

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

ON THE FOLLOWING MEASURE:

H.B. NO. 1692, H.D. 1, RELATING TO TRAFFIC SAFETY.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Thursday, March 5, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Tarnas and Members of the Committee:

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

The bill requires drivers approaching stationary motor vehicles to slow down and change lanes, if necessary and if it is safe to do so, when emergency lights are flashing or other warning signals are present. A similar requirement already exists for drivers approaching stopped emergency vehicles.

Section 2 of the bill amends section 291C-27(a), Hawaii Revised Statutes (HRS), to require drivers to slow down when approaching a stationary vehicle that is stopped in any location (page 2, lines 11-12). The Department is concerned that imposing a duty to slow down when approaching a stationary vehicle in any location is too broad. Limiting the requirement to vehicles stopped on the roadway, shoulder, or roadside would more clearly reflect the circumstances the bill appears intended to address while still protecting individuals who may be in or around a disabled or stopped vehicle.

The Department also notes that the bill may not account for all circumstances that could result in a stationary vehicle. Section 291C-27(a), HRS, on page 2, lines 12-15, lists warning signals such as flashing emergency lights, road flares, traffic cones, caution signs, or nonvehicular warning signs. However, the bill does not expressly recognize vehicular warning signs that may indicate that a vehicle is disabled. For example, if a vehicle experiences an electrical failure, the vehicle's emergency lights

may be inoperable. In such situations, raising the hood or trunk lid of the vehicle may provide notice to approaching drivers that the vehicle is disabled.

The Department further notes that section 291C-27(a)(2), HRS, on page 3, lines 1-8, requires drivers approaching an emergency or stationary vehicle to change lanes only if necessary, rather than if possible and safe to do so. Limiting lane changes to situations in which they are necessary may reduce the protection afforded to individuals on the roadside attending to an emergency or other roadway situation.

To address these issues, the Department recommends revising the amendments to section 291C-27(a), HRS (page 2, line 7, through page 3, line 8), as follows (changes Ramseyered against the current version of section 291C-27(a), HRS, with the Department's suggested amendments indicated in bold):

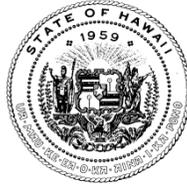
(a) A driver of a vehicle that is approaching an emergency vehicle that is stopped for an emergency, investigation of a possible traffic violation, rendering assistance to a police officer, or other official duties, or any stationary vehicle that is stopped in any location **on the roadway, shoulder, or roadside**, as indicated by the flashing emergency lights or warning signals, including vehicle hazard warning lights, road flares, traffic cones, caution signs, or any **vehicular warning signs or nonvehicular warning signs** of the stopped emergency or stationary vehicle, shall:

- (1) ~~Slow~~ **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].~~ If necessary, the driver shall come to a complete stop ~~[before making a lane change under paragraph (2); and~~
- (2) ~~Make~~ **or, if possible and safe to do so, make** a lane change into the adjacent lane ~~[if necessary and if it is safe to do so, or if possible, to two lanes over which leaves one lane between the driver and the emergency vehicle].~~

Should the Committee decide to pass this bill, the Department respectfully requests that the bill be amended as recommended.

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

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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Thursday, March 5, 2026
2:00 PM
State Capitol, 325

**HB1692, HD1
RELATING TO TRAFFIC SAFETY**

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) supports H.B. 1692 H.D, 1.

This bill expands Hawaii's current "move-over" law to include all stationary vehicles—not just emergency responders—on shoulders and roadways. It requires drivers to slow down and change lanes, when safe, around broken-down cars displaying hazard lights. As noted in the Director Feedback, this addresses a nationwide problem: from 2014–2022, over 3,600 individuals—drivers and passengers—lost their lives after being stranded roadside. Twenty-nine states have already enacted similar laws, demonstrating this measure aligns Hawaii with best practices in traffic safety.

Additionally, the bill strengthens rules around passengers riding in the beds of pickup trucks. It bans passengers in truck beds on roads posted above 46 mph or on roadways with three or more lanes in the same direction, unless specific exceptions apply. The bill also raises the minimum legal age for bed-riding from twelve to eighteen years of age, protecting vulnerable youth. These provisions build upon existing law (HRS §291-14), which already prohibits passengers under twelve from riding in truck beds unless in an emergency or parade, and requires proper seating and secured side racks and tailgates.

By strengthening move-over regulations and tightening pickup-bed restrictions, H.B. 1692 H.D. 1 aims to save lives and improve safety statewide. The DOT supports these reforms as they align with our ongoing commitment to reducing traffic-related fatalities and injuries, and promoting responsible driving behaviors that protect all road users.

