

TITLE 11
 DEPARTMENT OF HEALTH
 CHAPTER 169
 REGISTRATION AND OPERATION OF MOTOR VEHICLES
 IN KALAWAO COUNTY

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Historical Note. Chapter 169 of Title 11, administrative Rules, is based substantially upon Public Health Regulation 29. [Eff. 8/9/65; R August 9, 1982]

§11-169-1 Purpose. The purpose of this chapter is to establish rules governing the registration and operation of motor vehicles in Kalawao county. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-24)

§11-169-2 Motor vehicle registration. (a) Every owner of a motor vehicle shall, within thirty days of such ownership, register his ownership with the sheriff of Kalawao county giving such identifying data as may be required by the sheriff, including the factory serial number of the vehicle. A motor vehicle is defined as a self-propelled vehicle.

(b) Every change in ownership shall be duly registered with the sheriff by the new owner within thirty days of transfer. All motor vehicles shall be re-registered annually with the sheriff in the month of January.

(c) A vehicle that is no longer operable and to be discarded shall be reported to the sheriff by its owner so that said vehicle may be removed from the list of registered motor vehicles for Kalawao county.

(d) Permission shall be obtained from the administrator of Kalaupapa Settlement before a discarded vehicle may be disposed of at Kalaupapa dump.

(e) There shall be no fee charged for the registration of a motor vehicle in Kalawao county. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-3 License or learner's permit required. (a) Every person operating or driving a motor vehicle shall have in his possession a valid driver's license or a learner's permit.

(b) A person in possession of only a learner's permit shall be accompanied, while driving a motor vehicle, by a licensed driver who shall be seated beside him. Learner's permit shall be valid for sixty days, but may be renewed.

(c) If there are any restrictions to be placed on the operation of a motor vehicle such restrictions shall be entered on his permit or license either when issued or at any time thereafter.

(d) Any person who shall have in his possession a valid, unexpired driver's license issued by a state of the United States, or a political subdivision of any such state, shall be permitted to operate a motor vehicle within Kalawao county; PROVIDED, HOWEVER, that this section shall not authorize any person to operate a motor vehicle in Kalawao county after the expiration of ninety days from the date of his arrival in the county, unless he shall have been issued a county license by the sheriff.

(e) Notwithstanding subsections (a) and (b) hereinabove, where it appears to the sheriff that an applicant for a driver's license or a learner's permit or a duly licensed driver may be unable to operate a motor vehicle with safety, due to a physical defect or impairment, the sheriff in his discretion may withhold issuance of a license or permit or temporarily suspend a license already issued and may require such applicant or licensed driver to produce a certificate from a duly qualified physician stating that the applicant's or licensed driver's ability to safely operate a motor vehicle is not adversely affected by such physical defect or impairment, before a driver's license or learner's permit is issued or the suspended license is restored. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-4 Enforcement and obedience to traffic regulations. (a) Every officer of the Kalaupapa police department may enforce, control and direct traffic.

(b) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer in the control or regulation of traffic. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-5 Observing traffic regulations. The driver of any vehicle shall obey the instructions of any traffic control device, including traffic signs, as have been posted by the Kalaupapa police department, and approved by the director of health or his duly authorized representative. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-6 Driving on the right side of the roadway. Upon all roadways of sufficient width, a vehicle shall be driven on the right half thereof, except when overtaking and passing another vehicle proceeding in the same direction. The driver of a vehicle overtaking another 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. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-7 Right of way. (a) Drivers shall slow down before crossing any intersection. If two vehicles approach an unmarked intersection at approximately the same time from different directions, the one to the right shall have the right-of-way, and the driver of the other vehicle shall yield the right-of-way.

(b) The driver of a vehicle coming to an intersection with a "Stop" sign shall yield the right-of-way to all other vehicles. The driver of a vehicle

within an intersection intending to turn to the left shall yield the right-of-way to vehicles approaching from the opposite direction.

(c) At intersections and marked crosswalks, pedestrians have the right-of-way over all vehicles, but pedestrians crossing a street or roadway at any other point shall yield the right-of-way to oncoming vehicles.

(d) A vehicle entering a street or roadway from a private driveway, from a unit home driveway or entrance, or from a parking area, shall come to a complete stop before entering the street or roadway. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-8 Speed limits. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual or potential hazards then existing. In no case shall the speed exceed the following established speed zones, within the county of Kalawao:

- (1) Hospital Zones. Fifteen miles per hour.
- (2) Unit Home Drives. Fifteen miles per hour.
- (3) Within the settlement proper, including the inner cattle guards. Twenty-five miles per hour.
- (4) Outside the settlement proper. Thirty-five miles per hour.

[Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-24)

§11-169-9 Attention to driving. (a) Every driver of a motor vehicle shall exercise due care in the operation of such vehicle upon any street or roadway in order to avoid collision with any person, vehicles or other property on or off such street or roadway.

(b) The driver of any vehicle upon any street or roadway, before starting, turning or stopping such vehicle, shall first see that such movement or cessation of movement can be made with reasonable safety.

(c) 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 other vehicle, and the condition of the street or roadway. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-10 Hand signals. Appropriate hand signals, or signals by approved mechanical means, shall be given during the one hundred feet before stopping or turning at an intersection, or slowing down for parking, turning off the street or road, or any other purpose. When hand signals are used, a right turn shall be indicated by holding the arm upwards, a left turn by holding the hand and arm horizontally, and slowing or stopping by holding the arm downwards. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-11 Parking. (a) Vehicles shall not be permitted to stand upon a street or roadway so as to obstruct traffic. Vehicles shall be parked only in areas set aside for parking, or off the street on shoulders or other appropriate adjoining areas, provided that the vehicle is off the paved portion of the street.

