimanu Bridge to vehicles approaching from the opposite direction.

HAWAII: 7-3 Vehicle Entering Stop or Yield Intersection.

(Comparable to the UVC provision but does not require as in UVC subsection (c) that a driver approaching a yield sign must stop if required for safety.)

MAUI: 10-11.3 Vehicle Entering Through Street or Stop Intersection.

(Comparable to section 15-11.3 of the Honolulu provision but specifies that at an intersection of a through street the approaching driver must yield the right-of-way to a driver who has stopped and yielded to another. The Honolulu provision does not specify this procedure. The Maui ordinance does not have a section similar to the Honolulu section dealing with intersections with a "Yield Right-of-Way" sign.)

KAUAI: 11-103 Vehicles Entering Through Streets or Stop Intersections.

11-104 Vehicles Approaching "Yield" Sign.

(Comparable to the Honolulu provision without subsection (3).)

Comment: In 1968 the provisions of UVC 11-403 (b) and (c) and 11-705 (b) and (c) defining the duties of drivers approaching stop and yield signs were combined. It was felt that such a combination would serve to clarify the UVC. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, pp. 158-159.) The Hawaii ordinance reflects the UVC as it appeared in 1962. The Maui ordinance, which includes the "shifting of right-of-way" rule, reflects the intent of the UVC provision as it appeared in 1934. The Honolulu and Kauai ordinances include two separate sections, one dealing with stop intersections and the other with intersections having a yield sign. The Honolulu and Kauai provisions (15-11.3 and 11-103 respectively) specify instructions at both through street intersections, and intersections where a stop sign has been erected. In 1956 the UVC in a

sense combined these instructions "since the definition of a 'through highway' required that it be indicated by a stop sign". (Discussed in UVC: Rules of the Road with Statutory Annotations, 1967, p. 284.) The portion of the UVC provision specifying where stops shall be made is covered in the Honolulu and Kauai provisions in sections 15-12.1 and 12-101 respectively. In the absence of a stop or near crosswalk, the UVC designates that the stop shall be made "at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway" while the Honolulu and Kauai ordinances state that the stop shall be made "where such street meets the prolongation of the nearest property line of such through street or other street or highway to be entered". The Honolulu, Hawaii, and Kauai ordinances do not provide for a stop if required for safety when approaching a yield sign. The Maui ordinance does not include a provision for intersections where a yield sign is erected.

UVC 11-404 Vehicle Entering Highway from Private Road or Driveway.

The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

HONOLULU: 15-12.2 Emerging from Alley or Driveway.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, driveway or building, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

HAWAII: 7-4 Vehicle Entering Highway from Private Road or Driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

7-5 Emerging from Alley, Driveway, or Building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across an alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

MAUI: 10-12.9 Emerging from Alley or Private Driveway.

(Comparable to the Honolulu provision.)

KAUAI: 12-102 Emerging from Alley or Driveway.

(Comparable to the Hawaii provision, sections 7-4 and 7-5.)

Comment: The UVC provision was revised in 1968. Section 11-404 and parts of 11-706, as they appeared prior to 1968, were combined. The Honolulu and Maui provisions do not specify emerging from a private road but the term "driveway" is used interchangeably with "private road" in their sections on definitions. Section 7-4 of the Hawaii ordinance and section 12-102 (2) of the Kauai ordinance reflect the UVC as it appeared prior to 1968. Section 7-5 (Hawaii) and 12-102 (1) (Kauai) are similar to UVC 11-706 as it appeared prior to 1968. The Honolulu and Maui provisions are similar to these sections in that they specify yielding to pedestrians.

UVC 11-405 Operation of Vehicles (and Streetcars) on Approach of Authorized Emergency Vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of section 12-401 (d) and visual signals meeting the requirements of section 12-218 of this Act, or of a police vehicle properly and lawfully making use of an audible signal only:

1. The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (Subparagraph (a) 2 should be omitted in states where no streetcars are in operation.)

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

HONOLULU: 15-4.8 Operation of Vehicles on Approach of Authorized Emergency Vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and when its driver is giving audible signal by siren, bell or exhaust whistle, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position clear of any intersection and parallel to, and as close as possible to, the right hand edge or curb of the highway or the nearest edge or curb when said highway has multiple lanes or when said

highway is a divided highway, or one-way street, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer or such other officer invested by law to direct and regulate traffic under the provisions of this Code.

(2) The foregoing provisions shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and vehicles using the roadway.

HAWAII: 7-6 Operation of Vehicles on Approach of Authorized Emergency Vehicles.

(Comparable to the UVC provision but does not include subsection (a) 2 and specifies at least one flashing light rather than two.)

MAUI: 10-4.9 Operation of Vehicles on Approach of Authorized Emergency Vehicles.

(Comparable to the Honolulu provision but does not specify the need for a visual signal or the requirement for driving to the nearest edge or curb when on a multiple lane or divided highway or one-way street.)

KAUAI: None (4-105 (4) is comparable to UVC 11-405 2 (b) but includes no provision similar to the major concern of the UVC provision.)

Comment: The county ordinances of Honolulu, Hawaii, and Maui comply with the major intent of the UVC provision. Honolulu includes a provision for driving to the nearest edge or curb when on a multiple lane or divided highway or on a one-way street. The counties differ slightly from the UVC provision concerning visual and audible signals on authorized emergency vehicles. Kauai does not have a provision covering the main intent of the UVC provision.

UVC ARTICLE V - PEDESTRIANS' RIGHTS AND DUTIES.

UVC 11-501 Pedestrian Obedience to Traffic-Control Devices and Traffic Regulations.

- (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.
- (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in sections 11-202 and 11-203.
- (c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Chapter.

HONOLULU: 15-17.1 Pedestrians Subject to Traffic Control Signals.

Pedestrians shall be subject to traffic control signals at intersections and other signalized crossing, as heretofore stated; but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions herein-after stated.

HAWAII: 14-1 Pedestrians Subject to Traffic Control Signals.

(Comparable to the Honolulu provision but uses the term "other places, as heretofore provided" rather than "other signalized crossings, as heretofore stated".)

MAUI: 10-15.1 Pedestrians Subject to Traffic Control Signals.

(Comparable to the Honolulu provision.)

KAUAI: 19-101 Pedestrians Subject to Traffic Control Signals.

(Comparable to the Hawaii provision.)

Comment: The county ordinances comply with the general intent of the UVC provision. The counties do not specify the UVC exception "unless otherwise directed by a police officer". Like the UVC, the counties provide for pedestrian compliance to traffic control devices at other than intersections. For county compliance with UVC 11-202 and 11-203, see Comments under those sections.

UVC 11-502 Pedestrians' Right-of-Way in Crosswalks.

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(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) Paragraph (a) shall not apply under the conditions stated in section 11-503 (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 stopped vehicle.

HONOLULU: 15-17.2 Vehicles to Yield Right-of-Way to Pedestrians in Crosswalk.

(1) When traffic control signals are not in place or not in operation and traffic is not being directed by a police officer, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if necessary in order to so yield, to a pedestrian crossing the roadway within any marked or unmarked

crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or is approaching so closely from the opposite half of the roadway as to be in danger.

(2) When traffic control signals are in operation, the driver of a vehicle turning or intending to turn right or left shall likewise yield the right-of-way to pedestrians lawfully within the crosswalk.

(3) Whenever any vehicle is stopped to so yield the right-of-way to a pedestrian, the driver of any other vehicle approaching from the rear shall not overtake or attempt to pass such stopped vehicle.

15-17.5 Restrictions on Pedestrians Crossing Roadways.

(2) No pedestrian shall enter any marked or unmarked crosswalk or part thereof when vehicular traffic is so close thereto as to constitute an immediate hazard, nor shall any pedestrian enter any unmarked crosswalk where traffic signs forbid such entry.

HAWAII: 14-2 Pedestrians' Right-of-Way in Crosswalks.

(a) The driver of a vehicle shall yield the right-of-way slowing down or stopping if need be, to so yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall enter any crosswalk or part of a crosswalk when vehicular traffic is so close thereto as to constitute an immediate hazard.

(b) Pedestrians shall walk briskly within a crosswalk so as not to impede the flow of vehicular traffic.

MAUI: 10-15.2 Pedestrians' Right-of-Way in Crosswalk.

(Comparable to the following subsections of the Honolulu provision:

Similar to (1) but includes . . . "but no pedestrian shall enter any crosswalk or part of a crosswalk when vehicular traffic is so close thereto as to constitute an immediate hazard". Similar to (3) but includes ". . . nor shall any other vehicle in the adjacent lane traveling in the same direction as the foresaid stopped vehicle pass or overtake such stopped vehicle".)

KAUAI: 19-102 Pedestrians' Right-of-Way in Crosswalks.

(Comparable to subsections (a), (b), and (d) of the UVC provision.)

Comment: The county ordinances comply with the intent of subsection (a) of the UVC provision. The Honolulu and Maui ordinances specify the exception when "traffic is not being directed by a police officer". The Hawaii ordinance does not specifically state that the driver shall yield "(w)hen traffic-control signals are not in place or not in operation . . .". The Honolulu, Hawaii, and Maui ordinances differ from UVC 11-502 (b) in that they specify entry into a marked or unmarked crosswalk or part thereof rather than just leaving the curb. None of the counties provide the exception to the rule noted in UVC 11-502 (c). The Honolulu and Kauai ordinances comply with UVC 11-502 (d). The Maui ordinance elaborates on this subsection, specifying that a vehicle traveling in an adjacent lane, in the same direction as the stopped vehicle, shall not pass or overtake the stopped vehicle. The Hawaii ordinance does not include a provision similar to UVC 11-502 (d). The Honolulu ordinance specifies that "(w)hen traffic control signals are in operation, the driver of a vehicle turning or intending to turn right or left shall likewise yield the right-of-way to pedestrians lawfully within the crosswalk" (covered in UVC 11-202). The Hawaii ordinance includes a provision requiring pedestrians to walk briskly.

UVC 11-503 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, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

HONOLULU: 15-17.4 Pedestrians to Yield Right-of-Way to Vehicles.

(1) Pedestrians crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to all vehicles upon the roadway, and in no event shall pedestrians cross a roadway at any point where forbidden to do so by traffic signs.

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

HAWAII: 14-3 Crossing at Other than Crosswalks.

(Comparable to subsection (a) of the UVC provision and includes:

(b) No pedestrian shall enter upon or cross any roadway or portion of any roadway designated by resolution of the Board of Supervisors as closed to pedestrian traffic, except within an authorized marked crosswalk, or upon a pedestrian overpass, or through a pedestrian tunnel.)

MAUI: 10-15.3 Crossing at Other than Crosswalks, Providing for Crosswalks on Certain Highways at Other than Intersections.

(Comparable to subsection (a) of the UVC provision and specifies crosswalk locations.)

KAUAI: 19-103 Crossing at Other than Crosswalks (Jay-Walking).

(Comparable to subsections (a), (b), and (c) of the UVC provision and includes:

(4) Pedestrians shall not cross any roadway in any business district within 200 feet of any intersection except within a marked or unmarked crosswalk and shall not cross any roadway in any residence district within 100 feet of any intersection, except within a marked or unmarked crosswalk.

(5) Pedestrians shall not cross any roadway other than at right angles to the edge of the roadway.

(6) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.)

Comment: The county ordinances comply with subsection (a) of the UVC provision. Although the Honolulu ordinance does not specify "an unmarked crosswalk at an intersection," an unmarked crosswalk as defined in the Honolulu ordinance is at an intersection. Honolulu and Kauai are the only counties that include provisions similar to subsection (b) of the UVC provision. Kauai is the only county with a provision similar to that covered by subsection (c) of the UVC provision. The Kauai

ordinance includes a provision for crossing at right angles to the edge of the roadway and in that sense is similar to subsection (d) of the UVC provision. The counties of Hawaii, Maui, and Kauai include a number of other restrictions in this section, not specifically included in this section of the UVC.

UVC 11-504 Drivers to Exercise Due Care.

Notwithstanding other provisions of this Chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding his horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

HONOLULU: 15-17.8 Drivers to Exercise Due Care.

(Comparable to the UVC provision.)

HAWAII: 11-1 Due Care.

Every operator of a motor vehicle shall exercise due care in the operation of such vehicle upon any street or highway so as to avoid endangering any person, vehicle or property on or off such street or highway.

MAUI: 10-15.7 Operators to Exercise Due Care.

(Comparable to the UVC provision.)

KAUAI: 19-107 Drivers to Exercise Due Care.

(Comparable to the UVC provision.)

Comment: Uniformity as to Honolulu, Maui, and Kauai. The Hawaii provision regarding "due care" is of a more general nature and does not specify avoidance of colliding with pedestrians.

UVC 11-505 Pedestrians to Use Right Half of Crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

HONOLULU: 15-17.5 (3) Restrictions on Pedestrians Crossing Roadways.

(Comparable to the UVC provision.)

HAWAII: 14-4 Pedestrians to Use Right Half of Crosswalks.

(Comparable to the UVC provision.)

MAUI: 10-15.4 Pedestrians to Use Right Half of Crosswalks.

(Comparable to the UVC provision.)

KAUAI: 19-103 (6) Crossing at Other than Crosswalks (Jay-Walking).

(Comparable to the UVC provision.)

Comment: Uniformity.

UVC 11-506 Pedestrians on Roadways.

(a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

HONOLULU: 15-17.7 (1) and (2) Pedestrians Walking Along Roadways.

(Comparable to the UVC provision.)

HAWAII: 14-5 Pedestrians on Roadways.

(Comparable to the UVC provision.)

MAUI: 10-15.6 (1) and (2) Pedestrians Walking Along Roadways.

(Comparable to the UVC provision.)

KAUAI: 19-105 Pedestrians on Roadways.

(Comparable to the UVC provision.)

Comment: Uniformity.

UVC 11-507 Pedestrians Soliciting Rides or Business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

HONOLULU: 15-17.7 (3) Pedestrians Walking Along Roadways.

(3) No person shall stand on, walk along, or otherwise occupy any portion of a public street or highway, including the shoulder or sidewalk area, for the purpose of soliciting a free ride (hitch-hiking) from the driver of any vehicle.

HAWAII: 14-6 Pedestrians Soliciting Rides or Business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(b) Comparable to UVC 11-507 (c).

MAUI: 10-15.6 (3) Pedestrians Walking Along Roadways.

(3) No person shall stand in a roadway for the purpose of soliciting a ride, from the operator of any vehicle.

KAUAI: 19-106 Pedestrians Soliciting Rides.

No person shall stand in the roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle but in no event shall said person solicit a ride, employment or business in an area where the vehicle stopping shall impede or endanger the normal flow of traffic.

Comment: The UVC provision was revised in 1968 to prohibit all selling of merchandise or soliciting from shoulders and islands of highways. Since it was not the intent to ban all hitch-hiking, the portion dealing with soliciting rides was placed in a separate subsection and the words "in a roadway" were used. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, pp. 166-167.) The Hawaii ordinance reflects the UVC as it appeared prior to 1968. The Honolulu provision is concerned solely with prohibiting all hitch-hiking. The Maui ordinance also is concerned solely with hitch-hiking but prohibits hitch-hiking only when done "in a roadway". The Kauai ordinance prohibits soliciting a ride, employment or business when in a roadway and "when in an area where the vehicle stopping shall impede or endanger the normal flow of traffic". Hawaii county is the only one to include a provision similar to UVC 11-507(c).

UVC 11-508 Driving Through Safety Zone Prohibited.

No vehicle shall at any time be driven through or within a safety zone.

HONOLULU: None

HAWAII: 14-7 Driving Through Safety Zone Prohibited.

(Comparable to the UVC provision.)

MAUI: None

KAUAI: None

Comment: Hawaii is the only county with a provision similar to this section of the UVC.

UVC 11-509 Pedestrians' Right-of-Way on Sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across such alley, building entrance, road or driveway.

HONOLULU: 15-12.2 Emerging From Alley or Driveway.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, driveway or building, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

HAWAII: 7-5 Emerging From Alley, Driveway, or Building.

(Comparable to the Honolulu provision but specifies "in a business or residence district".)

MAUI: 10-12.9 Emerging From Alley, or Private Driveway.

(Comparable to the Honolulu provision.)

KAUAI: 12-102 (1) Emerging From Alley or Driveway.

(Comparable to the Honolulu provision.)

Comment: This provision was added to the UVC in 1968. The counties specify yielding to "avoid collision" while the UVC provision stresses yielding to any near pedestrian on any sidewalk extending across an alley, building entrance, road, or driveway.

UVC ARTICLE VI - TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING.

UVC 11-601 Required Position and Method of Turning at Intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curve or edge of the roadway.

(b) 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.

(c) The state highway commission and local authorities 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. (In view of the fact that there are many intersections, including T intersections, where large numbers of vehicles turn left, the state highway commission, local authorities and police officers

should permit and direct vehicles to turn left in two lines at such intersections.)

HONOLULU: 15-8.1 Required Position and Method of Turning at Intersections.

(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, except as otherwise permitted by pavement markings or other official traffic control devices.

(2) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of 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) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such 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 as nearly as practicable, in the left-hand lane lawfully available to traffic moving in the direction of travel upon the roadway being entered.

(4) Left turns where both streets or roadways are one-way. The approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway except as otherwise permitted by pavement markings or other official traffic control devices.

(5) In all cases where official marks, buttons, signs, or directional arrows painted on the pavement are placed within or adjacent to intersections, no driver of a vehicle shall execute a movement at such intersections otherwise than as directed and required by such marks, buttons, signs, or arrows.

HAWAII: 8-1 Required Position and Method of Turning at Intersections.

The driver of a vehicle intending to turn at an intersection shall do as follows:

(a) Right turns. The approach for a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. After entering the intersection, the right turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction on the roadway being entered.

(Subsection (b) of the Hawaii provision is similar to subsection (2) of the Honolulu provision, except that the Hawaii provision specifies that a vehicle making a left turn shall leave the intersection to the right of the center line of the roadway being entered "in a lane lawfully available to traffic moving in such direction on the roadway being entered".

Subsection (c) of the Hawaii provision differs from subsection (3) of the Honolulu provision in that it requires a vehicle making a left turn "to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered" while the Honolulu provision

requires a vehicle making a left turn "to leave the intersection as nearly as practicable, in the left-hand lane lawfully available to traffic moving in the direction of travel upon the roadway being entered".

Subsection (d) of the Hawaii provision is comparable to subsection (5) of the Honolulu provision.)

MAUI: 10-8.1 Turning at Intersections.

(1) Both the approach for a right turn, and a right turn shall be made as close as is practicable to the right-hand curb or edge of the roadway.

(2) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(3) Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

(4) Where both streets or roadways are one-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(5) In all cases where official marks, buttons, signs or directional arrows painted on the pavement are placed within or adjacent to intersections, no operator of a vehicle shall execute a movement at such intersections, otherwise than as directed and required by such marks, buttons, signs or arrows,

KAUAI: 8-101 Required Position and Method of Turning at Intersections.

- (1) Right turns. Both the approach for a right turn and a right turn shall be made as close as possible and practicable to the right-hand curb or edge of the roadway.
- (2) Left turns on two-way roadways. At any intersections where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. After entering the intersection, the left turn shall be made to the right of the center line of the roadway being entered.
- (3) Left turn on two-way into one-way street. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection.
- (4) Left turn from one-way street into a two-way street. Left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.
- (5) Left turns where both streets are one-way. Where both streets or roadways are one-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.
- (6) In all cases where official marks, buttons, or signs are placed within or adjacent to intersections, no driver of a vehicle shall execute a turn at such intersections, otherwise than as directed and required by such marks, buttons, or signs.

Comment: Subsections (2) and (3) of the Honolulu provision reflect the intent of the UVC as it appeared prior to 1968. The county provisions for turning left from a two-way roadway into another two-way roadway, unlike the UVC provision, require that a vehicle enter and leave the intersection to the right of the center line. The Honolulu and Hawaii provisions covering left turns on two-way roadways include the UVC specification "(w)henever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection". The inclusion of this specification facilitates the use of an intersection by left-turning vehicles approaching from opposite directions on the same roadway and provides a practicable turning course at most intersections for drivers of large and small vehicles. (Discussed in UVC: Rules of the Road with Statutory Annotations, 1967, p. 340.) The Maui and Kauai ordinances do not include this provision.

The Honolulu and Hawaii provisions covering left-turns on other than two-way roadways are similar, but the Honolulu ordinance requires a vehicle to leave the intersection in the left-hand lane available to traffic moving in the direction of travel while the Hawaii ordinance does not specify leaving in the left-hand lane. The Maui and Kauai provisions deal specifically with turning left from a two-way street into a one-way street and vice versa. They do not specify that a vehicle turning left from a two-way street into a one-way street must leave the intersection in the left-hand lane available to traffic moving in the direction of travel.

