



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

**ON THE FOLLOWING MEASURE:
S.B. NO. 2026, RELATING TO TRAFFIC SAFETY.**

**BEFORE THE:
SENATE COMMITTEE ON TRANSPORTATION**

DATE: Tuesday, February 3, 2026 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 229

TESTIFER(S): Anne E. Lopez, Attorney General, or
Michael J.S. Moriyama, Deputy Attorney General

Chair Inouye and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill requires drivers of vehicles approaching stationary motor vehicles stopped on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem to slow down and change lanes, if necessary and safe, when emergency or warning lights are flashing or other warning signals are present. This requirement already exists for drivers of vehicles approaching a stopped emergency vehicle.

The amendments to section 291C-27(a), Hawaii Revised Statutes (HRS), in section 2 of the bill at page 2, lines 10 through 12, require a driver to slow down when approaching a "stationary vehicle" that is stopped "on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem". The Department is concerned that the requirement that the stationary vehicle must be stopped "on the shoulder or roadside" does not include a vehicle that is stopped on a roadway and that cannot be immediately moved to the shoulder or roadside or when no shoulder exists. The Department is further concerned that enforcing the duty to slow down when approaching a stationary vehicle might be difficult because it may be impossible to prove that a driver was able to reasonably determine that the stationary vehicle was

specifically stopped "due to a traffic collision or vehicle maintenance or mechanical problem".

To include the duty of an approaching vehicle to slow down for **any** vehicle that is stopped in **any** location on the roadway, the Department recommends that the amendments to section 291C-27(a), HRS, on page 2, lines 6 through 16, be amended to read as follows (stricken material to be deleted from the bill):

"(a) A driver of a vehicle that is approaching an emergency vehicle that is stopped for an emergency, investigation of a possible traffic violation, rendering assistance to a police officer, or other official duties, ~~[on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem,]~~ or any stationary vehicle that is stopped in any location and which is unable to proceed as indicated by the flashing emergency lights or warning signals, including vehicle hazard warning lights, road flares, traffic cones, caution signs, or any nonvehicular warning signs of the stopped emergency ~~or stationary~~ vehicle, shall:"

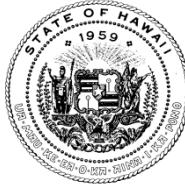
The Department also recommends that, because "vehicle" is defined in section 286-2, and there is no legal need to define "stationary", the definition of "stationary vehicle" added to section 291C-27(b) on page 3, lines 7-20, be deleted.

Section 291C-27(a)(1) at page 2, lines 17-19, requires a driver to slow down only when approaching "an emergency road situation ahead". Because emergency vehicles or stationary vehicles may be stopped for reasons other than "an emergency road situation," the Department is concerned that the requirement to slow down will not apply to an emergency vehicle stopped to investigate a traffic violation or render assistance and will not always apply when a driver is approaching a stationary vehicle. The Department recommends that section 291C-27(a)(1) at page 2, lines 17-19, be amended to read as follows:

"(1) Slow down to a reasonable and prudent speed that is safe under the circumstances ~~[of an emergency road situation ahead]~~. Reasonableness and prudence shall . . .".

Thank you for the opportunity to provide comments on this bill.

JOSH GREEN, M.D.
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DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU**
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Tuesday, February 3, 2026

3:00 PM

State Capitol, 229

**SB2026
RELATING TO TRAFFIC SAFETY**

Senate Committee on Transportation

The Department of Transportation (DOT) strongly supports Senate Bill 2026.

This bill amends Hawaii Revised Statutes §291C-27 to require drivers approaching stationary vehicles on the shoulder or roadside due to traffic collisions or mechanical problems to slow down and make a lane change if necessary. The legislation specifically applies to vehicles displaying hazard warning lights or other recognized safety signals such as road flares, traffic cones, or caution signs.

The DOT supports this measure because it enhances traffic safety for all road users, particularly those who are stopped on the roadside due to vehicle malfunctions or accidents. According to data provided by the Director, from 2023 to January 28, 2026, there have been five fatalities involving disabled vehicles where individuals were killed underscoring the urgent need for stronger protections.