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



Testimony in Strong Support of HB1692 HD1 Relating to Traffic Safety House Bill 1692

Submitted to: House Committee on Judiciary & Hawaiian Affairs

Date: March 5, 2026

Submitted on behalf of: Keiki Injury Prevention Coalition (KIPC)

Position: SUPPORT

Aloha Rep. David Tarnas, Chair, Rep. Mahina Poepoe, Vice-Chair, and Members,

The Keiki Injury Prevention Coalition (KIPC) **supports HB1692 HD1** to advance roadway safety and protect vulnerable road users, especially children and families in Hawaii.

Part I expands the "Move Over" law to require drivers to slow down and change lanes (when safe) for **any stationary vehicle** stopped on the shoulder or roadside due to crashes, breakdowns, or maintenance—not just emergency vehicles. This protects stranded motorists, including families with keiki, from preventable struck-by incidents on our highways.

Part II strengthens passenger safety in pickup truck beds by:

- Prohibiting passengers in the bed on roads with 46+ mph limits or 3+ lanes in the same direction (common on freeways and major routes).
- Raising the minimum age for bed-riding (with exemptions) from 12 to 18.
- Maintaining practical exemptions for low-speed, agricultural, parade, or emergency uses.

These evidence-based changes reduce serious injury and ejection risks in high-speed scenarios while respecting Hawaii's rural and cultural contexts. KIPC's mission—to prevent and reduce injuries to children and youth—aligns directly with these provisions, as traffic-related injuries remain a top threat to keiki.

KIPC urges the Committee to pass HB1692 HD1 forward.

Mahalo for prioritizing traffic safety for our communities.

Sincerely,

Lisa Dau, RN, Injury Prevention Coordinator
Keiki Injury Prevention Coalition

lisa.dau@kapiolani.org

(808) 983-6800

March 5, 2026

Representative David Tarnas, Chair
Representative Maina Poepoe, Vice-Chair
Members of the House Committee on Transportation

Re: **HB 1692_HD1 Relating to Stationary Vehicles; Traffic Safety; Duty of Approaching Vehicle**

AAA Hawai'i is proud to support House Bill 1692_HD1. If enacted, the measure would align Hawai'i's "Slow Down, Move Over" (SDMO) law with 29 states and the District of Columbia by requiring drivers approaching any stranded, stationary vehicle to move into an adjacent lane when possible, or, if unsafe or impracticable, slow to specified speeds. As amended, HB 1692 applies at "any location on the roadway, shoulder, or roadside" and prohibits motorists from exceeding designated maximum speeds based on the posted speed limit. It also prohibits operating pick-up trucks with passengers seated in bed or loading areas with minors without exception and on high speed or multi-lane highways with anyone.

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. About 13 specifically define required speed limits or reductions in speed when passes stationary vehicles, albeit HB1692 proposes a broader standard of "slow and prudent". AAA supports both approaches.

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.

1130 N. Nimitz Highway, Suite A170, Honolulu, HI 96817

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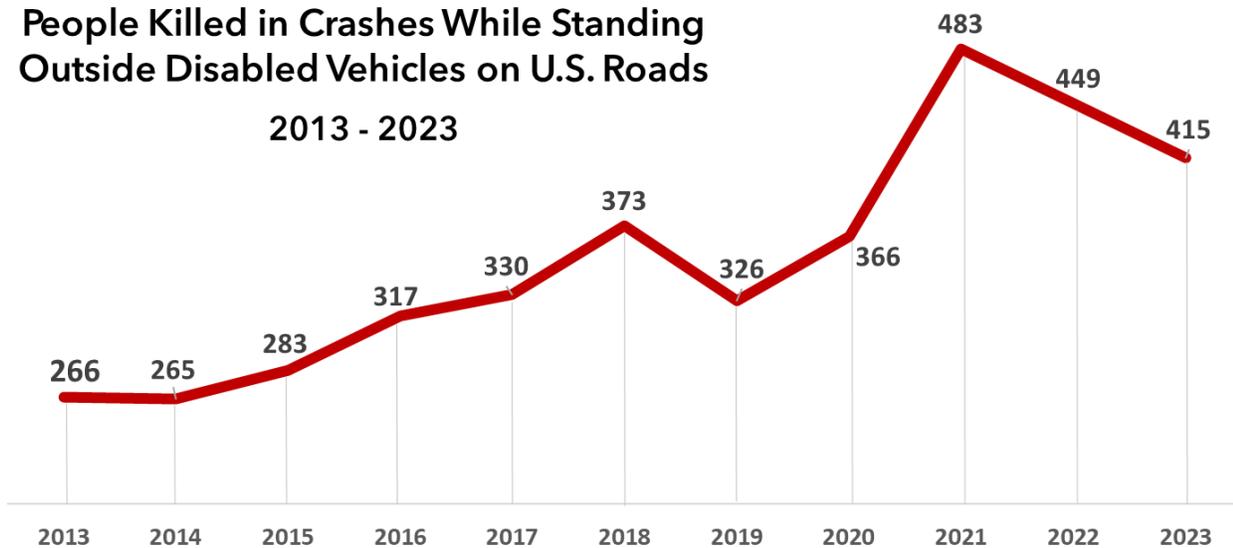
All Stationary Vehicles

HB 1692 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.