The counties of Honolulu, Maui, and Kauai include subsections providing for left turns where both streets are one-way. A similar provision appeared in the UVC in 1944.

The counties of Honolulu, Maui, and Kauai include provisions similar to the UVC provision regarding right turns. The Hawaii provision regarding right turns differs in that it does not specify leaving the intersection as close as practicable to the right-hand curb or edge of the roadway.

Subsection (c) of the UVC provision was revised in 1968 to authorize State and local authorities to alter the general rules of the proper course of making a turn. The terms "markers, buttons, or signs" were deleted to permit greater flexibility

in the types of control devices available for use. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, p. 168.) The county provisions, thus, are more in keeping with the intent of the UVC prior to 1968.

It would be advisable to revise the county codes so that rules concerning turns will be uniform.

UVC 11-602 Turning on Curve or Crest of Grade Prohibited.

No vehicles shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

HONOLULU: 15-8.5 Turning on Curve or Crest of Grade Prohibited.

(Comparable to the UVC provision.)

HAWAII: 8-2 (c) Limitations on Turning Around.

(Comparable to the UVC provision.)

MAUI: 10-8.3 U-Turns.

No operator shall turn any vehicle so as to proceed in the opposite direction except when it can be done in safety and does not interfere with traffic.

KAUAI: 8-104 Turning on Curve or Crest of Grade Prohibited.

(Comparable to the UVC provision.)

Comment: The county ordinances of Honolulu, Hawaii, and Kauai comply with the intent of the UVC provision. The Maui provision is of a more general nature and allows a turn "when it can be done in safety and does not interfere with traffic".

UVC 11-603 Starting Parked Vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

HONOLULU: 15-8.6 Moving Parked Vehicle.

No person shall move a vehicle which is stopped, standing, or parked unless and until such movement can be made with safety.

HAWAII: 8-3 Starting Parked Vehicle.

(Comparable to the UVC provision.)

MAUI: 10-8.6 Signals on Starting, Stopping and Turning.

(1) The operator of any vehicle upon a public highway before starting, turning or stopping such vehicle shall first see that such movement or cessation of movement can be made in safety; . . .

KAUAI: 8-107 Moving Parked Vehicle.

(Comparable to the Honolulu provision.)

Comment: The county ordinances of Honolulu, Hawaii, and Kauai comply with the intent of the UVC provision. The word "move" used in the Honolulu and Kauai ordinances instead of "start" does not change the intent of the provision. The Maui ordinance reflects the UVC as it appeared in 1926 to 1930 when this provision was contained in a section requiring a driver before starting, turning, or stopping, to determine if such movement or cessation of movement could be made in safety.

UVC 11-604 Turning Movements and Required Signals.

(a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 11-601, or turn a vehicle to enter a private

road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals provided for in section 11-605 (b) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

HONOLULU: 15-8.8 Signals on Starting, Stopping, and Turning.

(1) The driver of any vehicle upon a public highway before starting, turning or stopping such vehicle shall first see that such movement or cessation of movement can be made in safety; then if any pedestrian may be affected by such movement, the driver shall give a clearly audible signal by sounding a horn or other warning device, and whenever the operation of any other vehicle may be affected by this movement, the driver shall give a signal plainly visible to the driver of such other vehicle of the intention to make such movement.

(2) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as

required in section 15-8.1, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

(3) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(4) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of the vehicle immediately to the rear when there is opportunity to give such signal.

HAWAII: 8-4 Turning Movements and Required Signals.

(Comparable to the UVC provision.)

MAUI: 10-8.6 Signals on Starting, Stopping and Turning.

(1) The operator of any vehicle upon a public highway before starting, turning or stopping such vehicle shall first see that such movement or cessation of movement can be made in safety; then if any pedestrian may be affected by such movement the operator shall give a clearly audible signal by sounding a horn or other warning device, and whenever the operation of any other vehicle may be affected by this movement, the operator shall give a signal plainly visible to the operator of such other vehicle of the intention to make such movement . . .

(3) The signal herein required to be given before turning to the right or left, whether given by means of the hand

and arm or by means of a mechanical or electrical device approved by the chief of police shall be given continually during the last one hundred (100) feet traveled by the vehicle before turning.

KAUAI: 8-108 (1), (2), (3) & (4) Signals on Starting, Stopping and Turning.

(Comparable to the Honolulu provision.)

Comment: The wording of subsection (1) of the Honolulu and Kauai provisions and the wording of the first portion of subsection (1) of the Maui provision is similar to the first two editions of the UVC.

Subsections (2) of the Honolulu and Kauai ordinances reflect the UVC as it appeared prior to 1962. In 1962 the concluding words "in the event any other traffic may be affected by such movement" were deleted so that a turn signal was required even though a turning movement might not affect other traffic. (Discussed in UVC: Rules of the Road with Statutory Annotations, 1967, p. 357.) The Honolulu and Kauai ordinances, thus retained subsection (1) (modeled after the first two editions of the UVC) and added subsection (2) which in fact replaced subsection (1) in the UVC. The Hawaii provision is comparable to the present UVC provision.

A provision similar to subsection (b) of the UVC provision is included in all of the county ordinances. The counties of Honolulu, Hawaii, and Kauai also have provisions similar to UVC 11-604 (c). The Maui ordinance does not set out this provision in a separate subsection as it reflects the first two editions of the UVC. "The operator of any vehicle . . . before . . . stopping . . . shall first see that such movement or cessation of movement can be made in safety, . . . and whenever the operation of any other vehicle may be affected by this movement, the operator shall give a signal plainly visible to the operator of such other vehicle of the intention to make such movement."

Subsection (d) of the UVC provision was added in 1962 "to prohibit certain improper uses of electrical turn signals . . ." (Discussed in UVC: Rules of the Road with Statutory Annotations, 1967, p. 363.)

UVC 11-605 Signals by Hand and Arm or Signal Lamps.

(a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in paragraph (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

HONOLULU: 15-8.8 (5) Signals on Starting, Stopping and Turning.

(5) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, which meets the requirements hereinafter set forth and which has been approved by the Chief of Police; but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by a signal lamp or lamps or signal device.

HAWAII: 8-5 Signals by Hand and Arm Signal Lamps.

(Comparable to the UVC provision.)

MAUI: 10-8.6 Signals on Starting, Stopping and Turning.

(1) . . . before starting, turning or stopping . . . such visual signal may be given either by the use of the hand and arm in the manner hereinafter provided, or by means

of a mechanical or electrical device which meets the requirements hereinafter set forth and which has been approved by the chief of police; provided however, that whenever a hand and arm signal would not be visible both to the front and rear of such vehicle, then such vehicle must be equipped with, and said visual signal must be given by, such a mechanical or electrical device.

KAUAI: 8-108 (5) Signals on Starting, Stopping and Turning.
(Comparable to the Honolulu provision.)

Comment: The Hawaii ordinance complies with the intent of the UVC provision. The Honolulu and Kauai provisions reflect this section of the UVC as amended in 1944. Subsection (1) of the Maui provision, as discussed in UVC 11-604, reflects the intent of the first two editions of the UVC. The Maui provision, thus, does not expressly apply to turn and stop signals. The county ordinances do not define the exception, requiring the use of a device when hand and arm signals would not be visible, in terms of specific distances from the steering post.

UVC 11-606 Method of Giving Hand-and-Arm Signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.
2. Right turn. Hand and arm extended upward.
3. Stop or decrease speed. Hand and arm extended downward.

HONOLULU: 15-8.9 Hand Signals.

All signals herein required given by hand and arm shall be given from the left side of the standard vehicle and from the right side of a right-hand driven vehicle in the following

manner and such signals shall indicate as follows:

- (1) From a standard left-hand driven vehicle:
 - (a) Left turn. Hand and arm extended horizontally.
 - (b) Right turn. Hand and arm extended upward, and beyond the left side of the vehicle.
 - (c) Stop or decrease speed. Hand and arm extended downward, beyond the left side of the vehicle, palm of hand to rear.
- (2) From a right-hand driven vehicle:
 - (a) Left turn. Hand and arm extended upward and beyond the right side of the vehicle.
 - (b) Right turn. Hand and arm extended horizontally.
 - (c) Stop or decrease speed. Hand and arm extended downward, beyond the right side of the vehicle, palm of hand to rear.

HAWAII: 8-6 Method of Giving Hand-and-Arm Signals.

(Comparable to the UVC provision.)

MAUI: 10-8.6 (2) Signals on Starting, Stopping and Turning.

(2) Whenever the signal is given by means of the hand and arm, the operator shall indicate his intention to turn to the left by extending his hand and arm horizontally from and beyond the left side of the vehicle; his intention to turn to the right by extending his hand and arm upward and beyond the left side of the vehicle; and his intention to stop or to suddenly decrease speed by extending his hand and arm downward from and beyond the left side of the vehicle, showing the palm of the hand to the rear; provided, however, that in a right-hand driven vehicle, the operator shall indicate his intention to turn to the left by extending his

hand and arm upward and beyond the right side of the vehicle; his intention to turn to the right by extending his hand and arm horizontally from and beyond the right side of the vehicle; and his intention to stop or to suddenly decrease speed by extending his hand and arm downward from and beyond the right side of the vehicle showing the palm of the hand to the rear.

KAUAI: 8-110 Hand Signals.

(Comparable to the Honolulu provision but includes a hand and arm signal for a U-turn:

"From a standard left-hand driven vehicle and from a right-hand driven vehicle a U-turn shall be indicated by hand and arm extended outward with a circular motion.")

Comment: The county ordinances are in substantial agreement with the UVC provision. The counties of Honolulu, Maui, and Kauai specify that in a stop or decrease speed signal the palm of the hand shall be to the rear. The county ordinances of Honolulu, Maui, and Kauai specify hand-arm signals for right-hand driven vehicles. The Kauai ordinance includes a hand-arm signal for U-turns.

UVC ARTICLE VII - SPECIAL STOPS REQUIRED.

UVC 11-701 Obedience to Signal Indicating Approach of Train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

HONOLULU: 15-12.4 Obedience to Signal Indicating Approach of Railroad Train.

(Comparable to the UVC provision but in the portion similar to UVC subsection (a) specifies that a vehicle shall

stop not less than 10 feet from the nearest rail. The Honolulu provision does not include UVC subsection (b).)

HAWAII: None

MAUI: 10-11.1 Duties of Operators of Locomotives, Trucks or Other Vehicles Used in Agricultural or Industrial Work.

The operator, engineer, or person in charge of any locomotive, truck, or other vehicle, whether operated on stationary rails or roadways, used in agricultural or industrial work, shall not cause or permit such locomotive, truck or other vehicle to enter upon or cross any highway without first stopping and yielding the right-of-way to any vehicle crossing or about to cross the grade crossing or road intersection, or which is approaching so closely on said highway as to constitute an immediate hazard, but having so yielded may proceed; provided, however, that when a flagman or watchman has stationed himself approximately in the center of the highway in close proximity to the tracks, road intersection or crossing, displaying a red flag not less than 16 inches square, or a red lantern which shall be plainly visible for a distance of 500 feet from both sides of the tracks, crossing, or road intersection and in like manner having signalled approaching traffic to stop, or when such crossing is equipped with an automatic warning signal device approved by the chief of police, stopping of the locomotive or other industrial equipment shall not be required, and all other vehicles approaching shall yield the right-of-way to such locomotive or industrial equipment.

KAUAI: None

Comment: Honolulu is the only county having a provision similar to the UVC provision. The Honolulu provision differs slightly from the UVC in requiring a vehicle to stop not less than 10 feet from the nearest rail while the UVC requires stopping within a range of 15 to 50 feet. The Honolulu provision does not specify that a driver shall not drive through, around, or under any gate or barrier at a railroad crossing. The Maui provision specifies instructions for persons "in charge of any locomotive, truck, or other vehicle, whether operated on stationary rails or roadways, used in agricultural or industrial works, . . ." The Maui provision also states that vehicles approaching a railroad crossing shall yield the right-of-way when there is a flagman or automatic warning signal. The Honolulu ordinance contains a provision similar to the Maui provision. Hawaii and Kauai do not include provisions similar to UVC 11-701. Section 265-46 HRS requires that crossings be prepared so that they may be crossed in safety.

Sec. 265-46. Railroad Crossings, etc. Whenever highways are laid out to cross railroads . . . the board of supervisors or city council shall, at public expense and without delay, so prepare and guard the road, . . . that the public may cross the same without danger.

UVC 11-702 All Vehicles Must Stop at Certain Railroad Grade Crossings.

The (State highway commission) and local authorities with the approval of the (State highway commission) are hereby authorized to designate particularly dangerous highway grade crossings of railroads to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

HONOLULU: 15-12.5 All Vehicles Must Stop at Certain Railroad Grade Crossings.

(1) When stop signs are erected at highway grade crossings of railroads, every driver of a vehicle shall stop at a distance of not less than 10 feet from the nearest rail of such grade crossings and proceed only upon exercising due care.

(2) No stop need be made at any such crossing where a railway flagman, police officer or a traffic control signal directs traffic to proceed.

HAWAII: None

MAUI: None

KAUAI: None

Comment: Honolulu is the only county to include a provision similar to UVC 11-702. The Honolulu provision specifies stopping not less than 10 feet from the nearest rail. Section 265-46 HRS (see Comment UVC 11-701) authorizes the board of supervisors or city council to prepare railroad crossings in a manner to ensure safe crossing.

UVC 11-703 Certain Vehicles Must Stop at all Railroad Grade Crossings.

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquid as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street-railway grade crossings within a business or residence district.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: None of the county ordinances includes a provision similar to UVC 11-703. A section similar to 11-703 has been in the UVC since 1930.

UVC 11-704 Moving Heavy Equipment at Railroad Grade Crossings.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: None of the counties has a provision similar to UVC 11-704. A provision similar to the present 11-704 was added to the UVC in 1930.

UVC 11-705 Emerging From Alley, Driveway or Building.

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest

the street to be entered where the driver has a view of approaching traffic thereon.

HONOLULU: 15-12.2 Emerging From Alley or Driveway.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, driveway or building, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

HAWAII: 7-5 Emerging From Alley, Driveway, or Building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

MAUI: 10-12.9 Emerging From Alley or Private Driveway.

(Comparable to the Honolulu provision.)

KAUAI: 12-102 Emerging From Alley or Driveway.

(Comparable to the Hawaii provision but includes: (2) The operator of a vehicle entering a public highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on such public highway.)

Comment: Prior to 1968, this section of the UVC was numbered 11-706. The Hawaii provision and subsection (1) of the Kauai provision reflect section 11-706 of the UVC as it appeared prior to 1968. The Honolulu and Maui provisions do not specify that the provision is applicable within a business or residence district. Although the county ordinances do not specifically mention private roads, the term "driveway" is used interchangeably with "private road" in their sections on definitions. All the counties require yielding the right-of-way to any pedestrian as necessary to avoid collision. Prior to 1968 such a provision requiring yielding to a pedestrian was included in the UVC.

UVC 11-706 Overtaking and Passing School Bus.

(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in section 12-218 and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of section 12-218 of this Act, which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway outside of a business or residence district for the purpose of receiving or discharging school children.

(c) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating, "SCHOOL BUS" shall be covered or concealed.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

HONOLULU: 15-24.12 School Buses.

(1) In addition to the requirements, applicable to buses, as set forth in Article XIX, each school bus shall be equipped with:

- (a) A safety panel, installed adjacent to any stepwell on the rearward side of the bus, extending from the aisle floor to a height of at least thirty (30) inches.
- (b) A metal protective guard on the underfloor designed to prevent the driveshaft from whipping through the floor when broken.
- (c) Fuel tank(s) insulated from heat.
- (d) Mirrors giving the driver a clear view of all doors and stepwells of exits to his rear.
- (e) An emergency door located on the left and toward the rear, or in the rear of the bus, which shall be at least 24 inches in width and 36 inches in height.
- (f) A warning device designated to actuate a signal when the emergency door is unlatched.
- (g) A safety valve and air pressure gauge, and a visual or sound warning system, if air brakes are in use.

- (h) A vacuum gauge, if vacuum power brakes are in use.
 - (i) Signs on the outside of the front and rear ends of the bus containing the words "SCHOOL BUS" in letters at least 8 inches in height, plainly visible from a distance of 200 feet; provided such signs shall be removed, covered or concealed when the school bus is being used for purposes other than the transportation of school children.
 - (j) Signs conspicuously posted, one on the outside of the bus and adjacent to the entrance, the other on the inside of the bus within the front portion, setting forth the load limit. The load limit shall be the designed passenger seating capacity plus two thirds (2/3) of such capacity.
 - (k) A three inch wide white line painted across the floor of the aisle in alignment with the rearmost position of the driver's seat.
- (2) The Chief of Police or authorized officers shall inspect school buses in accordance with the provisions of Article XX.
- (3) No driver of a school bus shall:
 - (a) Load the bus beyond the load limit herein established.
 - (b) Put the bus in motion when any person is forward of the white line painted across the floor of the aisle.
 - (4) The driver of any vehicle, immediately prior to overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging passengers, shall stop his vehicle, then proceed past such school bus at a speed not exceeding ten miles per hour and with due caution for the safety of the school bus passengers.

(5) The driver of any vehicle, upon meeting any school bus traveling in the opposite direction and which has stopped on the highway for the purpose of receiving or discharging passengers, shall proceed past such school bus with due caution for the safety of the school bus passengers.

(6) The provisions herein shall not be applicable to buses within the jurisdiction of the Public Utilities Commission.

HAWAII: 9-2 Overtaking and Passing School Bus.

(a) The driver of any vehicle upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children and displays a flashing red signal meeting the requirements of section 20-20 shall bring such vehicle to a stop before passing the school bus and shall not proceed past the school bus until the red flashing signal ceases operation.

(b) It shall be the responsibility of the driver of every school bus used for the transportation of school children to operate said red lights continuously while children are crossing to or from the school bus or at any other time when passing traffic is considered hazardous for the children. These lights need not be operated when children are not to cross the roadway, and shall not be operated when the school bus is stopped in a bus loading zone, place where traffic is controlled by a traffic officer or official traffic control signal, and while the bus is in motion.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is upon the other roadway.

(d) Every school bus used for the transportation of school children shall bear upon the front and rear thereon a plainly

visible sign containing the words "SCHOOL BUS" in letters not less than 8 inches in height and in strokes not less than 1/2 inch in width, and the words "STOP ON FLASHING RED LIGHT" in letters not less than 6 inches in height and in strokes of not less than 1/2 inch in width.

MAUI: 10-14.17 Overtaking and Passing a School Bus.

(1) The operator of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle immediately before passing the school bus, but may then proceed past such school bus at a speed which is reasonable and prudent, not exceeding ten miles per hour, and with due caution for the safety of such children.

(2) The above provision shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS", in letters not less than 8 inches in height which can be removed or covered when the vehicle is not in use as a school bus.

10-14.22 Buses.

(1) The load limit shall be designed passenger seating capacity plus one-third (1/3) of such capacity. The number of passengers allowed to stand shall be no more than one-third (1/3) of the designed seating capacity. Buses shall be equipped with hand rails for passenger standing.

(2) Signs shall be conspicuously posted, one on the outside of the bus adjacent to the entrance and another on the inside of the bus, within the front portion, setting forth the load limit. (The regulations in subsections (1) and (2) apply to all buses.)

KAUAI: 18-103 School Buses.

(Subsections (1) and (2) are comparable to subsections (4) and (5) respectively of the Honolulu provision. Subsection (3) is comparable to subsection 1 (i) of the Honolulu provision.)

Comment: Prior to 1968 this section of the UVC was numbered 11-707. The county ordinances comply with the UVC provision in that they require every school bus to bear a sign with the words "SCHOOL BUS" on the front and rear. The Maui ordinance is worded in such a way that a driver is obligated to stop only when a bus displays such signs. The Hawaii ordinance further specifies that the stroke of the letters of such signs shall be not less than 1/2 inch in width and that such a bus shall also have signs on the front and rear bearing the words "STOP ON FLASHING RED LIGHT". The Honolulu ordinance specifies additional required equipment for such buses.

Subsection (1) of the Maui ordinance reflects the intent of the UVC as it appeared in 1938. Subsection (4) of the Honolulu ordinance and subsection (1) of the Kauai ordinance are similar to the Maui subsection but do not specify "outside of a business or residence district". The Hawaii ordinance also does not specify "when outside a business or residence district".

The Hawaii ordinance is the only one to comply with the UVC provision requiring a visual signal on a school bus and requiring a vehicle to stop before passing a bus with such visual signal in operation. The Hawaii ordinance specifies that the vehicle shall not proceed until the visual signal ceases to operate while the UVC provision specifies that the vehicle shall not proceed "until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated".

The Hawaii ordinance requires the driver of a school bus to operate the visual signal continuously "while the children are crossing to or from the school bus or at any other time when passing traffic is considered hazardous for the children". The UVC provision differs in that it requires the school bus driver to actuate the visual signal "only whenever such vehicle is stopped on the highway outside of a business or residence district for the purpose of receiving or discharging school children".

