

§19-43-4 Operation of vehicles.

(a) No motor vehicle shall be operated on a state pier or within a state commercial harbor facility in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution or circumspection, or at a speed or in a manner which endangers or is likely to endanger persons or property, or while the operator thereof is under the influence of intoxicating liquor, narcotic or habit-forming drug, or if such vehicle is so constructed, equipped, loaded or in such other condition as to endanger or be likely to endanger other persons or the property of another.

(b) Except as otherwise provided in section 291-11.5 of the Hawaii Revised Statutes, no person operating a motor vehicle within a state commercial harbor facility, shall transport a child under eight years of age unless the person operating the motor vehicle ensures that the child is properly restrained in a child passenger restraint system approved by the United States Department of Transportation at the time of its manufacture.

(c) Except as otherwise provided by law, no person:

- (1) Shall operate a motor vehicle within a state commercial harbor facility unless the person is restrained by a seat belt assembly and any passengers in the front or back seat of the motor vehicle are restrained by a seat belt assembly if between the ages of eight and fourteen, or are restrained pursuant to section 291-11.5 of the Hawaii Revised Statutes if under the age of eight;
- (2) If fifteen years of age or more, shall be a passenger in the front seat of a motor vehicle being operated upon any commercial harbor facility unless such person is restrained by a seat belt assembly; or
- (3) If between the ages of fifteen and seventeen, shall be a passenger in the back seat of a motor vehicle being operated on any commercial harbor facility unless such person is restrained by a seat belt assembly.

(d) In addition to subsections (a), (b), and (c) above, no operator of any pickup truck may operate the vehicle with any passenger twelve years of age or under in the bed or load-carrying area of the vehicle, unless one of the following applies:

- (1) An emergency exists that threatens the life of the passenger being transported in the bed of load-carrying area of the vehicle; or
- (2) The vehicle is being operated in parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law.

As used in this subsection, "pickup truck" means a light truck that has a cab on the front part of the vehicle covering the driver's seat and an open bed behind the cab designed primarily to transport property or cargo, with sides and a tailgate to retain the contents within the confines of the bed, and has a maximum gross vehicle weight rating (GVWR) of 11,000 pounds or less.

(e) All other provisions of sections 291-11.5, 291-11.6 and 291-14 of the Hawaii Revised Statutes shall apply. [Eff 5/20/82; am and comp 2/26/96; am and comp 7/28/08] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)