People Killed in Crashes While Standing Outside Disabled Vehicles on U.S. Roads

2013 - 2023



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.

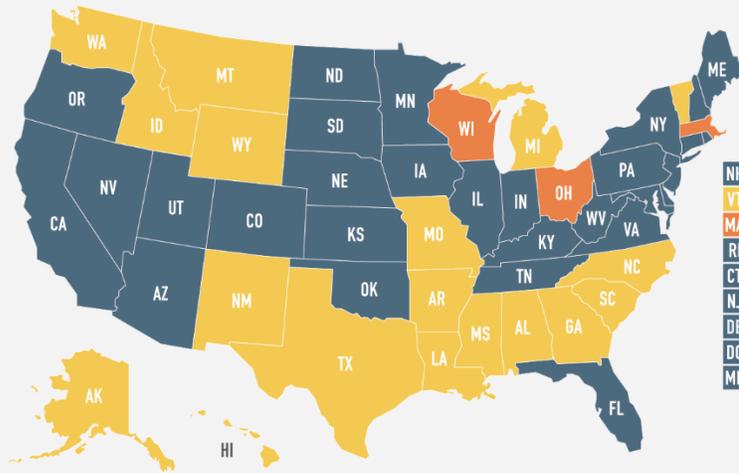
It is important to note that the AAAFTS analysis only reflects the number of people killed while outside vehicles. A separate report by the Safe Transportation Research and Education Center (SafeTREC) at University of California at Berkeley found over 1,200 individuals were killed in 2022 nationwide 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.



Slow Down, Move Over Laws

September 2025



First Responders, Tow Trucks, & Others
50 states

All Stopped Vehicles
29 states & DC

Pending Legislation
3 states

Pickup Trucks

AAA supports the correct use of occupant restraint systems and policies that ensure all passengers ride in appropriate, protected seating positions within a vehicle.

Riding in the open bed of a pickup truck is extremely dangerous and results in hundreds of fatalities each year, with children and teens accounting for more than half of these deaths. According to NHTSA data, passengers in cargo areas are frequently ejected or fall from vehicles during crashes, sharp turns, or sudden braking, often suffering severe head injuries or death. Pickup truck beds are not designed to transport occupants safely and offer none of the protections provided by seat belts, airbags, or reinforced passenger compartments. Measures that prohibit riding in cargo areas would help ensure passengers remain in designated seating positions equipped with proper safety protection.

Consistent with its longstanding policy on occupant protection, AAA calls on lawmakers to enact legislation prohibiting all individuals, especially minors, from riding in the cargo areas of pickup trucks. AAA further encourages states to implement educational campaigns highlighting the dangers of allowing dogs and other animals to ride unrestrained inside passenger compartments or in truck beds unless they are properly secured in animal carriers.

Comprehensive Approach

AAA recognizes that Slow Down Move Over (SDMO) laws alone will not eliminate all roadside collisions and that every driver shares responsibility for roadway safety. Equally important are strong passenger restraint and seat belt laws, which reduce the severity of injuries when crashes occur and remain one of the most effective tools for saving lives.

However, SDMO laws—such as HB 1692—provide a critical mechanism for encouraging drivers to slow down and create safe space when approaching first responders, tow operators, and other vulnerable road users on the

roadside. By reinforcing safe speed and lane-change behavior, these laws help prevent tragedies before they occur.

AAA is committed to a comprehensive approach to reducing roadside collisions nationwide. This includes promoting robust occupant protection and seat belt use, preventing dangerous driving behaviors such as impaired, drowsy, and distracted driving, increasing public awareness of SDMO requirements, supporting effective law enforcement, and advancing vehicle technologies such as in-vehicle alert and advanced warning systems.

We strongly encourage a YES vote on HB 1692_HD1.

Respectfully Submitted,

A handwritten signature in black ink that reads "Marianne Kim". The signature is written in a cursive, flowing style.

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

House Committee on Judiciary and Hawaiian Affairs

03/05/26 2:00PM

CR 325 & Videoconference

HB1692 HD1

RELATING TO TRAFFIC SAFETY

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports HB1692 HD1**, 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 and prohibits the operation of a pickup truck with a passenger seated in the bed or load-carrying area on roadways with posted speed limits of forty-six miles per hour or higher and roadways with three or more lanes traveling in the same direction but provides certain exemptions from passenger restrictions and increases the minimum age to ride in the bed or load-carrying area of a pickup truck while in operation from twelve years of age to eighteen years of age.

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.

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.

HB-1692-HD-1

Submitted on: 3/3/2026 9:58:37 PM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. We have enough laws that are not being enforced, this just adds one more. 18 year olds are old enough to ride in the back of a truck but not own firearms. Riding in a pick up truck bed on the freeway seems more dangerous than civil rights.