The counties of Honolulu, Maui, and Kauai include provisions similar to subsection (c) of the UVC provision. The Hawaii ordinance does not include a similar provision.

The Hawaii ordinance complies with subsection (d) of the UVC provision in that it specifies that "the driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is upon the other roadway". The UVC provision goes further and specifies "or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway". The Honolulu and Kauai ordinances require only that a driver traveling in the opposite direction from a stopped school bus "shall proceed past such school bus with due caution for the safety of the school bus passengers". The Maui ordinance does not include such a provision.

In addition to the county provisions, section 296-47 HRS authorizes the department of education to adopt regulations governing the design, equipment, and operation of all school buses used for the transportation of school children in the State. Any person operating a school bus who violates any such regulation is guilty of a misdemeanor and subject to a fine of up to \$500 or imprisonment up to 6 months, or both.

UVC ARTICLE VIII - SPEED RESTRICTIONS.

UVC 11-801 Basic Rule.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

HONOLULU: 15-7.1 Speed Restrictions.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and without regard to the actual and potential hazard then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) No person shall drive a vehicle on any roadway within public parks and public school grounds at a speed greater than is reasonable or prudent, having due regard for the traffic on, and the surface and width of the roadway and in no event at a speed in excess of twenty-five (25) miles per hour on any roadway within public parks, except Ala Moana Park Drive, Kailua Park Road, on the small by-road in Kapiolani Park which leads off from Paki Street past Waikiki Racquet

Club and the Town and Country Stables to Paki Avenue, and on any roadway within public school grounds, where the speed limit shall be fifteen (15) miles per hour.

(3) The Traffic Engineer is hereby authorized and directed to erect and maintain signposts indicating the speed limit herein established at each roadway entrance into any public park and public school grounds. The Department of Parks and Recreation and the Department of Education may erect and maintain signs other than traffic control signs at appropriate places along the roadways within their respective jurisdiction.

(4) Further, no person shall in any parking area maintained within public parks and public school grounds drive a vehicle recklessly or negligently or at a speed or in such manner as to endanger or injure persons or property.

HAWAII: 10-2 Basic Speed Law.

Subject to the limitations set forth in section 10-1, no person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent under the conditions then existing. (See UVC 11-801.1 for limitations set forth in section 10-1.)

MAUI: 10-7.1 Basic Rule.

No person shall operate a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing, and where no special hazard exists the speeds hereinafter enumerated shall be lawful, but any speed in excess of said limits shall be *prima facie* evidence that the speed is not reasonable or prudent and that it is unlawful.

10-7.7 Reduce Speed Because of Special Hazards.

The fact that the speed of a vehicle is lower than the foregoing *prima facie* limits shall not relieve the operator

from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

KAUAI: 7-101 Speed Restrictions.

(Subsections (1) and (2) comparable to the Maui provision. Subsection (3) cited under UVC 11-801.1. Subsection (4) cited under UVC 11-802.)

Comment: Subsection (1) of the Honolulu provision complies with the intent of subsection (a) of the UVC as it appeared prior to 1968. In 1968 the second sentence of the subsection was deleted. (In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.) Material included in subsection (c) was combined with the introductory sentence to complete the present UVC 11-801. The arguments in favor of such revision were that "some laws following the language of the second sentence of UVC 11-801 (a) have been ruled invalid by the courts and, further, that the courts have generally construed subsections (a) and (c) together as the basic speed rule and some, in fact, have held the provisions in (a) invalid without the provisions in (c)". (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, p. 175.) The Hawaii ordinance, the first portion of the Maui provision, and subsection (1) of the Kauai portion of the Maui provision reflect the intent of subsection (a) of the 1934 UVC which did not specify controlling speed with regard to "potential hazards".

Maui is the only county to include a provision, like the UVC, specifying the controlling of speed at intersections, railroad crossings, or on curves, hill crests, and narrowing or winding roads. The Honolulu and Maui ordinances, like the UVC provision, specify controlling speed with respect to pedestrians or other traffic. The Honolulu ordinance specifies additional places where speed is to be controlled and authorizes specific parties to erect signs at such places.

UVC 11-801.1 Maximum Limits.

Except when a special hazard exists that requires lower speed for compliance with section 11-801 the limits herein-after specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.

1. Thirty miles per hour in any urban district;
2. Sixty miles per hour in other locations during the daytime;
3. Fifty-five miles per hour in such other locations during the nighttime.

Daytime means from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hours.

The maximum speed limits set forth in this section may be altered as authorized in sections 11-802 and 11-803.

HONOLULU: 15-7.2 Speed Limit Zones.

No person shall drive a vehicle on a public highway or street at a speed in excess of the following speed limit zones established or hereafter established therefor by ordinance of the City Council:

- (1) Fifteen miles per hour.

- (a) Any roadway eighteen feet or less in width within the City and County of Honolulu.

- (b) On those streets or portions thereof described in Schedule IV attached hereto and made a part hereof; subject, however, to the limitations and extensions set forth therein.
- (2) Twenty-five miles per hour.
 - (a) Any street or highway within the City and County of Honolulu where speed limit has not been otherwise established.
 - (b) Any roadway bordering any school grounds, during recess or while children are going to or leaving such school during the opening or closing hours or while the playgrounds of any such school are in use by school children.
 - (c) On those streets or portions thereof described in Schedule V attached hereto and made a part hereof; subject, however, to the limitations and extensions set forth therein.
- (3) Thirty miles per hour.
 - (a) On those streets or portions thereof described in Schedule VI attached hereto and made a part hereof; subject, however, to the limitations and extensions set forth therein.
- (4) Thirty-five miles per hour.
 - (a) On those streets or portions thereof described in Schedule VII attached hereto and made a part hereof; subject, however, to the limitations and extensions set forth therein.
- (5) Forty-five miles per hour.
 - (a) On those streets or portions thereof described in Schedule VIII attached hereto and made a

part thereof, subject, however, to the limitations set forth therein.

(6) Fifty-five miles per hour.

(a) On the following streets or portions thereof:
Moanalua Road, from Fort Shafter Overpass to Middle Street.

Lunalilo Freeway, from Middle Street to Nuuau Stream.

(7) Sixty-five miles per hour.

(a) On the following streets or portions thereof
which are hereby established as 65 miles per
hour speed limit zones:

Interstate Highway Route H-1, from Kunia Interchange
to a point one (1) miles Waianae of the Palailai
Interchange.

HAWAII: 10-1 Maximum Speed Limit.

No person shall drive a vehicle upon a highway at a speed
greater than 70 miles per hour.

10-3 Speed Law Violations.

(a) The speed of any vehicle upon a highway not in excess
of the limits specified in sections 10-4 and 10-5 or established
as authorized in this Code is lawful unless clearly proved
to be in violation of the basic speed law.

(b) The speed of any vehicle upon a highway in excess
of the prima facie speed limits in sections 10-4 and 10-5
or established as authorized in this Code is prima facie unlaw-
ful unless the defendant establishes by competent evidence
that the speed in excess of said limits did not constitute
a violation of the basic speed law at the time, place and under
the conditions then existing.

10-4 Prima Facie Speed Limits.

The following prima facie speed limits shall be in effect except where a special speed limit has been enacted.

(a) Twenty-five miles per hour:

When passing a school building or the grounds thereof, contiguous to the highway and posted with a standard "SCHOOL" warning sign while children are going to or leaving such school during opening or closing hours. Such prima facie limit shall also apply during school recesses when passing any school grounds which are not separated from the highway by a fence or other physical barrier capable of restraining a child, while the grounds within seventy-five feet of the highway are in use by children and the highway is posted with a standard "SCHOOL" warning sign,

(b) Thirty miles per hour:

In a business district.

(c) Thirty-five miles per hour:

In a residential district.

(d) Fifty-five miles per hour:

On all highways unless otherwise specified by this ordinance.

MAUI: 10-7.1 Basic Rule.

. . . and where no special hazard exists the speeds herein after enumerated shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

10-7.2 Twenty-Mile Limit.

No person shall operate a vehicle in excess of twenty miles per hour in any business district or school zone, and in addition thereto, in the following areas: . . .

10-7.4 Thirty-Mile Limit.

No person shall operate a vehicle in excess of thirty miles per hour in any residential district, and in addition thereto, in the following areas: . . .

10-7.5 Thirty-Five Mile Limit.

No person shall operate a vehicle in excess of thirty-five miles per hour on all highways not defined or regulated otherwise in Article 7.

10-7.6 Forty-Five Mile Limit.

No person shall operate a vehicle in excess of forty-five miles per hour on the following highways or indicated portions thereof: . . .

KAUAI: 7-101 Speed Restrictions.

(2) Except when a special hazard exists the following speeds shall be lawful but any speed in excess of said limits shall be *prima facie* evidence that the speed is not reasonable or prudent and that it is unlawful.

(3) No person shall operate a vehicle on a street or highway at a speed in excess of the following limits:

- a. Fifteen miles per hour while passing through a school zone.
- b. Twenty-five miles per hour in any residential district, business districts, camp sites, towns, villages or loosely built up sections.
- c. Thirty-five miles per hour where properly designated by signs.
- d. Forty-five miles per hour where properly designated by signs.
- e. Fifty miles per hour while traveling on all highways, streets and roadways except as otherwise herein provided.

Comment: The UVC provision sets forth general speed limits specifying compliance to the basic speed rule, UVC 11-801, and the exception of reducing speed for special hazards. Although the county ordinances designate general areas, i.e. business districts, the maximum speed limit for such areas varies from county to county. Thus, to stay within the lawful speed limit, the driver must rely to a large extent upon signs.

The Maui and Kauai ordinances, like the UVC provisions, specify that certain speeds shall be lawful except when special hazards exist. The Honolulu ordinance covers this exception in part under section 15-7.1:

"No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent . . . without regard to the actual and potential hazards then existing."

The Hawaii ordinance does not specify mention "special hazards".

The Hawaii, Maui, and Kauai ordinances specify that any speed in excess of the speed limit is *prima facie* unlawful. Under this *prima facie* speed limit rule, a driver may exceed the speed limit if he can establish that the excess speed is reasonable under the circumstances. Such *prima facie* speed limits were included in the UVC prior to 1956. Since 1956, however, the UVC has provided for absolute speed limits, which may not be exceeded.

(Discussed in UVC: Rules of the Road with Statutory Annotations, 1967, p. 441.) The Honolulu ordinance complies with the absolute speed limit rule. Although the Hawaii ordinance includes the *prima facie* speed limit rule, it also sets a maximum speed limit of 70 miles per hour.

UVC 11-802 Establishment of State Speed Zones.

Whenever the (State highway commission) shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the State highway system, said (commission) may determine and declare a reasonable and safe maximum limit thereat, which

shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

HONOLULU: 15-7.1 (5) Speed Restrictions.

(5) Whenever the Traffic Engineer shall determine upon the basis of an engineering and traffic investigation that any maximum speed limit hereinafter set forth is greater than is reasonable or safe under the conditions found to exist at any horizontal or vertical curve upon any part of a highway, said Traffic Engineer may post a recommended safe speed thereat which shall serve as a guide to vehicle drivers at all times when they are using the highway and which shall be effectively illuminated or reflectorized for visibility at night.

HAWAII: None

MAUI: 10-7.8 Establishment of Speed Zones.

(Comparable to the Honolulu provision but specifies, the police department rather than the traffic engineer.)

KAUAI: 7-101 (4) Speed Restrictions.

(4) Establishment of Speed Zones. Whenever the Board of Supervisors shall determine upon the recommendation of the County Engineer based on an engineering and traffic investigation that any maximum speed limit established for any area is greater or less than is reasonable and safe under the

conditions found to exist, the Board of Supervisors may designate any speed limit determined to be reasonable and safe for the area by resolution. The County Engineer shall post officially designated signs indicating the maximum speed limit determined by the Board of Supervisors for such area.

Comment: Unlike the UVC provision which authorizes the State Highway Commission to alter and post altered speed limits, the counties of Honolulu, Maui, and Kauai authorize local officials to determine and post altered speed limits.

Honolulu gives the authority to the Traffic Engineer, and Maui to the police department while Kauai authorizes the Board of Supervisors to determine such speed limits by resolution and authorizes the County Engineer to post the speed limits.

The Honolulu and Maui ordinances reflect the intent of the 1934 UVC which authorized decreasing speed limits. The Kauai ordinance authorizes both the increase or decrease of speed limits and in this sense complies with the UVC as it has appeared since 1938.

The Honolulu and Maui ordinances specify that speed limits may be decreased at "any horizontal or vertical curve upon any part of a highway". The Kauai ordinance specifies that speed limits may be increased or decreased at "any area" and in this sense is closer to the UVC provision which specifies such speed adjustment on "any part of the state highway system".

The Maui and Honolulu ordinances specify that such posted speeds shall be applicable at all times and that such speed limit signs will be "effectively illuminated or reflectorized for visibility at night". The Kauai ordinance does not specify that such speeds shall be applicable at all times and does not provide for illuminated signs. The counties, thus, do not comply with the UVC provision which provides that limits may vary according to the time of day, type of vehicle, and weather conditions.

The Honolulu and Maui ordinances authorize posting a "recommended safety speed" while the Kauai ordinance, like the UVC provision, specifies posting a "maximum speed limit".

The Hawaii ordinance does not include a provision similar to UVC 11-802.

UVC 11-803 When Local Authorities May and Shall Alter Maximum Limits.

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this Article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. Decreases the limit at intersections; or
2. Increases the limit within an urban district but not to more than 60 miles per hour during daytime or 55 miles per hours during nighttime; or
3. Decreases the limit outside an urban district, but not to less than 35 miles per hours.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this Act for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on State highways or extensions thereof in a municipality by local authorities

shall not be effective until such alteration has been approved by the (State highway commission).

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The county ordinances do not include a provision similar to UVC 11-803. For the authorization of local parties to alter speed limits, see Comment to UVC 11-802.

UVC 11-804 Minimum Speed Regulation.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever (State highway commission) or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the (commission) or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

HONOLULU: 15-7.4 Minimum Speed Regulations.

(1) The driver of a slow moving vehicle shall drive the same as close as possible to the right-hand edge of any roadway, laned or unlaned for traffic.

(2) The driver, further shall not drive a motor vehicle at such a low speed as to impede or block the normal and reasonable movement of traffic, except when so directed by a police officer or any other persons authorized to direct, control, or regulate traffic, or when reduced speed is necessary for safe operation, or in compliance with the law.

(3) Whenever any roadway is clearly marked for two or more lanes of traffic moving in the same direction, no person driving a motor vehicle in the lane or lanes other than the extreme right lane shall travel at a speed which is five miles per hour or more below the maximum stated speed, e.g. below thirty (30) miles per hour in a thirty-five (35) miles per hour speed limit zone or below forty (40) miles per hour in a forty-five (45) miles per hour speed limit zone, except when otherwise directed by a police officer or any other persons authorized to direct, control, or regulate traffic, or when a reduced speed is necessary for safe operation, or in compliance with the law.

(4) On any street or highway or portions thereof on which parking is prohibited during the hours specified, during the morning peak traffic and/or afternoon peak traffic hours, no person shall drive, move or tow, nor shall a registered owner knowingly cause or permit any person to drive, move or tow, during said hours on such street or highway or portions thereof, any vehicle which cannot maintain a speed equal to the maximum stated speed, less five (5) miles per hour, for such street or highway or portions thereof; provided, that,

the foregoing provisions shall have no force and effect on public holidays as defined in section 15-2.15.

HAWAII: 10-6 Minimum Speed Regulations.

(Subsection (a) comparable to subsection (a) of the UVC provision.)

(b) When a speed limit is set at 40 or more miles per hour the driver of a vehicle proceeding on such highway shall not operate his vehicle at a speed less than 15 miles per hour below the posted speed limit whenever practicable except when necessary for safe operation.

MAUI: 10-7.9 Minimum Speed Regulations.

(Subsection (1) and (2) comparable to subsections (1) and (2) of the Honolulu ordinance. Subsection (2) differs slightly in that it does not specify that a vehicle may be driven at a low speed when so directed by "any other persons authorized to direct, control, or regulate traffic".)

(3) Whenever any roadway clearly provides for two or more lanes, marked or otherwise, of traffic moving in the same direction, every person operating a motor vehicle in the extreme left lane shall travel at the maximum stated speed, except when so directed by a police officer or when a reduced speed is necessary for safe operation, or in compliance with the law.

(4) Police officers are hereby authorized to enforce the provisions of this paragraph by directions to operators, and in the event of an apparent wilful disobedience to any of the provisions aforesaid and refusal to comply with the directions of an officer, in accordance herewith, the continued disobedience by an operator shall constitute a misdemeanor.

KAUAI: 7-103 Minimum Speed Regulations.

(Subsections (1) and (2) comparable to subsections (1) and (2) of the Honolulu provision. Subsection (3) comparable to subsection (4) of the Maui provision.)

Comment: Subsection (a) of the Hawaii provision complies with subsection (a) of the UVC provision. Subsection (2) of the Honolulu, Maui, and Kauai provisions is similar to subsection (a) of the UVC provision, except that it uses the words "impede or block". In 1954 the UVC was revised making it unlawful simply to "impede" the normal and reasonable flow of traffic. Subsection (2) of the Honolulu and Kauai provisions specifies that a vehicle may be driven at a low speed "when so directed by a police officer or any other persons authorized to direct, control, or regulate traffic". Subsection (2) of the Maui provision specifies "when so directed by a police officer". The UVC provision does not specify such exceptions.

The county ordinances do not include a provision similar to subsection (b) of the UVC provision. The counties of Honolulu, Hawaii, and Maui however, do set minimum speed limits in accordance with the authorization given in subsection (b) of the UVC provision. The Honolulu provision specifies that on any roadway, clearly marked for two or more lanes of traffic moving in the same direction, a vehicle driven in other than the extreme right lane may not travel at a speed five miles per hour or more below the maximum speed. The Maui provision specifies that on such roadways, whether marked or otherwise, a vehicle traveling in the extreme left lane shall travel at the maximum stated speed. The Hawaii provision specifies that when a speed limit of 40 or more miles per hour is set, a vehicle shall not travel at a speed less than 15 miles per hour below the posted speed limit.

The Honolulu, Maui, and Kauai ordinances specify that slow moving vehicles shall drive as close as possible to the right-hand edge of any roadway. The Honolulu ordinance further specifies that on streets where parking is prohibited during specified hours, no person shall drive, move, or tow a vehicle incapable of maintaining the maximum stated speed, less five miles per hour, during such stated hours.

Subsection (4) of the Maui provision and subsection (3) of the Kauai provision reflect the UVC as it appeared prior to 1954. In 1954, the paragraph dealing with enforcement by police officers was deleted and replaced by subsection (b).

UVC 11-805 Special Speed Limitation on Motor-Driven Cycles.

No person shall operate any motor-driven cycle at any time mentioned in section 12-201 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead. (UVC 12-201: . . . any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead . . .)

HONOLULU: 15-19.15 (2) Headlamps.

(2) Every motorcycle operated upon a highway shall be equipped with at least one and not more than two multiple or single beam headlamps on the front thereof which shall conform to the requirements and limitations prescribed herein.

15-19.16 (4) Multiple-Beam Road-Lighting Equipment.

(4) All road-lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead.

15-19.21 Headlamps on Motorized Scooters.

Every motorized scooter or motorized bicycles, at all times specified in section 15-19.2 shall be equipped with at least one and not more than two lighted headlamps so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead of the vehicle. The headlamps may be of the single beam type provided that the power supply and the complete electrical system of the vehicle shall be adequate to provide 2,500 candlepower illumination.

(Section 15-19.2 When Lighted Lamps are Required.

Every vehicle upon a highway at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is insufficient light to render clearly discernible persons and vehicles on the highway at a distance of 200 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles . . .)

HAWAII: 20-5 (b) Headlamps on Motor Vehicles.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this ordinance.

20-3 When Lighted Lamps are Required.

Every vehicle upon a highway within this County at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

MAUI: 10-17.4 (2) Headlamps on Motor Vehicles.

(Comparable to section 20-5 (b) of the Hawaii ordinance.)

10-17.2 When Lighted Lamps are Required.

(Comparable to section 20-3 of the Hawaii ordinance.)

10-17.25 (1) Lighting Equipment on Motor-Driven Cycles.

(1) Every said headlamp or headlamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles

per hour and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour.

KAUAI: 21-115 (2) Headlamps.

(Comparable to section 15-19.15 (2) of the Honolulu ordinance but includes motor scooters and other similar vehicles.)

21-116 (4) Multiple-Beam Road-Lighting Equipment.

(Comparable to section 15-19.16 (4) of the Honolulu ordinance.)

21-121 Headlamps on Motorized Scooters.