As noted in the bill's findings, nearly 3,600 fatalities nationwide occurred between 2014 and 2022 when individuals were stranded in or near disabled vehicles. By expanding the "move over" law to include all stationary vehicles displaying warning signals, this legislation aligns Hawaii with the practices of 29 other states that have already adopted similar protections.

This bill reinforces the importance of responsible driving behavior and aligns with the DOT's Vision Zero goals aimed at eliminating traffic-related deaths and serious injuries. It also reflects our commitment to protecting emergency responders, roadside workers, and motorists alike.

The DOT supports the implementation of this law and stands ready to assist in developing public awareness campaigns to ensure drivers understand their new responsibilities under subsection (a) of §291C-27. We also recognize the importance of clear enforcement guidelines, especially regarding violations that result in injury or death, which are addressed in subsection (c) of the statute.

Thank you for the opportunity to testify in strong support of this bill.

February 3, 2026

Senator Lorraine Inouye, Chair
Senator Brandon Elefante, Vice-Chair
Members of the Senate Committee on Transportation

Re: SB 2026 Relating to Stationary Vehicles; Traffic Safety; Duty of Approaching Vehicle

AAA Hawai'i is proud to **SUPPORT** Senate Bill 2026, as introduced on January 21, 2026. SB 2026 would align Hawaii's "Slow Down, Move Over" (SDMO) law with 29 states and the District of Columbia in requiring drivers to approach all stranded stationary vehicles to move into an adjacent lane and/or, if unsafe or impracticable, slow to a reasonable and prudent speed.

Background

The first SDMO law in the United States was passed in South Carolina in 1996, after a paramedic named James Garcia was seriously injured by a passing motor vehicle. The injured victim received a traffic citation, but the driver of the striking vehicle did not. This inspired Mr. Garcia to change the law and set off a wave of similar laws across the country. By 2012, all 50 states had enacted SDMO laws, with the minimum goal to protect emergency responders working along roadsides.

In passing HB2030 (Act 318) in 2012, Hawaii became the 50th and final state to a SDMO law that covered emergency vehicles and tow trucks. HB 2030 required motorists to slow down and change lanes, if necessary and safe to do so, when passing a stationary emergency vehicle or tow truck. "Emergency vehicle" was defined as police or fire, ocean safety, emergency medical services, or freeway service patrol. The state later added vehicles with Sheriff Divisions, Hawaii Emergency Management Agency, County Emergency Management agencies, Civil Defense, Harbors Division, and Division of Conservation and Resources Enforcement in 2015 (HB436, Act 192).

Hawaii's current SDMO law is confusing and difficult to follow. It applies only to tow trucks and certain public agency vehicles yet expects motorists to know exactly when and where it applies. In practice, drivers often do not. SB2026 preserves existing protections for emergency vehicles while extending protections to all vehicles in distress—especially the most vulnerable road users. Unlike trained professionals, most motorists are not equipped to safely stand on the shoulder of high-speed highways.

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All Stationary Vehicles

SB 2026 requires a person driving a vehicle on a highway approaching any stationary vehicle that is stopped on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem to approach with caution and slow to a reasonable and prudent speed and make a lane change if necessary.

The AAA Foundation for Traffic Safety (AAAFTS) reviewed the Fatality Analysis Reporting System (FARS) for the number of people killed in crashes while outside a disabled vehicle (2014-2023). In 2021, 483 truck drivers, delivery workers, motorists, and passengers were among those killed while outside of disabled vehicles on highways nationwide. Between 2014 and 2023, total number of people killed outside disabled vehicles in the US was over 3,600. Hawai'i experienced at least 9 fatalities of this type during this period, which is commensurate with other states with similar population in size.



SOURCE: Data from National Highway Traffic Safety Administration's Fatality Analysis Reporting System (FARS). Analysis by AAA Foundation for Traffic Safety. Data from years 2014-2022 are considered final; 2023 data may be revised later.

It is important to note that the AAAFTS analysis only reflects the number of people killed while outside vehicles. A separate report by the Safe Transportation Research and Education Center (SafeTREC) at University of California at Berkeley found over 1,200 individuals were killed in 2022 nationwide because, in many cases, drivers maneuvered too close or fast near parked cars, including road work vehicles or equipment. Most of these fatalities are drivers and passengers inside striking motor vehicles. While the overall concern is that drivers are approaching too fast and close to people and objects on highways, it remains clear those outside vehicles are most vulnerable to serious injury and fatal outcomes when struck by fast moving cars and trucks.