(b) Parking shall not be permitted within ten feet of any fire hydrant, within ten feet of any transformer bank, within twenty feet of any intersection or unit home entrance, within thirty feet of a "Stop" sign, within four feet of a private driveway entrance or within restriction indicated by signs.

(c) Unit home driveways shall be kept open for through traffic at all times and cars parked thereon shall not obstruct the way.

(d) Violations of the parking provision of this regulation shall be subject to a fine of one dollar for each offense cited. A police officer who observes a parking violation shall issue a traffic citation and require the violator to post a bail bond in the sum of one dollar for appearance at the

next succeeding session of the District Court. The bail bond may be forfeited in lieu of appearance at the next succeeding session of the District Court. This bail bond may be forfeited in lieu of appearance before the court for trial.

(e) No person driving, or in charge of a motor vehicle, shall permit it to stand unattended without first stopping the engine, locking the ignition and effectively setting the brakes thereon, and when standing upon any grade, turning the front wheels to the curb or side of the highway. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-12 Unlawful riding. (a) No person shall ride on any vehicle or any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to employees engaged in the necessary discharge of a duty or to persons riding in truck bodies and within trailers in a space intended for merchandise.

(b) No person shall board or alight from any vehicle while such vehicle is in motion. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-13 Accidents. (a) The driver of any vehicle involved in any accident resulting in injury to or death of any person, or damage to any vehicle or other property, shall immediately stop such vehicle at the scene of the accident or as close thereto as possible without obstructing traffic any more than is necessary.

(b) The driver shall remain at the scene of the accident or as close thereto as possible, and shall render to any person injured in such accident reasonable assistance, including making arrangements for the transportation of such injured person or persons to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary, or if requested by the injured person or persons.

(c) The driver of any vehicle involved in an accident shall give his name, address and such information as will identify the vehicle he is driving and shall, upon request, exhibit his driver's license to the person struck. Where the vehicle struck is unattended, the driver 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 such information as will identify the vehicle, and a statement of the circumstances thereof.

(d) The driver of any vehicle involved in an accident shall give notice of such accident to the police department by the quickest means of communication available, and shall assist the police department in such matters as may be requested. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-14 Safety equipment and inspection. (a) Every motor vehicle shall have a foot brake sufficient to stop the vehicle within thirty feet when traveling at twenty miles per hour and a hand brake sufficient to hold the vehicle on any grade upon which it may operate or stand.

(b) Every motor vehicle operated at night shall have headlights sufficient to see a person at a distance of not less than two hundred feet, adjusted so as not to shine directly into the eyes of oncoming drivers, and a red tail light on the left rear of the vehicle which is visible for not less than two hundred feet.

(c) Every motor vehicle operated upon any street or roadway shall have a red stop light on the rear which lights when the foot brake is applied and is visible for not less than one hundred feet. This subsection shall not apply to any caterpillar tractor, bulldozer, road roller, road grader, front end loader, hydraulic lift truck, motorized mower and crane. Vehicles excluded from this subsection, when operated on a public highway, shall have a red

flag attached to the rear by day and a red light visible for not less than two hundred feet by night to give warning to vehicles following them.

(d) Every motor vehicle shall have an operable windshield wiper if the vehicle has a windshield, and a rear view mirror to permit seeing a following vehicle within two hundred feet.

(e) Every motor vehicle shall have a horn, that can be heard two hundred feet away, a muffler in good working order, and a mechanically safe steering mechanism with properly aligned wheels.

(f) Every motor vehicle shall undergo a safety inspection at intervals of not more than twelve months to determine the condition of brakes, lights, and other required equipment and shall not be operated if it does not have all required equipment properly adjusted and in good working order. Adequacy of safety equipment on motor vehicles operated in Kalawao county is subject to final approval by the sheriff, but he may delegate approval of inspection to any safety check stations he may designate as being qualified to perform the required inspection. Each car owner shall pay a one dollar fee for the safety inspection. Duplicate records of each inspection shall be made by those performing the inspection; a record of each inspection is to be retained and one copy forwarded to the sheriff. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-15 Penalties and disposition. (a) Any person violating any of the provision of this chapter, for which no other penalty shall have been prescribed, in the Hawaii Revised Statutes, shall be find not more than five hundred dollars (\$500.00), or imprisoned not more than one (1) year or both.

(b) All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of this rule shall be paid into the State Treasury and deposited into the general fund of the State of Hawaii. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

§11-169-16 Severability. Should any section, paragraph, sentence, clause, phrase, or application of this chapter be declared unconstitutional or invalid for any reason, the remainder or any other applications of this chapter shall not be affected. [Eff. August 9, 1982] (Auth: HRS §326-24) (Imp: HRS §326-34)

The Department of Health authorized the repeal of Chapter 29, Public Health Regulations and the adoption of Chapter 169 of Title 11, Administrative Rules on Registration and Operation of Motor Vehicles in Kalawao County following public hearing held on Oahu on June 15, 1982 and Kalaupapa Settlement, Molokai on June 16, 1982 after public notices were given in the Honolulu Advertiser on May 26, 1982, in the Garden Island on May 26, 1982 and in Maui News on May 26, 1982.

Chapter 169 of Title 11, Administrative Rules and the repeal of Chapter 29, Public Health Regulations shall take effect ten days after filing with the Office of the Lieutenant Governor.

CHARLES G. CLARK
Director
Department of Health
Date: July 13, 1982

APPROVED:
GEORGE R. ARIYOSHI

GOVERNOR
STATE OF HAWAII
Dated: July 27, 1982

APPROVED AS TO FORM:
Hubert Y. Hamada
Deputy Attorney General
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