(Comparable to section 15-19.21 of the Honolulu ordinance.)

21-102 When Lighted Lamps are Required.

(Comparable to section 15-19.2 of the Honolulu ordinance.)

Comment: The county ordinances do not include under their articles on speed restriction a provision similar to UVC 11-805. Under its article on equipment, the Maui ordinance specifies that during the time from a half hour after sunset to a half hour before sunrise and at other times when persons and vehicles are not clearly discernible at a distance of 500 feet ahead, a motor-driven cycle traveling at a speed of 35 or more miles per hour shall display a head lamp of sufficient intensity to reveal a person or a vehicle at a distance of not less than 300 feet. This specification, however, is not incorporated into a single section.

All of the counties require that all types of motor-driven cycles be equipped with at least one head lamp. The counties of Honolulu and Kauai specify that the head lamp shall be of sufficient intensity to reveal a person or vehicle at a distance of 100 feet ahead. The Maui ordinance

differs in that the distance of forward vision varies with the speed of the vehicle. The Hawaii ordinance does not specify the distance of forward vision. Section 291-25 HRS provides a statewide law concerning lights on motor-driven cycles.

"Sec. 291-25 Lights for Motor Vehicles, Motorcycles, Motor Scooter, Motorized Bicycles.

(a) From thirty minutes after sunset until thirty minutes before sunrise, every motor vehicle moving upon any public highway shall carry at the front thereof at least two lighted headlamps of equal candle power, and so arranged, adjusted, and constructed that, when the motor vehicle is fully loaded, any pair of headlights under the conditions of use shall produce a light sufficient to reveal any person, vehicle, or substantial object on the highway straight ahead of the motor vehicle for a distance of two hundred feet.

The light when measured at a distance of one hundred feet directly in front of the motor vehicle, and at a height of sixty inches above the level surface on which the motor vehicle stands, shall not exceed two thousand four hundred apparent candle power, nor shall this candle power be exceeded at a greater height than sixty inches.

When measured at a distance of one hundred feet ahead of the motor vehicle and seven feet or more to the left of the axis of the same, and at a height of sixty inches above the level surface on which the motor vehicle stands, the light shall not exceed eight hundred apparent candle power.

(b) During the time hereinbefore specified, every motorcycle, motor scooter, or motorized bicycle while moving on a public highway shall carry, at the front thereof, at least one lighted headlight which shall give a light of such power and so distributed as provided in subsection (a); provided, that any motorcycle, motor scooter, or motorized bicycle with a side car or similar contrivance attached shall, in addition to the foregoing required light, carry on the side car or similar contrivance a lighted lamp visible from a point at least two hundred feet ahead of the vehicle."

Section 291-25 HRS specifies that lighted headlamps shall be displayed during the time from a half hour after sunset to a half hour before sunrise but does not refer to other times when persons or vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead, as specified in UVC 12-201. The county ordinances of Honolulu and Kauai also differ from UVC 12-201 by specifying 200 feet rather than 1,000 feet. The Hawaii and Maui ordinances are in keeping with the UVC provision prior to 1968 which specified 500 feet.

UVC 11-806 Special Speed Limitations.

(a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of 45 miles per hour.

(b) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of 10 miles per hour.

(c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(d) The (State highway commission) upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this Chapter, the (commission) shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(e) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said (commission) and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

HONOLULU: 15-7.5 Special Speed Limits on Elevated Structure.

(Comparable to subsections (c) and (d) of the UVC provision except that it authorizes the Traffic Engineer to investigate and to determine a maximum speed for any bridge or other elevated structure. The Honolulu provision specifies that maximum speed signs shall be posted at a distance of 100 feet before each end of such structure.)

15-7.8 Speed of Certain Vehicles Restricted.

(1) No vehicle equipped wholly or partly with solid rubber tires shall be operated upon any highway at a speed in excess of ten miles per hour.

(2) No vehicle transporting any explosive as a cargo or part of a cargo shall be operated upon any highway at a speed in excess of twenty-five miles per hour.

HAWAII: None

MAUI: None

KAUAI: 7-104 Speed of Certain Vehicles Restricted.

(Comparable to section 15-7.8 of the Honolulu ordinance.)

Comment: Prior to 1948 this section of the UVC contained only those provisions concerning special speed limitations on bridges and other elevated structures (subsections (c), (d), and (e)). The Honolulu ordinance is the only one to include

provisions similar to these. The Honolulu ordinance differs slightly in that it authorizes the Traffic Engineer rather than the State Highway Commission to investigate such structures, to determine the maximum speed, and to post speed limit signs. The Honolulu ordinance specifies that signs be posted 100 feet before each end of the structures. In 1962 the UVC deleted "100 feet" and specified that signs be posted "before each end of such structures". The Honolulu provision does not include a subsection similar to subsection (e) of the UVC provision.

The county ordinances do not include a provision similar to subsection (a), dealing with maximum speed for a vehicle towing a house trailer. The Honolulu ordinance does specify a minimum speed requirement for a vehicle moving or towing another vehicle. (See Comment to UVC 11-804.)

The county ordinances of Honolulu and Kauai are the only ones to include a provision similar to subsection (b) of the UVC provision. The Honolulu and Kauai ordinances specify vehicles equipped "wholly or partly with solid rubber tires" while the UVC provision specifies vehicles equipped with "solid rubber or cushion tires". The Honolulu and Kauai ordinances also include a maximum speed for vehicles transporting any explosive as a cargo or part of a cargo.

UVC 11-807 Charging Violations and Rule in Civil Actions.

(a) In every charge of violation of any speed regulation in this Article the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven also the maximum speed applicable within the district or at the location.

(b) The provision of this Article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

HONOLULU: 15-7.7 Charging Violations and Rule in Civil Cases.

(Comparable to the UVC provision.)

HAWAII: None

MAUI: None

KAUAI: None

Comment: The Honolulu provision is in substantial conformity with the UVC provision. The county ordinances of Hawaii, Maui, and Kauai include the *prima facie* speed limit rule. (See Comment to UVC 11-801) but do not include provisions similar to UVC 11-807.

UVC 11-808 Racing on Highways.

(a) 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.

(b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(d) Any person convicted of violating this section shall be punished as provided in section 17-101 (c).

(UVC 17-101 (c) Penalties for Misdemeanor.

(c) Unless another penalty is in this Act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any other provision of this Act shall be punished by a fine of not more than (\$500), or by imprisonment for not more than six months, or by both such fine and imprisonment.)

HONOLULU: 15-7.10 Speed Contests.

It shall be unlawful for any person to engage in, or to aid or abet by whatever means, any motor vehicle speed contest or exhibition of speed on any public street or any private street upon which the City and County has been authorized to impose traffic regulations.

HAWAII: None

MAUI: 10-7.11 Speed Contests.

(Comparable to the Honolulu provision and specifies that "any intentional excessive revving up of engine following by screeching of tires, jack rabbit or quick start, whether it be done by one vehicle alone or in connection with another vehicle" is illegal.)

KAUAI: 7-105 Speed Contests.

(Comparable to the Honolulu provision and includes: Exhibition of speed shall include the following activity:

Excessive revving up of engine followed by screeching of tires, jack rabbit or quick starts, whether it be done by one vehicle alone, or in connection with a speed contest.)

Comment: Honolulu, Maui, and Kauai include a provision prohibiting speed contests. The ordinances use the terms "any motor vehicle speed contest or exhibition of speed" while the UVC elaborates on the term "racing". The county ordinances comply with the UVC provision in prohibiting, engaging in, or aiding or abetting such a race. The Maui and Kauai ordinances go further than the Honolulu ordinance by specifying what an exhibition of speed shall include.

This provision was added to the UVC in 1968. It was felt that an express provision prohibiting racing was needed for the following reasons:

- (1) Any type of racing on the highways is a definite hazard.
- (2) The frequency of racing has increased.
- (3) The laws covering speeding and reckless driving have proved inadequate to the successful prosecution for racing. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, p. 177.)

UVC ARTICLE IX - SERIOUS TRAFFIC OFFENSES.

(This Article covers what are regarded as relatively serious offenses carrying significantly higher penalties. All sections in this Article apply on and off the highways under section 11-101.)

UVC 11-901 Reckless Driving.

(a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five days nor more than 90 days, or by fine of not less than \$25 nor more than (\$500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than 10 days nor more than six months, or by a fine of not less than \$50 nor more than (\$1,000), or by both such fine and imprisonment.

HONOLULU: 15-24.17 Attention to Driving.

Every operator of a motor vehicle shall exercise due care in the operation of such vehicle upon any street or highway in order to avoid collision with any person, vehicle or other property on or off such street or highway.

15-25.10 Penalty.

(Maximum penalty - \$200 fine. Section 15-25.11 also provides for driver's license suspension or revocation for violations involving a vehicle in motion.)

HAWAII: 11-1 Due Care.

(Comparable to the Honolulu provision but provides that operators shall avoid "endangering" rather than "colliding".)

22-3 Penalties.

(Maximum penalty - \$500 fine.)

MAUI: 10-14.20 Attention to Driving.

(Comparable to the Honolulu provision.)

10-20.3 Penalty.

(Maximum penalty - \$100 fine for first offense and \$250 fine for subsequent offenses.)

KAUAI: 7-106 Inattention to Driving.

(Comparable to the Honolulu provision.)

25-111 Penalty.

(Maximum penalty - one year imprisonment or \$1,000 fine, or both.)

Comment: The county ordinances do not include sections dealing specifically with reckless driving. The closest county provisions to UVC 11-901 are those dealing with "due care" while driving. The county ordinances also include a general penalty section applicable to most violations of the respective traffic code or ordinance.

Section 291-1 HRS provides for a maximum penalty of a \$1,000 fine or one year imprisonment, or both, for a person who operates a vehicle "carelessly or heedlessly of the rights or safety of others, or in a manner so as to endanger or be likely to endanger any person or property"

In addition to the penalties prescribed by the county ordinances and section 291-1 HRS, three to six points may be imposed under the "point system" (section 286-128 HRS) for heedless and careless driving or one to four points for inattention to driving or negligent driving.

UVC 11-902 Persons Under the Influence of Intoxicating Liquor.

(a) It is unlawful and punishable as provided in section 11-902.2 for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this State.

(b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the persons' blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor.
2. If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.
3. If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

4. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood.
5. The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

(c) Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the State department of health and by an individual possessing a valid permit issued by the State department of health for this purpose. The State department of health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the State department of health.

(d) When a person shall submit to a blood test at the request of a law enforcement officer under the provisions of section 6-205.1, only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens.

(e) The person tested may have a physician or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional

test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(f) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

OPTIONAL (g) If a person under arrest refuses to submit to a chemical test under the provisions of section 6-205.1, evidence or refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

HONOLULU: 15-24.15 Operating a Vehicle While Under the Influence of Intoxicating Liquor.

No person who is intoxicated or who is under the influence of intoxicating liquor or narcotic drugs shall operate or attempt to operate any vehicle on any street or highway or on any way or place whatsoever within the City and County of Honolulu.

HAWAII: None

MAUI: None

KAUAI: None

Comment: Honolulu is the only county to include a provision prohibiting driving while under the influence of intoxicating liquor. Drivers in all counties, however, are subject to section 291-4 HRS which prohibits driving while under the influence of intoxicating liquor.

Section 291-5 HRS, Evidence of intoxication, is similar to subsection (b) 1, 2, 3, and 5 of the UVC provision with the following exceptions: Section 291-5 HRS specifies the use of evidence of intoxication only in criminal prosecution and permits the use of blood taken within three hours after the time of the alleged violation. Subsection (2) of the Hawaii statute specifies that the weight of alcohol in the person's blood shall be in excess of .05 percent but less than .15 percent rather than less than .10 percent as specified in subsection (b) 2 of the UVC provision. Subsection (3) of the Hawaii statute specifies that when the weight of alcohol in a person's blood is .15 percent or more, that person shall be presumed to have been under the influence of intoxicating liquor while subsection (b) 3 of the UVC provision specifies .10 percent or more. Section 291-5 HRS does not include a subsection similar to subsection (b) 4 of the UVC provision.

Section 286-151 HRS specifies that a test to determine the alcoholic content of blood shall be approved by the highway safety coordinator.

Section 286-152 HRS is comparable to subsection (d) of the UVC provision but authorizes any licensed laboratory technician, in addition to any physician or registered nurse, to withdraw blood. Section 286-152 HRS specifies that said limitation shall not apply to the taking of a breath specimen rather than breath or urine specimens as specified in the UVC provision.

Section 286-153 HRS is comparable to subsections (e) and (f) of the UVC provision with the following exceptions: Section 286-153 HRS specifies that a person may have, in addition to a test(s) administered at the direction of a police officer, "any physician, licensed laboratory technician, or registered nurse of his own choosing to withdraw blood and any person of his own choosing administer a test or tests . . ." (emphasis added.) The UVC provision specifies "other qualified person" of his own choosing to administer a chemical test or tests.

There is no provision similar to subsection (g) of the UVC provision. Section 286-155 HRS, dealing with the revocation of the privilege to drive a motor vehicle, is the only provision related to refusal to submit to a test of breath or blood.

UVC 11-902.1 Persons Under the Influence of Drugs.

It is unlawful and punishable as provided in section 11-902.2 for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this State. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any charge of violating this section.

HONOLULU: 15-24.15 Operating a Vehicle While Under the Influence of Intoxicating Liquor.

(Prohibits anyone under the influence of intoxicating liquor or narcotic drugs to operate any vehicle.)

HAWAII: None

MAUI: None

KAUAI: None

Comment: Honolulu is the only county to include a provision prohibiting driving while under the influence of narcotic drugs. Section 291-7 HRS is comparable to the UVC provision and specifies a maximum penalty of one year imprisonment or a \$1,000 fine, or both. The Hawaii Statute specifies "any drug" rather than only "narcotic drugs" and in this sense reflects the UVC as it has appeared since 1944.

UVC 11-902.2 Penalties and Administrative Action of Commissioner.

(a) Every person who is convicted of a violation of section 11-902 or section 11-902.1 shall be punished by imprisonment for not less than 10 days nor more than one year, or by fine of

not less than \$100 nor more than \$1,000, or by both such fine and imprisonment. On a second or subsequent conviction under either section he shall be punished by imprisonment for not less than 90 days nor more than one year, and, in the discretion of the court, a fine of not more than \$1,000.

(b) The comissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted under section 11-902 or section 11-902.1.

HONOLULU: 15-25.10 Penalty.

(Maximum penalty - \$200 fine. Section 15-25.11 also provides for driver's license suspension or revocation for violations involving a vehicle in motion.)

HAWAII: None

(General penalty section is not applicable since violation is not specified in the ordinance.)

MAUI: None

(General penalty section is not applicable since violation is not specified in the ordinance.)

KAUAI: None

(General penalty section is not applicable since violation is not specified in the ordinance.)

Comment: Sections 291-4 and 291-7 HRS prescribe maximum penalties of one year imprisonment or \$1,000 fine, or both. Section 15-25.11 of the Honolulu ordinance is similar to the UVC provision in that it provides for the revocation of a driver's license for violations involving a vehicle in motion. See also sections 286-121, -124, -125, -128, and -155 HRS on revocation of license or permit to drive.

UVC 11-903 Homicide by Vehicle.

(a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

(b) Any person convicted of homicide by vehicle shall be fined not less than \$500 nor more than \$2,000, or shall be imprisoned in the county jail not less than three months nor more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the penitentiary for a term not less than one year nor more than five years.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: None of the county ordinances include a provision similar to UVC 11-903. Although the Hawaii statutes, do not expressly refer to the violation of "any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic", section 748-9 HRS prescribes penalties for the negligent operation of a vehicle causing the death of another.

748-9. Negligent Homicide: Degrees, Penalties.

(a) Every person who by the operation of any vehicle in a grossly negligent manner causes the death of another, shall be guilty of the crime of negligent homicide in the first degree and shall be imprisoned at hard labor not more than five years.

(b) Every person who by the operation of any vehicle in a negligent manner causes the death of another, shall be guilty of the crime of negligent homicide in the second degree and shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

UVC 11-904 Fleeing or Attempting to Elude a Police Officer.

(a) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

(b) Every person convicted of fleeing or attempting to elude a police officer shall be punished by imprisonment for not less than 30 days nor more than six months or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

HONOLULU: None

HAWAII: 13-24 Fleeing From Police Officer.

No operator of a vehicle, after having received a visual or audible signal from a traffic officer, or police vehicle, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, or the traffic officer or other vehicles or pedestrians, nor shall he increase the speed of his vehicle or extinguish the lights of his vehicle in an attempt to elude or flee.

MAUI: None

KAUAI: None

Comment: The Hawaii ordinance is the only one to include a provision similar to UVC 11-904. Unlike the UVC provision, which specifies eluding a uniformed police officer in an official police vehicle, the Hawaii provision specifies eluding any traffic officer. The penalty for such a violation under the Hawaii ordinance would be a maximum fine of \$500 (section 22-3).

Section 11-904 was added to the UVC in 1968. Although section 11-103 requires obedience to the directions of a police officer, it was felt that the section was concerned with those times when a police officer was regulating traffic. It was also noted that there is difficulty in getting convictions under section 11-103. Thus, the provision expressly makes it unlawful to willfully attempt to elude a police vehicle.

(Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, pp. 183-184.) For county compliance with UVC 11-103 see the Comment under that section.

UVC ARTICLE X - STOPPING, STANDING AND PARKING.

UVC 11-1001 Stopping, Standing or Parking Outside of Business or Residence Districts.

(a) Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping, and temporarily leaving such disabled vehicle in such position.

HONOLULU: 15-13.1 Stopping, Standing or Parking Outside of Business or Residence District.

(Comparable to the UVC provision.)

HAWAII: 17-1 Stopping, Standing or Parking Outside of Business or Residence Districts.

(Prohibits all stopping, parking, or leaving of a vehicle unless disabled. The Hawaii ordinance further specifies that a driver of a disabled vehicle "shall take reasonable precaution to prevent a collision with said disabled vehicle".)

MAUI: 10-13.1 Stopping, Standing or Parking Outside of Business or Residence Districts.

(Comparable to the UVC provision.)

KAUAI: 13-101 Stopping, Standing or Parking Outside of Business or Residence Districts.

(Comparable to the UVC provision but specifies that the unobstructed portion of highway opposite a standing vehicle shall be 10 feet in width. The Kauai ordinance, like the Hawaii ordinance, specifies that the driver of a disabled vehicle shall take reasonable precaution to prevent collision.)

Comment: The Honolulu and Maui ordinances are comparable to the UVC provision. The Kauai ordinance differs slightly in that it specifies the width of unobstructed highway opposite a standing vehicle and advises the driver of a disabled vehicle to take precaution to avoid collision. The Hawaii ordinance prohibits all stopping, parking, or leaving of a vehicle unless the vehicle is disabled. Like the Kauai ordinance, it includes the provision of precaution to prevent collision.

UVC 11-1002 Officers Authorized to Remove Vehicles.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 11-1001 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic.

- (c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
1. Report has been made that such vehicle has been stolen or taken without the consent of its owner, or
 2. The person or persons in charge of such vehicle are unable to provide for its custody or removal, or
 3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

HONOLULU: 15-13.2 Officers Authorized to Remove Illegally Stopped Vehicles.

- (1) (Comparable to subsection (a) of the UVC provision.)
- (2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
- (3) The expense incurred in the removal of such vehicle shall be borne by the owner of the vehicle.

15-13.10 Authority to Store Vehicles.

- (1) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety under the circumstances herein-after enumerated.

- (a) . . .
- (b) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury

incapacitated to such an extent as to be unable to provide for its custody or removal.

(c) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

HAWAII: 17-2 Officers Authorized to Remove Illegally Stopped Vehicles.

(Comparable to section 15-13.2 of the Honolulu provision but does not include subsection (3).)

MAUI: 10-13.2 Officer Authorized to Remove Illegally Stopped Vehicles.

(Comparable to the Hawaii provision and also includes section 10-13.18 Authority to Store Vehicles which includes provisions similar to those cited from section 15-13.10 of the Honolulu ordinance.)

KAUAI: 13-102 Officers Authorized to Remove Illegally Stopped Vehicles.

13-107 Authority to Store Vehicles.

(Both sections are comparable to the sections cited from the Honolulu ordinance.)

Comment: The Hawaii provision and section 10-13.2 of the Maui ordinance reflect the intent of the UVC prior to 1968. Section 15-13.2 of the Honolulu ordinance and section 13-102 of the Kauai ordinance are also similar to editions of the UVC prior to 1968, except that they specify that the owner shall pay for the removal of the vehicle.