Hawai'i is in the bottom half of the nation without SDMO protections for all stopped vehicles. Since 2011, 29 states plus the District of Columbia have enacted laws requiring motorists to move over a lane and/or slow to reasonable speed when approaching disabled or stationary vehicles displaying warning signals. And more states are considering such an enhancement this year. Most states changed their laws following a 2021 report that hundreds of people are killed and thousands injured each year in crashes involving stopped or disabled vehicles. That report also showed the annual societal cost of those crashes (2016 to 2018) totaled around \$8.8 billion in medical payments, lost wages, and the less easily quantified costs of death or disability.¹ As Hawai'i continues to prioritize highway safety, comprehensive legislation is essential to ensure meaningful protection for all vulnerable road users.



Comprehensive Approach

AAA recognizes SDMO laws alone will not eliminate all roadside collisions and, more importantly, every driver has a role in keeping our roads safe. However, SDMO laws (like SB 2026) provide an important tool in encouraging drivers to keep a safe distance and speed when approaching other road users. AAA is committed to a comprehensive approach in reducing roadside collisions nationwide. Our education, research, and advocacy priorities are focused on preventing associated dangerous behaviors (like impaired, drowsy, and distracted driving), increasing awareness of SDMO laws, supporting law enforcement, and exploring greater use of vehicle technology (like advance warning systems).

There are nearly 1 million licensed drivers in Hawai'i navigating road conditions that can easily leave them stranded on roadsides. While flat tires, empty fuel tanks or batteries, car collisions, and mechanical problems are common occurrences, life-threatening experiences should not be. In these and similar conditions, we believe a law requiring motorists to move over or slow down for stranded vehicles, and pedestrians standing on the side of highways, should be a basic part of our traffic laws. We strongly encourage a YES vote on SB 2026.

Respectfully Submitted,

Marwan K.

Marianne Kim
Senior Public Policy Specialist

¹ Spicer, et al. "Frequency and cost of crashes, fatalities, and injuries involving disabled vehicles". Journal of Accident Analysis & Prevention (March 2021)



Testimony of the Oahu Metropolitan Planning Organization

Senate Committee on Transportation

02/03/26 3:00 PM
CR 229 & Videoconference

**SB2026
RELATING TO TRAFFIC SAFETY**

Dear Chair Inouye, Vice Chair Elefante, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports with comments SB2026**, which requires drivers of vehicles approaching stationary motor vehicles stopped on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem to slow down and make a lane change if necessary.

This bill supports our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities in Hawaii increased over twenty (20) percent between 2024 and 2025; most alarming, Oahu saw an increase of over sixty (60) percent in fatalities in the same period. A 2011 study conducted by [AAA Foundation for Traffic Safety](#) found that the average risk of death for a pedestrian reaches 50% at an impact speed of 42 MPH, 75% at 50 MPH, and 90% at an impact speed of 58 MPH. This has put our first responders and individuals stopped on shoulders or roadside at tremendous risk when addressing traffic collisions, vehicle maintenance, or mechanical issues.

We would like to propose a slight change in the language of the bill to include a definition of prudent speed, if a lane change is not possible. The language included mimics "Move Over Laws" in other states including Texas and Colorado:

§291C-27 Emergency vehicle stopped for emergencies; duty of approaching vehicle. (a) A driver of a vehicle that is approaching an emergency vehicle that is stopped for an emergency, investigation of a possible traffic violation, rendering assistance to a police officer, or other official duties, as indicated by the flashing emergency lights of the stopped emergency vehicle, shall:

(1) Slow to a speed not to exceed: (A) 20 miles per hour below the maximum speed limit on roadways with a speed limit greater than or equal to 30 miles per hour; or (B) five miles per hour when the posted speed limit is less than 30 miles per hour.

~~slow down to a reasonable and prudent speed that is safe under the circumstances of an emergency road situation ahead. Reasonableness and prudence shall take into account~~

~~weather conditions, road conditions, and vehicular and pedestrian traffic in the immediate area.~~

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.