In 1968 this section of the UVC was amended to authorize the removal of any unattended, illegally parked vehicle from any highway. It was felt that this change was necessary to cover situations where vehicles needed to be removed to protect them from damage or theft as well as to facilitate

the flow of traffic. The change also afforded more protection to the driver or owner since removal was limited to unattended vehicles illegally left standing. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, pp. 185-186.) Section 15-13.10 (c) of the Honolulu provision and those sections of the Maui and Kauai provisions which are similar to it appear to comply, in part, to this change. The county ordinances, however, relate to vehicles illegally parked so as to constitute a "definite hazard or obstruction to the normal movement of traffic".

Subsection (c) of the UVC provision was added in 1968 to authorize the removal of stolen vehicles, vehicles of persons unable to do so, and vehicles of arrested persons. Section 15-13.10 (1)(b) of the Honolulu ordinance and those similar provisions of the Maui and Kauai ordinances comply, in part with subsection (c) 2 of the UVC provision. The county provisions, however, specify removal when the vehicle is disabled and the person(s) in charge are physically incapacitated. The subcommittee for this section of the UVC considered specifying removal when the person(s) in charge was physically incapacitated but decided instead to specify when the person(s) in charge is unable to provide for the vehicle's custody or removal. It was felt that such wording would cover a number of situations. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, p. 186.)

Section 727-4 HRS states that obstructing a highway by leaving a motor vehicle unattended unlawfully for a continuous period of more than twenty-four hours without just cause, on any public highway or other public property or on private property without authorization of the owner or occupant of such property is a common nuisance. The penalty for such an offense is a maximum fine of \$500 or imprisonment for a maximum of six months.

Section 290-1 HRS authorizes the counties to designate a county agency to take into custody and to dispose of any vehicle which is unlawfully left unattended for more than twenty-four hours on any public highway or other public property or on private property without authorization of the property owner or occupant.

UVC 11-1003 Stopping, Standing or Parking Prohibited in Specified Places.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks;
 - i. At any place where official signs prohibit stopping.
 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk at an intersection;
 - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;

- e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly sign-posted);
 - f. At any place where official signs prohibit standing;
3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
- a. Within 50 feet of the nearest rail of a railroad crossing;
 - b. At any place where official signs prohibit parking.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

HONOLULU: 15-14.1 Stopping, Standing, or Parking Prohibited in Specified Places. No Signs Required.

- (1) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device in any of the following places:
- (a) On a sidewalk;
 - (b) Within four feet of either side of a public or private driveway;
 - (c) Within an intersection;
 - (d) Within ten feet of a fire hydrant;
 - (e) On a crosswalk;
 - (f) Within twenty feet of a crosswalk at an intersection or within twenty feet upon the approach to any mid-block crosswalk;

- (g) Within thirty feet upon the approach to any flashing beacon or stop sign located at the side of a roadway;
- (h) Within seventy-five feet upon the approach to any traffic control signals;
- (i) On the far side of the street at any signalized intersection within thirty feet of the curb line of the intersecting street. As used herein, the term "signalized intersection" means an intersection whereat traffic is controlled by official traffic control signals;
- (j) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless there be a different length indicated by signs or markings;
- (k) Within fifty feet of the nearest rail of a railroad crossing;
- (l) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when proper signs give notice of such restriction and/or the curb is painted red;
- (m) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (n) On the roadway side of any vehicle stopped or parked at the edge of a curb or a roadway;
- (o) Upon or beneath any bridge or other elevated structure upon a highway or within a highway tunnel, except that widened portion of Tenth Avenue under the Lunalilo Freeway Overpass.

- (p) Any place where official signs prohibit stopping;
 - (q) In front of the entrance of any theater during the hours moving pictures or legitimate play productions are being exhibited therein; provided, however, that this provision shall not apply where the operator of a vehicle stops temporarily before such entrance for the purpose of loading or unloading passengers;
 - (s) On either side of any street with a roadway of eighteen feet or less when official signs are erected, giving notice thereof;
 - (t) On the medial strip of divided highways;
 - (u) On a traffic island;
 - (v) On all connecting ramps of Pali Highway;
 - (w) Within due limits of Lunalilo Freeway, including all ramps;
 - (x) On all ramps, loops and collector roads on Moanalua Road located between the Moanalua Bridge to its intersection with King street;
 - (y) On Kalihi overpass, ramps and connecting roads;
 - (z) In Wilson Tunnel;
 - (a-1) On Likelike Highway;
 - (a-2) Within the turnaround area of any dead-end street.
- (2) No person shall move a vehicle not lawfully under control onto any such prohibited area or away from a curb to such a distance as is unlawful.
- (3) No person shall stop, park or leave standing any vehicle whether attended, upon the completed section of the new Federal-Aid Highway (unofficially called Nuuanu Highway) from Nuuanu Pali Drive (near Reservior No. 4) to Kamehameha Highway (at the hairpin turn), except in areas set aside for emergency parking and so designated by authorized signs.

HAWAII: 17-3 Stopping, Standing or Parking Prohibited in Specified Places.

(Comparable to the UVC provision with the following exceptions:

(a)1.c Within an intersection except where designated by parking stalls;

(a)1.e Within or along any safety zone where official signs are erected prohibiting parking;

Subsection (a)1.h of the UVC provision prohibiting stopping, standing, or parking on any railroad tracks is not included.

(a)2.a In front of or within 4 feet of a public or private driveway;

(a)2.c Within 30 feet of a marked or unmarked crosswalk;

(a)2.d Within 30 feet of an intersection;

(a)2.f Within 75 feet upon the approach to any traffic control signal except where designated by a parking stall;

Subsection (a)2.f of the UVC provision appears as (a)2.g in the Hawaii provision.

Subsection (a)3.a of the UVC provision is not included.)

MAUI: 10-13.3 Stopping, Standing, or Parking Prohibited in Specified Places.

(Comparable to the Honolulu provision with the following exceptions:

Subsections (1)(i), (j), (l), (t) to (a-2), and (3) of the Honolulu provision are not included.

Differs from subsection (1)f of the Honolulu provision in that mid-block crosswalks are not specified.

Permits parking within 10 feet of a fire hydrant if the person remains in the driver's seat.

Prohibits parking "upon any bridge and for fifty feet on either side of any bridge . . .")

KAUAI: 14-101 Except When Necessary to Avoid Conflict with Other Traffic or in Compliance with Law or the Directions of a Police Officer or Official Traffic-Control Device, No Person Shall:

14-102 Moving of Vehicle into Prohibited Area.

(The two sections in combination are comparable to the UVC provision. The Kauai provision prohibits standing or parking, except momentarily, within 10 feet of a fire hydrant rather than within 15 feet as specified in the UVC.)

Comment: The Hawaii and Kauai ordinances reflect the 1962 Revision of the UVC which divided subsection (a) into three subsections: one dealing with specific places where parking, stopping, and standing are prohibited; a second dealing with specific places where standing and parking are prohibited except momentarily for the purpose of picking up or discharging passengers; and a third dealing with specific places where parking is prohibited except temporarily for the purpose of loading merchandise or passengers. The Honolulu and Maui ordinances are structured so that all specified places are those where parking, stopping, or standing are prohibited. The Kauai ordinance is the most similar to the UVC provision. For variations regarding specific prohibited places, see listings under respective county provisions.

UVC 11-1004 Additional Parking Regulations.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the

roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or State highway unless the (state highway commission) has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The (State highway commission) with respect to highways under its jurisdictions may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

HONOLULU: 15-13.5 Standing or Parking Close to Curb.

Upon any roadway within a business or residence district, no person shall stand or park a vehicle other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicle within twelve inches of the edge of the roadway, except while parked wholly within stalls marked or designated pursuant to section 15-13.3 of this Traffic Code.

15-13.3 Parking Stalls: Required Parking Therein.

(1) The traffic engineer is hereby authorized and directed to establish, mark, and designate, where there is an apparent need therefor, a consecutive series of parking stalls for the parallel or angle parking of motor vehicles upon any street.

15-14.6 Prohibited Parking Within the City and County of Honolulu.

(1) When official signs are erected giving notice of the prohibition against parking, no person shall stop, stand or park a vehicle any longer than is absolutely necessary to take on or discharge passengers or freight upon any of the streets or portions thereof described in Schedule XX attached hereto and made a part hereof.

(2) . . .

15-14.7 Parking Prohibited During Certain Hours Within the City and County of Honolulu.

(Required obedience to official signs indicating restricted parking hours.)

HAWAII: 16-1 Standing or Parking Close to Curb.

Except as otherwise provided in this ordinance:

(a) Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the wheels of such vehicle parallel to and within 12 inches of the curb or wholly within a marked parking stall and headed in the direction of authorized movement.

(b) Every vehicle stopped or parked upon a highway where there are no curbs, shall be so stopped or parked parallel with the roadway and with all wheels entirely off the traveled way so far as the shoulder width will permit and headed in the direction of authorized movement.

17-14 Stopping, Standing, or Parking on Federal-Aid Highways.

(a) Where official signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle upon any federal-aid highway, subject to the exemptions granted emergency vehicles.

(b) For the provisions of subsection (a) of this section, the state highway engineer for the county of Hawaii is hereby authorized to erect "No parking" signs upon any portion of the said federal-aid highway where he deems it necessary.

(c) No person shall park a vehicle upon any federal-aid highway for a period of time longer than sixty minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day; subject, however, to the exemptions granted emergency vehicles.

(d) Where parking is permitted on a federal-aid highway, all parking shall be parallel to the pavement with all wheels entirely off the traveled way.

(e) There shall be no parking on or crossing over the medials.

17-10 (a) Parking Spaces: Required Parking Therein.

(Authorizes the department of public works of the county of Hawaii to establish mark and designate, where there is an apparent need, a consecutive series of parking spaces, parallel or angular, but does not specify any street.)

17-8 No Parking Zones.

(Comparable to section 15-14.6 of the Honolulu provision but refers to any street.)

17-9 Parking Prohibited During Certain Hours.

(Comparable to section 15-14.7 of the Honolulu provision but includes the exception of Sundays and public holidays.)

MAUI: 10-13.12 Standing or Parking Parallel to Curb.

(Comparable to section 15-13.5 of the Honolulu provision but does not include " . . . except while parked wholly within stalls marked or designated . . .".)

10-13.10 (1) Parking Stalls: Required Parking Therein.

(Comparable to section 15-13.3 of the Honolulu provision but specifies the county engineer.)

KAUAI: 13-104 Standing or Parking Close to Curb.

(Comparable to section 15-13.5 of the Honolulu provision.)

13-103 (1) Parking Spaces: Required Parking Therein.

(Comparable to section 17-10(a) of the Hawaii provision but grants the authority to the Board of Supervisors.)

16-101 (1) Time Limit Parking.

(Required obedience to parking time limits indicated on official signs between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays and public holidays.)

16-102 Prohibited Parking Within the County of Kauai.

(Comparable to 17-8 of the Hawaii provision.)

Comment: The county ordinances are in substantial agreement with subsections (a) and (b) of the UVC provision. The county ordinances of Honolulu, Maui, and Kauai refers to any roadway within a business or residence district while the Hawaii ordinance specifies roadways with adjacent curbs. All the counties comply with the UVC provision requiring vehicles to be stopped or parked within 12 inches of the curb.

Subsection (c) of the UVC provision permits local authorities to provide for angle parking on any roadway except on federal-aid or state highways. The UVC subsection further specifies that such angle parking on federal-aid or state highways may be established by the state highway commission. The county ordinances authorize certain local authorities to establish a consecutive series of parking spaces for parallel or angle parking but do not state that such parking shall be

permitted on federal-aid or state highways only by permission of the state highway commission. Section 17-14 of the Hawaii ordinance specifies that parking on federal-aid highways shall be parallel to the pavement. Under the article on Traffic Administration, the Honolulu ordinance authorizes the city council to establish angle parking areas. Thus, it appears that both the traffic engineer and the city council in Honolulu have authorization over angle parking areas.

Section 17-14 of the Hawaii ordinance is the only one of the county provisions dealing with restrictions on federal-aid highways. This section gives express authority to the state highway engineer for the county of Hawaii to establish "no parking" areas on federal-aid highways. The county ordinances of Honolulu, Hawaii, and Kauai, under their articles on Traffic Administration, authorize the city council and boards of supervisors respectively to establish restricted parking zones. These county ordinances also include provisions requiring compliance with no parking and restricted parking signs but include the exception for taking on or discharging passengers or freight.

UVC ARTICLE XI - MISCELLANEOUS RULES.

UVC 11-1101 Unattended Motor Vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake theron and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

HONOLULU: 15-13.8 (1) Unattended Motor Vehicle.

(Comparable to the UVC provision but specifies "removing the ignition key from the vehicle".)

HAWAII: 13-1 Unattended Motor Vehicle.

(Comparable to the UVC provision, but specifies only "removing the key", and exempts three-wheeled motorcycle of the police department when enforcing traffic regulations.)

MAUI: 10-13.6 Unattended Motor Vehicle.

(Comparable to the Honolulu provision.)

KAUAI: 13-111 (1) Unattended Motor Vehicle.

(Comparable to the Honolulu provision.)

Comment: The county ordinances of Honolulu, Maui, and Kauai generally comply with the UVC provision. These county ordinances, however, specify that the ignition key shall be removed from an unattended vehicle. The Hawaii ordinance reflects the wording of the UVC prior to 1968 when removing the key was specified. In 1968 the requirement of removing the key was changed to removing the key "from the ignition". The revisions subcommittee considered wording the provision so that a key should be removed from the vehicle but decided upon the clarification noted above instead. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, May 29, 1968, p. 190.)

UVC 11-1102 Limitations on Backing.

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

HONOLULU: 15-8.7 Limitations on Backing.

(Comparable to subsection (a) of the UVC provision but specifies with "reasonable safety".)

HAWAII: 13-2 Limitations on Backing.

(Comparable to subsection (a) of the UVC provision.)

MAUI: 10-14.13 Limitations on Backing.

(Comparable to the Honolulu provision.)

KAUAI: 8-105 Limitations on Backing.

(Comparable to subsection (a) of the UVC provision.)

Comment: The county ordinances are generally comparable to subsection (a) of the UVC provision. The words, "reasonable safety", which appear in the Honolulu and Maui ordinances reflect the UVC as it appeared prior to 1962. Subsection (b) was added to the UVC in 1962. None of the counties include provisions similar to subsection (b).

UVC 11-1103 Driving Upon Sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

HONOLULU: 15-14.2 Vehicles Shall Not be Driven on a Sidewalk.

(Comparable to the UVC provision but specifies "temporary driveway" rather than "duly authorized temporary driveway".)

HAWAII: 13-17 Vehicle Shall Not be Driven On a Sidewalk.

(Comparable to the Honolulu provision.)

MAUI: 10-14.10 Vehicles Shall Not be Operated on a Sidewalk.

(Comparable to the Honolulu provision.)

KAUAI: 14-104 (2) Stopping, Standing, Parking or Driving on Sidewalk.

(Comparable to the Honolulu provision.)

Comment: This section was added to the UVC in 1968. The county ordinances are comparable to the UVC provision but specify "temporary driveways" rather than "duly authorized temporary driveways". Section 265-63 HRS also prohibits any vehicle from being driven or drawn upon any sidewalk except for the purpose of going into a yard, lot, or some place where the vehicle is kept while not in use.

UVC 11-1104 Obstruction to Driver's View or Driving Mechanism.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle (or streetcar) shall ride in such position as to interfere with the driver's (or motorman's) view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle (or streetcar).

HONOLULU: 15-24.1 Obstruction to Driver's View or Driving Mechanism.

(Comparable to the UVC provision but does not specify "or streetcar" as provided in subsection (b).)

HAWAII: 13-4 Obstruction to Driver's View or Driving Mechanism.

(Comparable to the Honolulu provision but does not specify that the number of persons in the front seat shall not exceed three.)

MAUI: 10-14.1 Obstruction to Operator's View or Operating Mechanism.

(Comparable to the Honolulu provision.)

KAUAI: 24-101 Obstruction to Driver's View or Driving Mechanism.

(Comparable to the Honolulu provision but specifies that the three persons in the front seat restriction include the driver.)

Comment: The county ordinances generally comply with the UVC provision. The reference to "three persons" in subsection (a) is followed in the Honolulu and Maui ordinances. The Kauai ordinance elaborates on this restriction by specifying that the driver shall be counted among the three persons. The Hawaii ordinance does not refer specifically to "three persons" and in this sense conforms to the 1930 edition of the UVC.

The references to streetcars and motorman in subsection (b) were added to the UVC in 1968. None of the county ordinances include such references.

UVC 11-1105 Opening and Closing Vehicle Doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering

with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

HONOLULU: 15-15.2 Boarding or Alighting From any Vehicle, and Use of Vehicle Doors.

No person shall board or alight from any vehicle while such vehicle is in motion, and no person shall open the door of a motor vehicle on the side toward moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door of a vehicle open on the side toward moving traffic for a period of time longer than necessary to load or unload passengers.

HAWAII: 13-5 Opening and Closing Vehicle Doors.

(Comparable to the UVC provision.)

MAUI: 10-14.19 Opening of Vehicle Doors.

(Comparable to the UVC provision but specifies that such door shall be opened only when it can be done in safety rather than when it is "reasonably safe to do so, and can be done without interfering with the movement of other traffic".)

KAUAI: 15-103 Boarding or Alighting From any Vehicle and Use of Vehicle Doors.

(Comparable to the Honolulu provision.)

Comment: The Honolulu, Maui, and Kauai ordinances do not include the UVC requirement which states that a door shall not be opened unless it "can be done without interfering with the movement of other traffic". This requirement was added to the UVC in 1962. The Honolulu and Kauai ordinances prohibit boarding or alighting from any vehicle in motion.

UVC 11-1106 Riding in House Trailers.

No person or persons shall occupy a house trailer while it is being moved upon a public highway.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The counties do not include provisions similar to this section of the UVC. All of the counties include a section on Unlawful Riding and specify in that section that no one shall ride in a portion of a vehicle not designated or intended for use by passengers. However, riding in truck bodies is not prohibited. In Honolulu and Maui persons are permitted to ride within trailers in space intended for merchandise.

UVC 11-1107 Driving on Mountain Highways.

The driver of a motor vehicle traveling through defiles of canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: None of the counties have provisions similar to the UVC provision.

UVC 11-1108 Coasting Prohibited.

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.

(b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

HONOLULU: 15-7.9 Coasting Prohibited.

(Comparable to the UVC provision, except that it specifies "gears" rather than "gears or transmission" and applies to a driver of a commercial motor vehicle, not of a truck or bus.)

HAWAII: 13-6 Coasting Prohibited.

(Prohibits the driver of any motor vehicle to coast with gears in neutral or clutch disengaged.)

MAUI: 10-14.3 Coasting Prohibited.

(Comparable to the Honolulu provision.)

KAUAI: None

Comment: The Honolulu and Maui ordinances reflect the UVC as it appeared prior to 1968. The Hawaii ordinance extends the prohibition against coasting with gears in neutral or the clutch disengaged to the driver of any motor vehicle.

UVC 11-1109 Following Fire Apparatus Prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in

response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

HONOLULU: 15-24.3 Following Fire Apparatus Prohibited.

(Comparable to the UVC provision.)

HAWAII: 13-7 Following Fire Apparatus Prohibited.

(Comparable to the UVC provision and also prohibits parking a vehicle "where it may interfere with emergency operations or the ingress or egress of emergency vehicles".)

MAUI: 10-14.4 Following Fire Apparatus Prohibited.

(Comparable to the UVC provision.)

KAUAI: 24-103 Following Fire Apparatus Prohibited.

(Comparable to the UVC provision.)

Comment: The county ordinances are in substantial uniformity with the UVC provision. The Hawaii ordinance expands the prohibition to parking where a vehicle may interfere with the functions of the emergency vehicle.

UVC 11-1110 Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

HONOLULU: 15-24.4 Driving Over Fire Hose Prohibited.

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway without the consent of the fire department official in command.

HAWAII: 13-8 Crossing Fire Hose.

(Comparable to the UVC provision.)

MAUI: 10-14.5 Operating Over Fire Hose Prohibited.

(Comparable to the Honolulu provision.)

KAUAI: 24-104 Driving Over Fire Hose Prohibited.

(Comparable to the Honolulu provision.)

Comment: The county ordinances are in general conformity with the intent of the UVC provision. The Honolulu, Maui, and Kauai ordinances do not specify that the hose is one to be used at any fire or alarm of fire.

UVC 11-1111 Putting Glass, etc., on Highway Prohibited.

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(b) Any person who drops or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

HONOLULU: 15-24.5 Putting Glass, etc., on a Highway.

(Comparable to the UVC provision.)

HAWAII: 13-9 Putting Glass, etc., on Highway Prohibited.

(Comparable to the UVC provision.)

MAUI: 10-14.6 Putting Glass, etc., on a Highway.

(Comparable to the UVC provision with the following addition:

(4) Any person hauling material which may fall or be blown from the vehicle such as sand, sawdust, etc., shall take such steps as are necessary to prevent the material so hauled from sifting to roadway or from being blown or from falling from such vehicle.)

KAUAI: None

Comment: The county ordinances of Honolulu, Hawaii, and Maui are in substantial conformity with the UVC provision. In addition to these county provisions, section 727-5 HRS prohibits depositing glass, etc.:

Whoever negligently or maliciously scatters, throws, drops, or deposits, or causes to be scattered, thrown, dropped, or deposited, any paper, glass, glass bottle, tin can, nail, tack, wire, stone, or other substance dangerous to traffic on any highway street, road, alley, or lane, in the State, shall be fined not more than \$100.

UVC ARTICLE XII - OPERATION OF BICYCLES AND PLAY VEHICLES.

UVC 11-1201 Effect of Regulations.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Act.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

HONOLULU: 15-18.1 Effect of Regulations.

(Comparable to the UVC provision.)

HAWAII: None

MAUI: 10-16.1 Effect of Regulations.

(Comparable to the UVC provision.)

KAUAI: 20-101 Effect of Regulations.

(Comparable to the UVC provision.)

Comment: Honolulu, Maui, and Kauai uniformity. The Hawaii ordinance does not include a similar provision.

UVC 11-1202 Traffic Laws Apply to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Act, except as to special regulations in this article and except as to those provisions of this Act which by their nature can have no application.

HONOLULU: 15-18.4 Traffic Laws Applicable to Persons Riding Bicycles.

(Comparable to the UVC provision but does not provide for the exception of special regulations.)

HAWAII: 15-1 Traffic Laws Apply to Persons Riding Bicycles.

(Comparable to the UVC provision.)

MAUI: 10-16.2 Traffic Laws Applicable to Persons Riding Bicycles.

(Comparable to the Honolulu provision.)

KAUAI: 20-104 Traffic Laws Applicable to Persons Riding Bicycles.

(Comparable to the Honolulu provision.)

Comment: Although the county ordinances of Honolulu, Maui, and Kauai do not specify the exception of special regulations, they are in substantial agreement with the intent of the UVC provision.

UVC 11-1203 Riding on Bicycles.

(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereon.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

HONOLULU: 15-18.6 Riding on Bicycles.

(Comparable to the UVC provision.)

HAWAII: 15-2 Riding on Bicycles.

(Comparable to the UVC provision.)

MAUI: 10-16.4 Riding on Bicycles.

(Comparable to the UVC provision.)

KAUAI: 20-106 Riding on Bicycles.

(Comparable to the UVC provision.)

Comment: Uniformity.

UVC 11-1204 Clinging to Vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any (streetcar or) vehicle upon a roadway.

HONOLULU: 15-18.7 Clinging to Moving Vehicles.

No person riding upon any bicycle, motorcycle, motorscooter, coaster, roller skates, or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

HAWAII: 15-3 Clinging to Vehicles.

(Comparable to the UVC provision but does not mention streetcar.)

MAUI: 10-16.5 Clinging to Moving Vehicles.

(Comparable to the Honolulu provision.)

KAUAI: 20-107 Clinging to Moving Vehicles.

(Comparable to the Honolulu provision.)

Comment: The county ordinances of Honolulu, Maui, and Kauai extend the prohibition against clinging to vehicles to include motorcycles and motorscooters. The UVC and Hawaii provisions are broader in that they specify any vehicle on the roadway while Honolulu, Maui, and Kauai specify any moving vehicle. The omission of the specific reference to streetcar is in keeping with local conditions.

UVC 11-1205 Riding on Roadways and Bicycle Paths.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as

practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

HONOLULU: 15-18.8 Riding on Roadways and Bicycle Paths.

(Comparable to the UVC provision.)

HAWAII: 15-4 Riding on Roadways and Bicycle Paths.

(Comparable to the UVC provision but requires bicycle riders to ride in single file upon a roadway.)

MAUI: 10-16.6 Riding on Roadways and Bicycle Paths.

(Comparable to the UVC provision but does not include subsection (c).)

KAUAI: 20-108 Riding on Roadways and Bicycle Paths.

(Comparable to the UVC provision.)

Comment: Honolulu and Kauai uniformity. The Hawaii ordinance differs only in that it requires single file riding on roadways. The Maui ordinances does not include the provision for use of a usable bicycle path.

UVC 11-1206 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 handlebars.

HONOLULU: 15-18.11 Carrying Articles.

(Comparable to the UVC provision.)

HAWAII: 15-5 Carrying Articles.

(Comparable to the UVC provision.)

MAUI: 10-16.9 Carrying Articles.

(Comparable to the UVC provision.)

KAUAI: 20-111 Carrying Articles.

(Comparable to the UVC provision.)

Comment: Uniformity.

UVC 11-1207 Lamps and Other Equipment on Bicycles.

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

HONOLULU: 15-18.16 Lamps on Bicycles.

Every bicycle when in use at night shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 200 feet to the front and with a rear, red reflex mirror or lamp visible for a distance of 200 feet to the rear.

15-18.14 Warning Devices.

(Comparable to subsection (b) of the UVC provision.)

15-18.15 Brakes on Bicycles.

(Comparable to subsection (c) of the UVC provision.)

HAWAII: 15-8 Lamps and Other Equipment on Bicycles.

(Comparable to the UVC provision but specifies that the red reflector shall be visible from the rear from distances of 50 feet to 300 feet and when directly in front of lawful upper beams of headlamps on a motor vehicle.)

MAUI: 10-17.17 (1) Lamps on Bicycles and Other Vehicles and Equipment.

(Comparable to subsection (a) of the UVC provision but specifies that red reflector shall be visible from the rear from distances of 100 feet to 300 feet and when directly in front of lawful upper beams of headlamps on a motor vehicle.)

10-16.12 Warning Devices.

(Comparable to subsection (b) of the UVC provision.)

10-16.13 Brakes on Bicycles.

(Comparable to subsection (c) of the UVC provision.)

KAUAI: 20-116 Lamps on Bicycles.

(Comparable to section 15-18.16 of the Honolulu provision.)

20-114 Warning Devices.

(Comparable to subsection (b) of the UVC provision.)

20-115 Brakes on Bicycles.

(Comparable to subsection (c) of the UVC provision.)

Comment: Uniformity regarding audible signal and brake equipment. Subsection (a) of the UVC provision was revised in 1968. Prior to 1968 the requirement regarding red reflectors was that they should be visible from 50 feet to 300 feet to the rear when directly in front of lawful upper beams. It was felt that reflectors could meet visibility requirements when the reflected light was cast by low beam headlights. Specifying visibility requirements within 100 feet to 600 feet was also consistent with the Society Automotive Engineers Standards for visibility in front of high beams. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Traffic Laws and Ordinances, October 24, 1968, p. 193.) In addition to the county provisions regarding lamps on bicycles, section 291-27 HRS requires lamps and reflectors visible from at least 200 feet to the front and to the rear.

UVC ARTICLE XIII - SPECIAL RULES FOR MOTORCYCLES.

In 1968 it was decided that a new article should be added to Chapter 11 of the UVC which would incorporate rules applicable to motorcycles and motorcycle riders. The subcommittee noted that there was increasing legislative activity in this area and felt that the UVC should reflect and encourage the adoption of the best possible laws in this area. The UVC provision formerly numbered 11-1103 was incorporated into this article. (Discussed in Agenda for National Committee Meeting, National Committee on Uniform Laws and Ordinances, May 29, 1968, pp. 191-193.) Although the county ordinances do not have separate articles dealing with motorcycles, the ordinances do include a number of rules applicable to motorcycles. Such county provisions and State laws apply to both

motorcycles and motorscooters and in this sense are broader than the UVC provisions which apply only to motorcycles.

UVC 11-1301 Traffic Laws Apply to Persons Operating Motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this Act, except as to special regulations in this article and except as to those provisions of this Act which by their nature can have no application.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: There is no county provision similar to the UVC provision. Although this provision may not be absolutely essential, since drivers of motorcycles have the same rights and duties as drivers of other vehicles, it was felt that this provision would serve to impress drivers of other vehicles with the fact that motorcyclists have equal rights and to impress motorcyclists with the fact that they must follow all rules of the road. (Discussed in Traffic Laws Commentary, No. 68-1, October 31, 1968, p. 6.)

UVC 11-1302 Riding on Motorcycles.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger

may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

HONOLULU: 15-24.8 Riding on Motorcycles and Motorscooters.

(Comparable to subsection (a) of the UVC provision with the following exceptions:

- (1) applies to both motorcycles and motorscooters.
- (2) does not specify that if the permanent and regular seat is designed for two, then the passenger may sit upon it.
- (3) requires a passenger to ride astraddle.
- (4) requires motorcycles and motorscooters to be equipped with adequate footrests and handgrips.)

HAWAII: 13-3 (a) Riding on Motorcycles, Motorscooters, and Bicycles.

(Comparable to subsection (a) of the UVC provision but specifies persons operating a motorcycle, motorscooter, or bicycle.)

MAUI: 10-14.14 Riding on Motorcycles.

(Comparable to subsection (a) of the UVC provision, except that it does not include the situation when the permanent seat is designed for two. The Maui provision also requires that the extra seat be equipped with adequate footrests.)

KAUAI: 20-117 (1) and (2) Unlawful Riding on Motorcycles and Motorscooters.

(Comparable to subsection (a) of the UVC provision but applies to motorcycles and motorscooters. Allows a passenger when the vehicle is designed for such but does not specify where the seat shall be.)

Comment: The county provisions are in general conformity with subsection (a) of the UVC provision except that Honolulu, Hawaii, and Kauai include motorscooters. They do not, however, include provisions similar to subsections (b), (c), and (d). In addition to the county provisions concerning passengers on motorcycles or motorscooters, section 291-21 HRS provides:

"It shall be unlawful for any owner or operator of a motorcycle or motorscooter, . . . , to permit or allow any person other than the operator thereof to ride thereon, unless the same is equipped with:

- (1) A seat at least eighteen inches in length, with head and foot rests provided for the passenger;
- (2) A separate passenger's seat, hand and foot rests; or
- (3) A sidecar designed for the carriage of passengers."

UVC 11-1303 Operating Motorcycles on Roadways Laned for Traffic.

(a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

HONOLULU: 15-9.8 (2) Driving on Roadways Laned for Traffic.

(2) No person operating a motorcycle or motorscooter shall attempt to pass, drive abreast of or pass within the same traffic lane another vehicle, excepting another motorcycle or motorscooter; nor shall any person operating a vehicle, other than a motorcycle or motorscooter, attempt to pass, drive abreast of or pass within the same traffic lane a motorcycle or motorscooter.

For the purposes of this subsection, the entire width of the lane markings delineating the traffic lane occupied by the vehicles being passed shall be included within said traffic lane.

HAWAII: 13-3 (b) Riding on Motorcycles, Motorscooters, and Bicycles.

(b) No person shall operate a motorcycle, motorscooter or bicycle, other than in single file and as close as practicable to the right-hand edge of the roadway.

MAUI: None

KAUAI: 9-107 (2) Driving on Roadway Laned for Traffic.

(2) No person operating a motorcycle or motorscooter shall pass another vehicle that is within the same lane or attempt to pass another vehicle or to come abreast of such other vehicles by operating such motorcycle or motorscooter atop of and following the course of traffic lane markings.

Comment: The Honolulu and Kauai ordinances include provisions which comply substantially with the intent of subsections (b) and (c) of the UVC provision. Unlike UVC subsection (d), which allows motorcycles to operate two abreast in a single lane, the Hawaii ordinance requires a motorcycle or motor-scooter to operate in a single file and as close as practicable to the right-hand edge of the roadway.

The Hawaii provision which requires the driver of a motorcycle, motorscooter, or bicycle to drive on the right-hand edge of the roadway was rejected by the National Committee. It was felt that the safest position for a motorcyclist is generally on the left side of the lane where he can be seen by other drivers and where he has a better view of other traffic. Driving a motorcycle on the left would also discourage other drivers from passing the motorcycle in the same lane, and in this sense the motorcyclist's right to the full use of a traffic lane would be preserved. The National Committee also decided to allow motorcycles to operate two abreast because it increases their visibility at night for other drivers, restricts other drivers from overtaking in the same lane, and also utilizes less roadway space than riding single file would. (Discussed in Traffic Laws Commentary, No. 68-1, October 31, 1968, pp. 7-8.) There are no other county provisions similar to those cited in the UVC provision.

UVC 11-1304 Clinging to Other Vehicles.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle (or streetcar) on a roadway.

HONOLULU: 15-18.7 Clinging to Moving Vehicles.

(Prohibits persons riding bicycles, motorcycles, motor-scooters, etc., from attaching the same or himself to any moving vehicle.)

HAWAII: None

MAUI: 10-16.5 Clinging to Moving Vehicles.

(Comparable to the Honolulu provision.)

KAUAI: 20-107 Clinging to Moving Vehicles.

(Comparable to the Honolulu provision.)

Comment: The Honolulu, Maui, and Kauai ordinances are the only county ordinances to prohibit motorcycles or motorscooters from clinging to moving vehicles. For comparison between UVC provision and these county provisions see Comment to UVC 11-1204.

UVC 11-1305 Footrests and Handlebars.

(a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator.

HONOLULU: 15-24.8 Riding on Motorcycles and Motorscooters.

(Prohibits another person from riding a motorcycle or motorscooter unless it is equipped with adequate footrests and hand grips.)

HAWAII: 13-3 Riding on Motorcycles, Motorscooters, and Bicycles.

(Prohibits another person to ride unless the motorcycle or motorscooter is designed to carry more than one person.)

MAUI: 10-14.14 Riding on Motorcycle.

(Requires passenger seat to be equipped with adequate footrests.)

KAUAI: 20-117 Unlawful Riding on Motorcycles and Motorscooters.

(Prohibits another person from riding unless the vehicle is designed or equipped to carry more than one person.)

Comment: The Honolulu and Maui ordinances are the only ones to require adequate footrests for passengers. The Hawaii and Kauai ordinances are more general, prohibiting a passenger unless the vehicle is designed or equipped for more than one person. Section 291-21 HRS requires special equipment for motorcycles and motorscooters:

"It shall be unlawful for any owner or operator of a motorcycle or motorscooter, . . ., to permit or allow any person other than the operator thereof to ride thereon, unless the same is equipped with:

- (1) A seat at least eighteen inches in length, with hand and footrests provided for the passenger, or
- (2) A separate passenger's seat, hand and footrests, or
- (3) A sidecar designed for the carriage of passengers."

Neither the counties nor the state have a provision limiting the height of handlebars.

UVC 11-1306 Equipment for Motorcycle Riders.

(a) No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the commissioner.

(b) No person shall operate a motorcycle unless he is wearing an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a windscreen.

(c) This section shall not apply to persons riding within an enclosed cab.

(d) The commissioner is hereby authorized to approve or disapprove protective headgear and eye-protective devices required herein, and to issue and enforce regulations establishing standards and specifications for the approval thereof.

The commissioner shall publish lists of all protective head-

gear and eye-protective devices by name and type which have been approved by him.

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: 20-117 (3) Unlawful Riding on Motorcycles and Motor-scooters.

(3) Said operator shall not operate a motorcycle or motorscooter unless he is equipped and wearing a safety crash helmet.

Comment: Kauai is the only county to require an operator of a motorcycle or motorscooter to wear a safety crash helmet. Although the other county ordinances do not include a provision similar to UVC 11-1306, all operators of motorcycles and motorscooters in the State must comply with section 286-81 (1) HRS which states:

"No person shall:

(1) Operate a motorcycle or motorscooter on any highway in the State unless he and any passenger he carries on the motorcycle or motorscooter wears (A) a safety helmet securely fastened with a chin strap; (B) safety glasses, goggles, or a face shield, in the case of a motorcycle or motorscooter that is not equipped with windscreens or windshields; and (C) any other protective devices required by rules and regulations adopted by the state highway safety coordinator."

The Hawaii statute is generally comparable to the UVC provision.

UVC ARTICLE XIV - STREETCARS.

(This article should be omitted in states where no streetcars are in operation.)

HONOLULU: None

HAWAII: None

MAUI: None

KAUAI: None

Comment: The provisions of this article are not applicable in the State.

P A R T II

RECOMMENDATION FOR POSSIBLE LEGISLATION

Recommendation:

In order to comply with Standard 6 of the National Highway Safety Program - to achieve interstate and intrastate uniformity with regard to traffic codes and laws - it is recommended that the State of Hawaii adopt a statewide traffic law which would eliminate the need for duplicate county codes. In addition to enactment of a general traffic law of statewide applicability, it is also recommended that the counties adopt complementary traffic ordinances. The ordinances would serve to supplement the state law rather than to duplicate it. Provisions should be made in the ordinances for situations unique to a particular county. In order to preserve intrastate uniformity, it is further recommended that the state law be consistent with the Uniform Vehicle Code and that the county ordinances be patterned after the Model Traffic Ordinance (see Appendix A).

Reasons for the Recommendation:

1. A state traffic law based on the UVC would further interstate uniformity and could be studied on a continuing basis and kept current with recent national standards.
2. A state traffic law would be easier to maintain and revise. Man hours would be saved because only one governmental agency would be responsible for the study and revision process.
3. A statewide traffic law and complementary county ordinances do not involve a major substantive change. Those provisions now contained in the county codes would be, for the most part, covered

by the state law and the respective county ordinance. A major advantage would be savings to the counties in keeping their respective codes current.

4. County authority would be protected, for the proposed model traffic ordinance, on the whole, gives the same type of express authority that now exists in the county codes.

5. A state traffic law patterned after the UVC would also protect local authority. The UVC specifically reserves enumerated powers for local authorities. Chapter 15 of the Code lists the powers of local authorities:

15-102 Powers of local authorities.

(a) The provisions of this Act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating or prohibiting stopping, standing or parking;
2. Regulating traffic by means of police officers or official traffic-control devices;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways or roadways for use by traffic moving in one direction as authorized in section 11-308;
5. Establishing speed limits for vehicles in public parks notwithstanding the provisions of section 11-803 (a)3;
6. Designating any highway as a through highway or designating any intersection as a stop or yield intersection;
7. Restricting the use of highways as authorized in section 14-113;

[When the (state highway commission) or local authorities may restrict right to use highways:

(a) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight or size thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(d) The (State highway commission) shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions as to the weight or size of vehicles operated upon any highways under the jurisdiction of said (commission) and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.]

8. Regulating the operation of bicycles and requiring the registration and inspection of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles;
10. Altering or establishing speed limits as authorized in section 11-803;
11. Requiring written accident reports as authorized in section 10-115;
12. Designating no-passing zones as authorized in section 11-307;
13. Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic as authorized in section 11-313;
14. Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
15. Establishing minimum speed limits as authorized in section 11-804(b);
16. Designating hazardous railroad grade crossings as authorized in section 11-702;
17. Designating and regulating traffic on play streets;
18. Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in section 15-107:

[(Authority to restrict pedestrian crossings.

Local authorities by ordinance, and the (state highway commission) by erecting appropriate official traffic-control devices, are hereby empowered within their respective jurisdictions to prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.)]

19. Restricting pedestrian crossings at unmarked crosswalks as authorized in section 15-108:

[Authority to close unmarked crosswalks.

The (State highway commission) and local authorities in their respective jurisdictions may after an engineering and traffic investigation designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians must yield the right of way to vehicles. Such restrictions shall be effective only when official traffic-control devices indicating the restrictions are in place.)]

20. Regulating persons propelling push carts;
21. Regulating persons upon skates, coasters, sleds and other toy vehicles;
22. Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
23. Adopting such other traffic regulations as are specifically authorized by this Act.

(b) No local authority shall erect or maintain any official traffic-control device at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the (State highway commission).

(c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), (9), (10), (12), (13), (14), (16), (17), or (19) of paragraph (a) of this section shall be effective until official traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Jurisdictional Issues Raised by the Recommendation:

1. Would there be difficulty in applying a state traffic law in each county?

Should Chapter 15 of the UVC, Respective Powers of State and Local Authorities, or a similar provision, be enacted, an express rule regarding application throughout the State would exist.

15-101 Provisions Uniform throughout State.

The provisions of Chapters 10, 11, 12, 13, and 14 of this Act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of such chapters unless expressly authorized.

In accordance with the subject matter of this report, Chapters 1, 10, and 11 would be cited. Chapter 12, entitled "Equipment of Vehicles", Chapter 13, entitled "Inspection of Vehicles", and Chapter 14, entitled "Size, Weight and Load", could be considered for future inclusion under the state law.

2. Would the police officers of the respective counties have the power to enforce state law or make arrests for violations of them?

If the county ordinances are patterned after the Model Traffic Ordinance, such express enforcement authority would be delegated to the county police.

3. Would municipal traffic courts have jurisdiction over persons charged with violating state traffic laws?

The State of Hawaii does not provide municipal traffic courts. District courts within the state judicial system now handle traffic violations and thus there would be no new question of court jurisdiction.

4. Would there be a problem regarding the disposition of fines and forfeitures?

The disposition of fines and forfeitures is currently covered by State law - Chapter 712-8 HRS requires fines and forfeitures to be paid to the State Director of Finance.

5. Would the counties have traffic laws forced upon them without warning or discussion?

Any enactment of a state traffic law and any subsequent amendment of such a law would entail legislation. Each county is, of course, represented in the legislature. Thus, the positions of the counties would be considered and discussed before any legislation could be enacted. In addition to legislative representation, each county is also represented on the State Highway Safety Council. Any proposed change in the state traffic law would be thoroughly discussed and studied by the Council. It would seem unlikely that the feelings of the county representatives would go unnoticed. Instead they would be taken into consideration before any change in the state law would be approved by the Council for recommendation to the legislature.

Appendix A

The following Model Traffic Ordinance is included to serve as a guide to the counties. With the exception of Article II, the express authority included in the Model Ordinance is much the same as that authority now specified in the county codes. It is not the purpose of this study to alter the structure of county government. Therefore, should there be a discrepancy between the Model Ordinance and the county provision in the area of authorization, the county provision should take precedence. There need not be exact uniformity in the area dealing with authorization in order to comply with the Federal Highway Safety Act.

MODEL TRAFFIC ORDINANCE

An ordinance regulating traffic upon the public streets of the (city of).

It is ordained by as follows:

ARTICLE I - WORDS AND PHRASES DEFINED

1-1 Definition of Words and Phrases.

(a) The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this Article, except when the context otherwise requires.

(b) Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires. (If a state has

not enacted definitions of all or certain words and phrases applicable to rules of the road, then such definitions should be added from Chapter 1 of the Uniform Vehicle Code. Some of the more significant definitions would include: alley, authorized emergency vehicle, bicycle, business district, controlled-access highway, crosswalk, driver, highway, intersection, laned roadway, motor vehicle, motorcycle, official traffic-control devices, park, pedestrian, person, private road or driveway, railroad, railroad train, residence district, right-of-way, roadway, safety zone, sidewalk, stand, stop, stop or stopping, street, streetcar, through highway, traffic, traffic-control signal and vehicle --all of which were deleted from this article when subsection (b) was added because these terms are defined in Chapter 1 of the Uniform Vehicle Code.)

1-2 Central Business (or Traffic) District.

All streets and portions of streets within the area described as follows: All that area bounded by (Some cities enact special regulations applicable in the central business (or traffic) district rendering it necessary that such area be defined.)

1-3 Commercial Vehicle.

Every vehicle designed, maintained, or used primarily for the transportation or property.

1-4 Curb Loading Zone.

A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

1-5 Freight Curb Loading Zone.

A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers.)

1-6 Official Time Standard.

Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this city.

1-7 Passenger Curb Loading Zone.

A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

1-8 Police Officer.

Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

1-9 Traffic Division.

The traffic division of the police department of this city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of this city.

ARTICLE II - TRAFFIC ADMINISTRATION

2-1 Police Administration.

There is hereby established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police.

2-2 Duty of Traffic Division.

It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the State vehicle laws, to make arrests for traffic violations, to investigate accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this ordinance and the traffic ordinances of this city.

2-3 Records of Traffic Violations.

(a) The police department of the traffic division thereof shall keep a record of all violations of the traffic ordinances of this city or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

(b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(c) All such records and reports shall be public records.

2-4 Traffic Division to Investigate Accidents.

It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

2-5 Traffic Accident Studies.

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

2-6 Traffic Accident Reports.

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer.

2-7 Driver's Files to be Maintained.

(a) The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(b) Said division shall study the cases of all such drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and report such information to the department (or motor vehicles) or other appropriate state agencies.

(c) Such records shall accumulate during at least a (five-year) period and from that time on such records shall be maintained complete for at least the most recent (five-year) period.

2-8 Traffic Division to Submit Annual Traffic Safety Report.

The traffic division shall annually prepare a traffic report which shall be filed with the (mayor). Such report shall contain information on traffic matters in this city as follows:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- (3) The plans and recommendations of the division for future traffic safety activities.

2-9 Traffic Division to Designate Method of Identifying Funeral Processions.

The traffic division shall designate a type of pennant (It is recommended that this pennant be white, with or without special insignia.) or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

2-10 City Traffic Engineer

(a) The office of city traffic engineer is hereby established. The city traffic engineer shall be a qualified engineer and shall be appointed by (under civil service) and he shall exercise the powers and duties as provided in this ordinance and in the traffic ordinances of this city.

ALTERNATE (a) The office of city traffic engineer is hereby established. The (city engineer) shall serve as city traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this ordinance.

(b) It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

2-11 Emergency and Experimental Regulations.

(a) The chief of police by and with the approval of the city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulations shall remain in effect for more than 90 days. (This subsection is authorized by UVC section 15-102(a)

22.)

(b) The city traffic engineer may test traffic control devices under actual conditions of traffic.

2-12 Traffic Commission - Powers and Duties.

(a) There is hereby established a traffic commission to serve without compensation, consisting of the city traffic engineer, the chief of police or in his discretion as his representative the chief of the traffic division, the chairman of the city council traffic committee, and one representative each from the city engineer's office, and the city attorney's office and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the mayor. The chairman of the commission shall be appointed by the mayor and may be removed by him.

(b) It shall be the duty of the traffic commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, (to carry on educational activities in traffic matters,) to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of this city and to the city traffic engineer, the chief of the traffic division, and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. (There are two types of official traffic commissions, each of which has been found effective under certain conditions. The first type consists of a small number of city officials directly concerned with traffic administration, serving ex officio, with perhaps the addition of one or two citizen members. The principal function of this commission is to coordinate official traffic activities of the several departments of the city administration. The safety educational activities in the community

are then conducted or coordinated by an unofficial organization such as a safety council, or a safety committee of the chamber of commerce, motor club, or similar organization.

The other type of traffic commission (sometimes called the safety commission or the traffic safety commission) is considerably larger in size, including other public officials and a number of citizen members in addition to the officials mentioned above. Such a commission and its subcommittees not only perform the functions mentioned above, but also carry on a comprehensive program of public safety education. If this type of commission is desired then there should be retained in section 2-12 (b) the part reading, "(to carry on educational activities in traffic matters,)" but if the first type of commission is desired the statement with respect to educational activities should be omitted.

The type of traffic commission most effective in any particular community will depend on the local conditions. Before organizing any such commission, advice should be had from one of the national organizations in this field.

In the event the second type of commission is desired it is suggested that it might properly include the following personnel in addition to those official representatives mentioned in section 2-12:

- (1) The judicial official who handles most of the traffic cases.
- (2) A representative of the board of education.

- (3) A representative of the city planning commission.
- (4) A representative of the fire department.
- (5) A representative of the public utilities regulatory body, if any.
- (6) A number of citizens vitally interested, including the following:
 - (a) Representatives of the mass transportation companies.
 - (b) One or more representatives of business organizations.
 - (c) Representatives of civic and professional groups such as the automobile club, engineers club, local safety council, chamber of commerce, and junior chamber, and the parent-teachers association.
 - (d) A representative of trucking interests.
 - (e) A representative of taxicab companies.
 - (f) A representative of automobile insurance companies.
 - (g) One or two newspaper editors.)

ARTICLE III - ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-1 Authority of Police and Fire Department Officials.

- (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the State vehicle laws.
- (b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or

other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

3-2 Required Obedience to Traffic Ordinance.

It is unlawful and a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance.

3-3 Obedience to Police and Fire Department Officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

3-4 Certain Nonmotorized Traffic to Obey Traffic Regulations.

(a) Every person propelling any push cart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance and by the rules of the road portion of the State Vehicle Code, except those provisions which by their very nature can have no application.

(b) Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application.

3-5 Use of Coasters, Roller Skates and Similar Devices Restricted.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized herein.

3-6 Public Employees to Obey Traffic Regulations.

The provisions of this ordinance shall apply to the drivers of all vehicles owned or operated by the United States, this State, or any county, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this ordinance or in the State Vehicle Code.

3-7 Authorized Emergency Vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may park or stand, irrespective of the provisions of this ordinance.

(b) The foregoing provision shall not relieve the driver of an authorized emergency vehicle from the duty to park or stand with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of his reckless disregard for the safety of others.

3-8 Written Report of Accident.

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of (\$25, \$50, \$100) or more shall within 10 days after such accident forward to the police department a written report of such accident or a copy of any report filed with the department (of motor vehicles.) The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat. (Requiring a written accident report is authorized by UVC sections 10-115 and 15-102(a)11.)

3-9 When Driver Unable to Report.

Whenever the driver is physically incapable of making a written report of an accident as required in section 3-8 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within 10 days after the accident make such report not made by the driver.

ARTICLE IV - TRAFFIC CONTROL DEVICES

4-1 Authority to Install Traffic Control Devices.

The (city traffic engineer) shall place and maintain official traffic control devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional official traffic control devices as he may deem necessary to regulate, warn or guide traffic under the traffic ordinances of this city or the State Vehicle Code.

4-2 Manual and Specifications for Traffic Control Devices.

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the (State highway commission) (or resolution adopted by the legislative body of this city.) All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic control devices. (Ordinances patterned after the first sentence in this section should be modified as may be necessary for consistency with laws comparable to UVC sections 15-104 and 15-106(a). The optional clause referring to a resolution of the city council would, of course, be necessary when the State highway commission has not approved or adopted a manual or when devices will be employed that exceed minimum standards of a state manual or are not described therein.)

4-3 Obedience to Official Traffic Control Devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

4-4 When Official Traffic Control Devices Required for Enforcement Purposes.

No provision of this ordinance for which official traffic control devices are required shall be enforced

against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

4-5 Official Traffic Control Devices - Presumption of Legality.

(a) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(b) Any official traffic control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance unless the contrary shall be established by competent evidence.

4-6 Authority to Establish Play Streets.

The city traffic engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

4-7 Play Streets.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person

shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

4-8 City Traffic Engineer to Designate Crosswalks and Establish Safety Zones.

The city traffic engineer is hereby authorized:

(1) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

(2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

4-9 Traffic Lanes.

The city engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

ARTICLE V - SPEED REGULATIONS

5-1 State Speed Laws Applicable.

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, except as this ordinance, as authorized by State law, hereby declares and determines upon the basis of an engineering and traffic investigation that certain speed regulations shall be applicable upon

specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof. (Sections 5-1, 5-2, 5-3, 5-4, and 5-5 are included on the assumption that the state legislature has enacted UVC section 11-803 authorizing local authorities to alter certain limits declared by state law subject to the limitations and under the conditions stated in section 11-803. However, in the event a city does not find it necessary to exercise the powers granted in sections 5-1 and 5-5, inclusive, or any one of said sections, then those sections not needed should be omitted from the ordinance.

In connection with these sections and in the event a state has adopted UVC section 11-803(d), it should be noted that no alteration of a speed limit on a state highway or any extension thereof in a municipality shall be effective unless such alteration has been approved by the State highway commission.)

5-2 Decrease of State Speed Limits at Certain Intersections.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law at the following street intersections is greater than is reasonable or safe under the conditions found to exist at such intersections and it is hereby declared that the maximum speed limit within 100 feet upon every designated approach to and within those intersections herein designated shall be as herein stated, which speeds so declared shall be effective at

the times specified herein when signs are erected upon every approach to every such intersection giving notice of the maximum speed limit so declared thereat. (Section 5-2 is designed to apply and make effective the authorization contained in UVC section 11-803(a)1 authorizing local authorities under conditions stated in UVC section 11-803(a) to reduce the State law maximum speed limit at any intersection.)

Name of Street	Maximum Speed Limit	When Limit Applies*
.....
.....
.....

**(In this and ensuing schedules, the times when a given limit will apply should be specified. For instance, a limit could be made applicable at all times or during specified hours such as daytime, nighttime or 7 to 9:30 a.m. and 4 to 6:30 p.m.)*

5-3 Increasing State Speed Limits in Certain Zones.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets is less than is necessary for safe operation of vehicles thereon by reason of the designation and signposting of said streets as through highways and (or) by reason of widely spaced intersections and it is hereby declared that the maximum speed limit shall be as hereinafter set forth on

those streets or parts of streets herein designated at the times specified when signs are erected giving notice thereof. (Section 5-3 is included as authorized by and to make effective UVC section 11-803(a)2 in urban districts on through highways or on highways or portions thereof where there are no intersections or between widely spaced intersections.)

Name of Street	Maximum Speed Limit	When Limit Applies
.....
.....
.....

5-4 Decrease of State Law Maximum Speed.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law outside of urban districts as applicable upon the following streets is greater than in reasonable or safe under the conditions found to exist upon such streets and it is hereby declared that the maximum speed limit shall be (35) or (45) miles per hour as herein set forth on those streets or parts of streets herein designated at the times herein specified when signs are erected giving notice thereof. (Section 5-4 is included as authorized by UVC section 11-803(a)3 permitting local authorities after an engineering and traffic investigation to reduce the lawful maximum speed under State law outside of urban districts upon any street, provided that in no event shall the speed as declared by city ordinance be less than 35 miles per hour.)

Name of Street	Maximum Speed Limit	When Limit Applies
.....
.....
.....

5-5 Speed Limits on Arterial Streets

Upon the basis of an engineering and traffic investigation, these maximum speed limits are hereby determined and declared reasonable and safe on the following arterial streets (or parts of streets) when signs are erected giving notice thereof. (Section 5-5 implements UVC section 11-803 (b) requiring municipalities to determine appropriate speed limits for all arterial streets.)

Name of Street	Maximum Speed Limit	When Limit Applies
.....
.....
.....

ALTERNATE sections 5-2, 5-3, 5-4, and 5-5. In the event it is found necessary in any of the above regularly numbered sections to refer to or enumerate a substantial number of intersections or streets, then it may be desirable to recast the text of said ordinance sections, making reference to schedules to be included in ARTICLE XXI, as for example, as follows:

ALTERNATE SECTION 5-3 Increasing State Speed Limits in Certain Zones.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon those streets or portions thereof described in schedule is less than is necessary for safe operation of vehicles thereon by reason of the designation and signposting of said streets as through highways, or by reason of widely spaced intersections, and it is hereby declared that the maximum speed limit upon those streets or portion thereof described in schedule shall be as therein stated, which speeds so declared shall be effective at the time specified therein where signs are erected giving notice thereof.

NOTE: Insert in ARTICLE XXI the following schedule:

SCHEDULE

Section - Increased speed limits.

In accordance with section 5-3, and when signs are erected giving notice thereof, the maximum speed limit shall be as set forth in this schedule upon those streets or portions thereof and at the times specified herein.

Name of Street (or) (Portions Affected)	Maximum Speed Limit	When Limit Applies
.....
.....
.....

5-6 Regulation of Speed by Traffic Signals

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

ARTICLE VI - TURNING MOVEMENTS

6-1 Authority to Place Devices Altering Normal Course for Turns.

The city traffic engineer is authorized to place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law. (In view of the fact that there are many intersections, including T intersections, where large numbers of vehicles turn left, local authorities and traffic officers should permit and direct vehicles to turn left in two lines at such intersections. For the general course for drivers to follow at intersections, see UVC section 11-601. Note that UVC sections 11-601(c) and 15-102(a)9 grant broad power to regulate turning movements, at intersections and elsewhere, by the installation of appropriate traffic control devices.)

6-2 Authority to Place Restricted Turn Signs.

The city traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and

shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

6-3 Obedience to No-Turn Signs.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

6-4 Limitations on Turning Around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

ARTICLE VII - ONE-WAY STREETS AND ALLEYS

(Authority for these sections is contained in UVC sections 11-308 and 15-102(a)4.)

7-1 Authority to Sign One-Way Streets and Alleys.

Whenever any ordinance of this city designates any one-way street or alley the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

7-2 One-Way Streets and Alleys.

Upon those streets and parts of streets and in those alleys described in schedule I attached hereto and made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

7-3 Authority to Restrict Direction of Movement on Streets during Certain Periods.

The city traffic engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

ARTICLE VIII - STOP AND YIELD INTERSECTIONS

(For municipal authority to designate through highways, stop intersections and yield intersections, see UVC sections 15-102(a)6 and 15-109.)

8-1 Through Streets Designated.

Those streets and parts of streets described in schedule II attached hereto and made a part hereof are hereby declared to be through streets for the purpose of this section.

8-2 Signs Required at Through Streets.

Whenever any ordinance of this city designates and describes a through street it shall be the duty of the city traffic engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the city traffic engineer upon the basis of an engineering and traffic study.

8-3 Other Intersections Where Stop or Yield Required.

The city traffic engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine (a) whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or (b) whether vehicles shall yield the right of way to vehicles on a different street at such intersection, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

ARTICLE IX - MISCELLANEOUS DRIVING RULES

9-1 Stop When Traffic Obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

9-2 Driving Through Funeral or Other Procession.

No driver of a vehicle (or motorman of a streetcar) shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

9-3 Drivers in a Procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

9-4 Funeral Processions To Be Identified.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.

9-5 When Permits Required for Parades and Processions.

No funeral, procession or parade containing (200) or more persons or (50) or more vehicles except the Armed

Forces of the United States, the military forces of this State and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

ARTICLE X - STREETCARS

(In the event streetcars are not operated in a city adopting this ordinance, then there is no need to include the regulations in this article except that the provisions in reference to unlawful riding or alighting from a vehicle in sections 10-1 and 10-2 and the provision applicable to railroad trains in section 10-3 might be transferred to and included in Article IX, entitled Miscellaneous Driving Rules. If streetcars are in operation and state laws do not contain provisions comparable to those in UVC sections 11-1401 et seq., such provisions should be added to this article.)

10-1 Boarding or Alighting from Streetcars or Vehicles.

No person shall board or alight from any streetcar or vehicle while such streetcar or vehicle is in motion.

10-2 Unlawful Riding.

No person shall ride on any streetcar or vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

10-3 Railroad Trains and Streetcars Not to Block Streets.

It shall be unlawful for the directing officer or the operator of any railroad train or streetcar to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

ARTICLE XI - PEDESTRIANS' RIGHTS AND DUTIES

11-1 Crossing at Right Angles.

Except where otherwise indicated by a crosswalk or other official traffic control devices, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite curb.

11-2 Prohibited Crossing. (This section implements authority granted in UVC sections 15-102(a) 18 and 15-107.)

(a) No pedestrian shall cross a roadway other than in a crosswalk (in the central traffic district or) in any business district.

(b) No pedestrian shall cross a roadway other than in a crosswalk upon any of the following named (through streets) or (parkways):

11-3 Obedience of Pedestrians to Bridge and Railroad Signals.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

11-4 Drivers to Exercise Due Care

Notwithstanding other provisions of this ordinance every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

ARTICLE XII - REGULATIONS FOR BICYCLES

(The provisions in this article are authorized by UVC section 15-102 (a)8.)

12-1 Effect of Regulations.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this ordinance.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

12-2 License Required.

No person who resides within this city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycles have been licensed and a license plate is attached thereto as provided herein.

12-3 License Application.

Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the (chief of police). An annual license fee of shall be paid to the city before each license or renewal thereof is granted.

12-4 Issuance of License.

(a) The (chief of police) upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective until (the next succeeding first day of July).

(b) The (chief of police) shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

(c) The (chief of police) shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number of the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him.

12-5 Attachment of License Plate.

- (a) The (chief of police) upon issuing a bicycle license shall also issue a license plate bearing the license number assigned to the bicycle, the name of the city, and (the calendar year for which issued) (the expiration date thereof).
- (b) The (chief of police) shall cause such license plate to be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.
- (c) No person shall remove a license plate from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this city.

12-6 Inspection of Bicycles.

The chief of police, or an officer assigned such responsibility, shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition.

12-7 Renewal of License.

Upon the expiration of any bicycle license the same may be renewed upon application and payment of the same fee as upon an original application.

12-8 Transfer of Ownership.

Upon the sale or other transfer of a licensed bicycle the licensee shall remove the license plate and shall either surrender the same to the (chief of police) or may upon proper application but without payment of

additional fee have said plate assigned to another bicycle owned by the applicant.

12-9 Rental Agencies.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required by the State Vehicle Code.

12-10 Bicycle Dealers.

Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the (chief of police) of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and the number of license plate, if any, found thereon.

12-11 Traffic Ordinances Apply to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except as to special regulations in this article and except as those provisions of this ordinance which by their nature can have no application.

12-12 Obedience to Traffic Control Devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

12-13 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

12-14 Riding on Sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) The (chief of police) is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.

ALTERNATE (b) No person (15) or more years of age shall ride a bicycle upon any sidewalk in any district.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

12-15 Penalties.

Every person convicted of a violation of any provision of this article shall be punished by a fine of not more than dollars or by imprisonment for not more than days or by removal and detention of the license plate from such person's bicycle for a period not to exceed days or by impounding of such person's bicycle for a period not to exceed days or by any combination thereof. (It is suggested that each city attorney determine whether this section, imposing penalties, is inapplicable to juveniles by reason of state statutes establishing juvenile courts and special methods of dealing with juvenile offenders.)

ARTICLE XIII - ANGLE PARKING

(UVC sections 11-1004(c) and 15-102(a)1 provide authority for the regulation of angle parking.)

13-1 Signs or Markings Indicating Angle Parking.

(a) The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal-aid or State highway within this city unless the (State highway commission) has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby

be caused or required to drive upon the left side of the street (or upon any streetcar tracks).

13-2 Obedience to Angle Parking Signs or Markings.

On those streets which have been signed or marked by the city traffic engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

13-3 Permits for Loading or Unloading at an Angle to the Curb.

(a) The city traffic engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

(b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

ARTICLE XIV - STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

14-1 Parking Not to Obstruct Traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

14-2 Parking in Alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

14-3 All-Night Parking Prohibited.

No person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of (2) a.m. and (5) a.m. of any day, except physicians on emergency calls.

14-4 Parking for Certain Purposes Prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

14-5 Parking Adjacent to Schools.

(a) The city traffic engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

14-6 Parking Prohibited on Narrow Streets.

(a) The city traffic engineer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

14-7 Standing or Parking on One-Way Streets.

The city traffic engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

14-8 Standing or Parking on One-Way Roadways.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city traffic engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

14-9 No Stopping, Standing or Parking Near Hazardous or Congested Places.

- (a) The city traffic engineer is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place.

ARTICLE XV - STOPPING FOR LOADING OR UNLOADING ONLY

15-1 City Traffic Engineer to Designate Curb Loading Zones.

The city traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

15-2 Permits for Curb Loading Zones.

The city traffic engineer shall not hereafter designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two signs to indicate the ends of each such zone. The city traffic engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the city treasury a service fee of dollars per year or fraction thereof and may by general regulations impose conditions

upon the use of such signs and for reimbursement of the city for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one year.

15-3 Standing in Passenger Curb Loading Zone.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

15-4 Standing in Freight Curb Loading Zone.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes. (In the event it is deemed desirable to permit passenger vehicles to stop temporarily for loading or unloading of passengers in a freight curb loading zone, then the following paragraph might be added in section 15-4:

The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere

with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.)

15-5 City Traffic Engineer to Designate Public Carrier Stops and Stands.

The city traffic engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

15-6 Stopping, Standing and Parking of Buses and Taxicabs Regulated.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than 18 inches from the curb and the bus approximately parallel

to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

15-7 Restricted Use of Bus and Taxicab Stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop (or other than a hackney in a hackney stand), or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, (hackney) or taxicab waiting to enter or about to enter such zone.

ARTICLE XVI - STOPPING, STANDING OR PARKING
RESTRICTED OR PROHIBITED ON CERTAIN
STREETS

16-1 Application of Article.

The provision of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

16-2 Regulations Not Exclusive.

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

16-3 Parking Prohibited at All Times on Certain Streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in schedule III attached to and made a part of this ordinance.

16-4 Parking Prohibited During Certain Hours on Certain Streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified in schedule IV of any day except Sundays and public holidays within the district or upon any of the streets described in said schedule IV attached to and made a part of this ordinance.

16-5 Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified in schedule V of any day except Sundays and public holidays within the district or upon any of the streets described in said schedule V attached to and made a part of this ordinance.

16-6 Parking Time Limited on Certain Streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than at any time between the hours of a.m. and p.m. of any day except Sundays and public holidays within the district

or upon any of the streets described in schedule VI attached to and made a part of this ordinance.

16-7 Parking Signs Required.

Whenever by this or any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

ARTICLE XVII - REGULATING THE KINDS AND CLASSES OF TRAFFIC ON CERTAIN HIGHWAYS
(The provisions in this article are authorized by UVC sections 14-113, 15-102(a)7, and 15-102(a)14.)

17-1 Load Restrictions Upon Vehicles Using Certain Highways.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified in schedule VII at any time upon any of the streets or parts of streets described in said schedule VII attached to and made a part of this ordinance.

17-2 Commercial Vehicles Prohibited From Using Certain Streets.

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding pounds gross weight at any time upon any of the streets or parts of streets described in schedule VIII attached to and made a part of this ordinance, except that

such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

17-3 Size Restrictions Upon Vehicles Using Certain Highways.

(a) It is hereby determined upon the basis of an engineering and traffic investigation that the size permitted by State law is greater than physical conditions will allow upon the streets or parts of streets described in schedule IX attached to and made a part of this ordinance.

(b) When signs are erected giving notice thereof, no person shall operate any vehicle exceeding the dimensions specified in said schedule.

17-4 Restrictions Upon Use of Streets by Certain Vehicles.

(a) The city traffic engineer is hereby authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horsedrawn vehicles or other nonmotorized traffic and shall erect appropriate signs giving notice thereof.

(b) When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

ARTICLE XVIII - TRAFFIC VIOLATIONS BUREAU

NOTE: In preference to legislatively providing for a traffic violation bureau, it is recommended that traffic courts follow the "Model Rules Governing Procedure in Traffic Cases", published by the National Conference of Commissioners on Uniform State Laws, 1155 East 60th Street, Chicago, Illinois 60637. One of these Rules (1:3-7) describes the establishment and purpose of a traffic violations bureau.

ARTICLE XIX - PENALTIES AND PROCEDURE ON ARREST

19-1 Penalties.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than dollars or by imprisonment for not more than days or by both such fine and imprisonment.

19-2 Forms and Records of Traffic Citations and Arrests.

(a) The city (financial official) shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the (traffic court) of this city. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed and approved jointly by the (chief city magistrate) and the chief of police.

(b) The city (financial official) shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt of every such book.

(c) The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

19-3 Procedure of Police Officers.

Except when authorized or directed under State law to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address, and driver's license number of said person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the city (financial official) a traffic citation containing a notice to answer to the charge against him in the (traffic court) of this city at a time at least five days after such alleged violation to be specified in said citation. The officer, upon receipt of the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. (The procedure upon arrest as provided in this section represents recommended practice in those municipalities where it is permissible under state law for the municipality to prescribe by ordinance the procedure to be followed upon arrest. It is recognized that in some states this matter is regulated by state law, and ordinances in conflict therewith would be invalid.)

19-4 Audit of Records and Reports.

(a) Every record of traffic citations, complaints thereon, and warrants issued therefor required in this article shall be audited at least (quarterly) by the city (financial official) who shall submit a report of such audit together with a summary thereof to the mayor and city council. Such reports shall be public records.

(b) Such (financial official) shall publish or cause to be published a (quarterly) summary of all traffic citations issued by members of the police department, the disposition of the complaints thereon, and the issuance and disposition of all warrants issued therefor in at least one local daily newspaper of general circulation.

(c) For the purpose of this article, the city (financial official) or his duly authorized representatives shall have access at all times to all necessary records, files and papers of the (traffic court) of this city, its traffic violations bureau, and the police department.

19-5 When Copy of Citation Shall Be Deemed A Lawful Complaint.

In the event the form of citation provided under section 19-2 includes information and is sworn to as required under the general laws of this State in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution.

19-6 Failure to Obey Citation.

It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.

19-7 Citation on Illegally Parked Vehicle.

Whenever any motor vehicle without driver is found, parked, standing or stopped in violation of any of the restrictions imposed by ordinance of this city or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city (financial official), for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation.

19-8 Failure to Comply with Traffic Citation Attached to Parked Vehicle.

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days (the clerk of the traffic court) (or) (the traffic violations bureau) shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.

19-9 Presumption in Reference to Illegal Parking.

(a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a *prima facie* presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in sections 19-7 and 19-8 has been followed. (It would be preferable to obtain enactment of the substance of section 19-9 by the state legislature, as the authority of legislative bodies of municipalities to enact rules of evidence or to create presumptions may be questioned under the state constitution in many states.)

19-10 When Warrant to be Issued.

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the (traffic court) (traffic violations bureau), or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the (clerk of the traffic court) (traffic violations bureau) shall secure and issue a warrant for his arrest.

19-11 Disposition of Traffic Fines and Forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this ordinance shall be paid into the city treasury and deposited in a special fund to be known as the "highway improvement fund", which is hereby created and which shall be used exclusively in the construction, maintenance and repair of public streets, bridges and street structures, or for the installation and maintenance of traffic control devices thereon.

19-12 Official Misconduct.

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in said "highway improvement fund", to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

19-13 Impounding Vehicles.

(a) When authorized by the laws of this State, members of the police department may remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by this city.

(As to when an officer may impound a vehicle, see UVC sections 11-1002 and 15-112.)

(b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored. (For the procedure to be followed by an officer impounding an abandoned vehicle, however, see UVC section 15-112.)

ARTICLE XX - EFFECT OF AND SHORT TITLE OF ORDINANCE

20-1 Application.

The provisions of this ordinance relating to the operation of vehicles refer exclusively to the operation of vehicles upon the highways except where a different place is specifically referred to in a given section.

20-2 Uniformity of Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those local authorities which enact it.

20-3 Effect of Headings.

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section hereof.

20-4 Short Title.

This ordinance may be known and cited as the
(Model) Traffic Ordinance.

20-5 Ordinance Not Retroactive.

This ordinance shall not have retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgement arising therefrom, or to any violation of the motor vehicle ordinance of this city, occurring prior to the effective date of this ordinance.

20-6 Effect of Partial Invalidity.

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

20-7 Publication of Ordinance.

The (city clerk) shall certify to the passage of this ordinance (and cause the same to be published in the (and cause all or such parts hereof to be published as may be required by the constitution and laws of this State).

ALTERNATE section 20-7 Publication of Adoption.

The (city clerk) shall certify to the passage of this ordinance, cause (notice of its passage) (a summary of its contents) to be published in the and make not less than three copies available for inspection by the public during regular business hours. (The alternate section, which does not require publication of the entire ordinance, should be utilized only when such publication is not required by the constitution and laws of a particular state.)

20-8 Repeal.

The (existing ordinances covering the same matters as embraced in this ordinance) are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

20-9 Effective Date.

This ordinance shall take effect from and after the day of

ARTICLE XXI - SCHEDULE OF DESIGNATED STREETS
REFERRED TO IN ORDINANCE

NOTE: The primary purpose of setting forth the following schedules is to enable a city to publish and issue the major text of the traffic ordinance as an entity and issue separately the schedules which commonly are revised or added to with great frequency. Technically, the schedules are a part of the ordinance and ordinarily action of the city authorities by ordinance is necessary to amend or add to a schedule. In some instances city attorneys have approved of amendments to a schedule by resolution of the city legislative body, provided such resolution is published as required in reference to an ordinance.

SCHEDULE I

21-1 One-Way Streets.

In accordance with section 7-2 when properly sign-posted, traffic shall move only in the direction indicated upon the following streets:

Name of Street	Direction of Traffic Movement
.....
.....
.....

SCHEDULE II

21-2 Through Streets.

In accordance with the provisions of section 8-1 and when signs are erected giving notice thereof, drivers of vehicles shall stop or yield at every intersection before entering any of the following streets or parts of streets:

.....

SCHEDULE III

21-3 Parking Prohibited at All Times on Certain Streets.

In accordance with section 16-3 and when signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the following described streets or parts of streets:

SCHEDULE IV

21-4 Parking Prohibited During Certain Hours on Certain Streets.

In accordance with section 16-4, and when signs are erected giving notice thereof, no person shall park a vehicle between the hours specified herein of any day except Sundays and public holidays within the district or upon any of the streets or parts of streets as follows:

Name of Street or District	Hours Parking Prohibited
.....
.....
.....

SCHEDULE V

21-5 Stopping, Standing or Parking During Certain Hours on Certain Streets Prohibited.

In accordance with section 16-5, and when signs are erected giving notice hereof, no person shall stop, stand or park a vehicle between the hours specified herein of any day except Sundays and public holidays within the

district or upon any of the streets or parts of streets as follows:

Name of Street or District	Hours Stopping, Standing or Parking Prohibited
.....
.....
.....

SCHEDULE VI

21-6 Parking Time Limited on Certain Streets.

In accordance with section 16-6 and when signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than hours between the hours of a.m. and p.m. of any day except Sundays and public holidays within the district or upon any of the streets or parts of streets as follows:

SCHEDULE VII

21-7 Load Restrictions Upon Vehicles Using Certain Streets.

In accordance with section 17-1 and when signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified herein at any time upon any of the following streets or parts of streets:

(a) thousand pound limit.

(List streets, specifying terminal limits of that part of street to which applicable if necessary.)

(b) thousand pound limit.

SCHEDULE VIII

21-8 Commercial Vehicles Prohibited From Using Certain Streets.

When signs are erected giving notice thereof, no person shall operate a commercial vehicle except as provided under section 17-2, upon any of the following streets or parts of streets:

(List the boulevards, streets in parks, and other streets to which this section is applicable, specifying terminal limits of parts of streets if necessary.)

SCHEDULE IX

21-9 Size Restrictions on Certain Streets.

In accordance with section 17-3 and when signs are erected giving notice thereof, no person shall operate any vehicle exceeding the following dimensions at any time upon any of the following streets or parts of streets:

(Specify the height, width or length limit that may not be exceeded and the streets or parts of streets where each such limit applies.)

PARKING METER ZONES

22-1 Parking Meter Zones.

(a) Parking meter zones are hereby established within the district or upon those streets or parts of streets described in schedule attached to and made a part of this ordinance in which zones the parking of vehicles upon streets shall be regulated by parking meters between the hours specified in said schedule of any day except Sundays and public holidays.

(b) The city traffic engineer is hereby authorized, subject to the approval of the city council by amendment of said schedule, to establish a parking meter zone at other locations upon those streets or parts of streets where it is determined upon the basis of an engineering and traffic investigation that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles.

22-2 Installation of Parking Meters.

(a) The city traffic engineer shall install parking meters in the parking meter zones established as provided in this ordinance upon the curb immediately adjacent to each designated parking space. Said meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of a five-cent coin of United States currency, for the full period of time for which parking is lawfully permitted in any such parking meter zone or, in lieu thereof, for the following periods

of time, upon the deposit therein of a coin or coins of United States currency as specified:

Upon the deposit of one nickel:

For the full lawful parking time.

Upon the deposit of one penny:

For one-fifth of the lawful parking time.

Upon the deposit of two pennies:

For two-fifths of the lawful parking time.

Upon the deposit of three pennies:

For three-fifths of the lawful parking time.

Upon the deposit of four pennies:

For four-fifths of the lawful parking time.

Upon the deposit of five pennies:

For the full lawful parking time. (The amount charged for use of metered parking spaces should be adjusted as may be necessary to reflect current practice in each state or in a given municipality.)

(b) Each parking meter shall be so designed, constructed, installed and set that upon the expiration of the time period registered, by the deposit of one or more coins, as provided herein, it will indicate by an appropriate signal that the lawful parking meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.

(c) Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which

parking is lawfully permitted in the parking meter zone in which such meter is located.

22-3 Parking Meter Spaces.

(a) The city traffic engineer shall designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb and/or the pavement of the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of such street.

(b) No person shall park a vehicle in any such designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required in this ordinance for the parking of other vehicles in such space.

22-4 Deposit of Coins and Time Limits.

(a) No person shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency of the appropriate denomination

as provided in this ordinance shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(b) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(c) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(d) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this ordinance and the State Vehicle Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

22-5 Use of Slugs Prohibited.

No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency.

22-6 Tampering With Meter.

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

22-7 Application of Proceeds.

(a) The coins required to be deposited in parking meters as provided in this ordinance are levied and assessed as fees to cover the regulation and control of parking upon public streets; the costs of parking meters, their installation, inspection, supervision, operation, repair and maintenance, control and use of parking spaces, and regulating the parking of vehicles in parking meter zones; and the costs of acquiring, establishing, improving, maintaining and operating public off-street parking facilities.

(b) The coins deposited in parking meters shall be collected by the duly authorized agents of the city (treasurer) and shall be deposited by him in a special fund to be known as the "Parking Meter Special and Trust Fund".

(c) The city (treasurer) shall pay from such special fund the costs of any parking meters purchased by the city and installed as provided in this ordinance, and expenses incurred for their installation, inspection, service, supervision, repair and maintenance, for making collections from such parking meters, and for the enforcement of the provisions of this ordinance applicable to parking meter zones. The net proceeds of the operation of parking meters in said special fund, after the payment of such costs and expenses, shall be used for parking studies and

for the acquisition, establishment, improvement, maintenance and operation of public off-street parking facilities as the city council shall from time to time direct.

SCHEDULE

22-8 Parking Meter Zones.

In accordance with section 22-1 parking meter zones are hereby established within the district or upon those streets or parts of streets described herein in which the parking of vehicles upon streets shall be regulated by parking meters between the hours specified of any day except Sundays and public holidays as follows:

(a) One-hour limit:

(1) Between a.m. and p.m. except (Mondays) and between a.m. and p.m. on (Mondays).

(2) Between a.m. and p.m.

(b) Two-hour limit:

(1) Between a.m. and p.m.

Appendix B

The express authorization included in the Model Traffic Ordinance is divided among the following offices and officials. This list is included as a quick guide to the kinds of specific authorization and division of authorization that may be included in a Traffic Ordinance.

City Financial Office

1. (19-2) - Provide traffic citation books to chief of police.
2. (19-4) - Audit record of traffic citations and submit report of such to the mayor and city council.
3. (19-4) - Publish a summary of all traffic citations, the disposition of complaints thereon, and the issuance and disposition of all warrants issued therefor.

City Traffic Engineer

1. (4-1) - Install and maintain official traffic control devices.
2. (4-6) - Designate and sign play streets.
3. (4-8) - Designate and maintain crosswalks; establish safety zones.
4. (4-9) - Mark traffic lanes.
5. (5-6) - Regulate speed by timing of traffic signals and post signs giving notice thereof.
6. (6-1) - Place official traffic control devices at intersections indicating course to be traveled.

7. (6-2) - Determine and sign intersections where turn(s) are prohibited.
8. (7-1) - Erect and maintain signs indicating one-way streets.
9. (7-3) - Determine and mark lanes or streets where traffic is to travel one-way at some times and the other at other times of the day.
10. (8-2) - Erect and maintain stop or yield signs at intersections of or with through streets.
11. (8-3) - Determine and sign other intersections where stop or yield signs may be necessary.
12. (13-1) - Determine upon what streets angle parking shall be permitted; mark and sign such streets (restricted on federal-aid highways).
13. (13-3) - Issue special permits to permit the backing of a vehicle to the curb for loading or unloading purposes.
14. (14-5) - Determine on which streets, adjacent to school property, parking would interfere with traffic and create a hazard; erect signs prohibiting parking on such streets.
15. (14-6) - Erect signs prohibiting parking on streets of limited width.
16. (14-7) - Erect signs upon left side of any one-way street to prohibit parking or standing on said side.
17. (14-8) - Determine when parking or standing may be permitted on one-way roadways; sign such roadways.
18. (14-9) - Determine and sign areas not exceeding 100 feet in length where stopping, standing, or parking would create an especially

hazardous condition or would cause an unusual delay to traffic.

19. (15-1) - Determine and sign location of passenger and freight loading zones.
20. (15-5) - Establish bus stops, taxicab stands, and other common carrier stands; sign such stands.
21. (17-4) - Determine and sign those streets upon which the operation of motor driven cycles and nonmotorized vehicles shall be restricted.
22. (22-1) - Establish other parking meter zones with approval of city council.
23. (22-2) - Install parking meters.
24. (22-3) - Marking parking space adjacent to each parking meter.

City Treasurer

1. (22-7) - Collect from meters and deposit in fund.
2. (22-8) - Pay for meters etc. from fund.

Chief of Police

1. (2-11) - With the approval of the city traffic engineer, make regulations necessary to make effective the provisions of the Code and to make and enforce temporary or experimental regulations.
2. (9-5) - Issue permits to processions of 200 or more persons or 50 or more vehicles.
3. (12-4) - Issue bicycle licenses and plates; keep a record of such.

4. (12-6) - Inspect bicycles.
5. (12-14) - Erect signs on any sidewalk prohibiting bicycle riding.
6. (19-2) - Responsible for issuing traffic citation books.

Police Department and Traffic Division

1. (2-2) - Enforce city and state vehicle laws; investigate accidents.
2. (2-3) - Keep a record of all violations and final dispositions.
3. (2-6) - Maintain a file of traffic accident reports.
4. (2-7) - Maintain drivers' file.
5. (2-8) - Submit annual traffic safety report.
6. (2-9) - Designate method of identifying funeral processions.

Traffic Commission

1. (2-12(b)) - Coordinate traffic activities, receive complaints, forward suggestions for improvement of traffic conditions, carry on educational activities.