



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

HOUSE COMMITTEE ON TRANSPORTATION

**DATE:** Thursday, February 12, 2026      **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 430

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

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Chair Kila 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 in bold to be deleted from the bill; underscored material in bold to be added to 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, or any stationary vehicle that is stopped [~~on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem,~~] in any location, 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 paragraph 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.



## Testimony of the Oahu Metropolitan Planning Organization

### House Committee on Transportation

02/12/26 8:30 AM  
CR 430 & Videoconference

### HB1692 RELATING TO TRAFFIC SAFETY

Dear Chair Kila, Vice Chair Miyake, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports with comments HB1692**, 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. This would make the statute easier to enforce for our law enforcement officers. 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.

February 10, 2026

Representative Darius Kila, Chair  
Representative Tyson Miyake, Vice-Chair  
Members of the House Committee on Transportation

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

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AAA Hawai'i is proud to support House Bill 1692, as introduced on January 21, 2026. HB 1692 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. 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.

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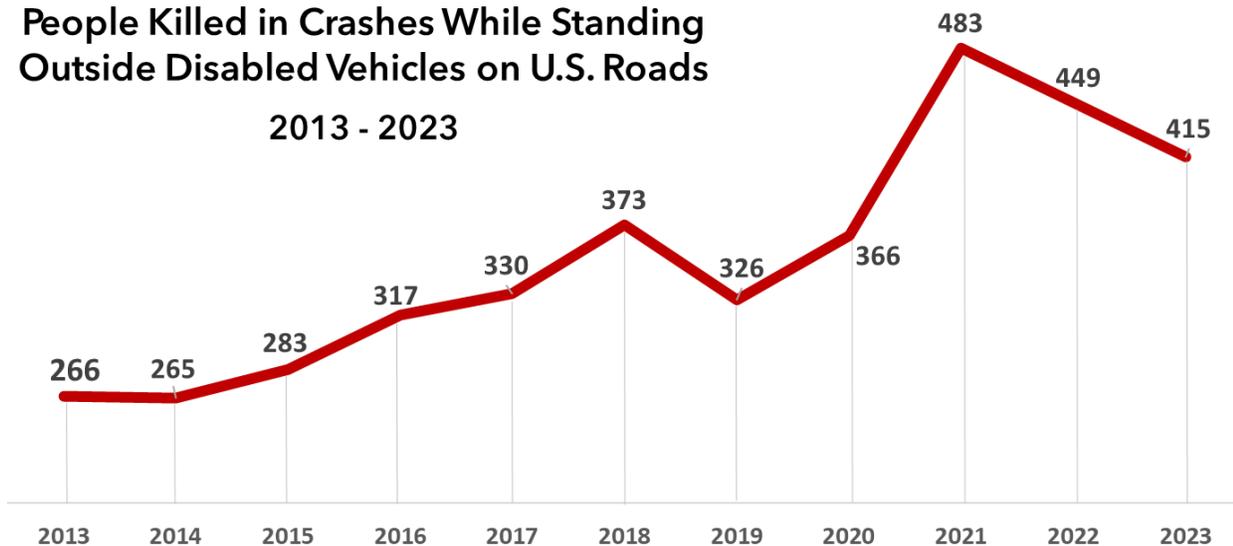
## All Stationary Vehicles

*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

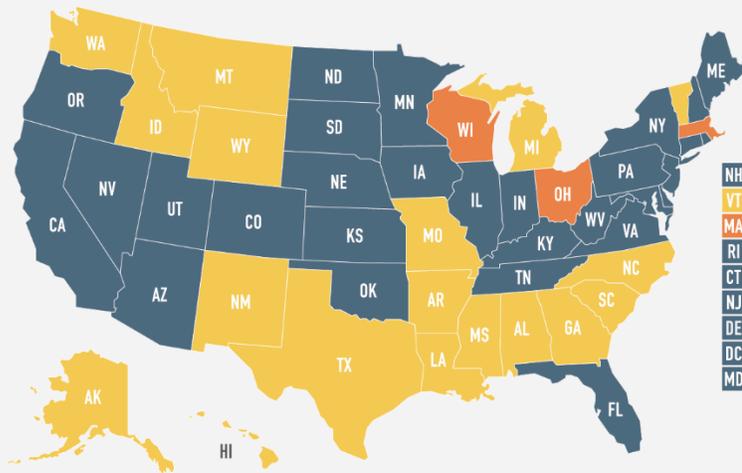
2013 - 2023



*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.<sup>1</sup> As Hawai'i continues to prioritize highway safety, comprehensive legislation is essential to ensure meaningful protection for all vulnerable road users.



■ First Responders, Tow Trucks, & Others  
 50 states

■ All Stopped Vehicles  
 29 states & DC

■ Pending Legislation  
 3 states

### 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 HB 1692) 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 HB 1692.

Respectfully Submitted,

Marianne Kim  
 Senior Public Policy Specialist

<sup>i</sup> Spicer, et al. "[Frequency and cost of crashes, fatalities, and injuries involving disabled vehicles](#)". Journal of Accident Analysis & Prevention (March 2021)



**TESTIMONY OF TINA YAMAKI, MANAGING DIRECTOR  
HAWAII TRANSPORTATION ASSOCIATION  
FEBRUARY 12, 2026  
SB 1692 RELATING TO TRAFFIC SAFETY**

Aloha Chair Kila and members of the House Committee on Transportation. I am Tina Yamaki, Managing Director of the Hawaii Transportation Association and I appreciate this opportunity to testify.

The Hawaii Transportation Association (HTA Hawaii) was founded in 1938 and incorporated in 1963, and is a private, non-profit trade organization dedicated to the service and assistance to the commercial ground transportation industry in the State of Hawaii. Our members include family owned small and medium sized businesses, independent owner operators, and national motor carriers range from delivery services to passenger carriers - as well as allied industry partners.

HTA Hawaii supports SB 1692. This measure 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 measure would broaden Hawaii's current traffic safety statute to require all drivers 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, if necessary and safe, make a lane change away from the stopped vehicle. Under existing law, motorists are required to slow down and move over for emergency vehicles with active lights, but not for ordinary disabled vehicles. HB 1692 ensures that every stopped vehicle displaying hazard signals qualifies for these protective measures.

This proposal advances critical traffic safety, protects vulnerable road users, and yields clear, measurable benefits for commercial transportation vehicles, drivers, and the broader freight mobility network. Commercial drivers routinely stop along roadways for legitimate operational reasons, including but not limited to mechanical breakdowns; tire inspections or adjustments; cargo securement checks; minor equipment repairs; and compliance inspections to name a few.

When a commercial vehicle is stopped on the shoulder, the driver often must exit the cab to assess or correct the issue. Without adequate traffic buffering, these workers are exposed to high-speed passing vehicles with little margin for error.

HB 1692 creates a statutory requirement for approaching motorists to reduce speed and, when safe, move over. This added safety buffer materially reduces the likelihood of serious injury or fatal secondary crashes involving professional drivers.

Commercial trucks and fleet vehicles represent substantial capital investments. A secondary collision involving a stopped truck can result in severe equipment damage, loss of cargo, significant repair costs, extended downtime, insurance claims and higher premiums. And by reducing the probability of vehicles striking stopped commercial units, HB 1692 mitigates financial exposure and protects critical transportation assets that support Hawaii's economy.

Hawaii's economy depends on reliable ground transportation to move goods between ports, warehouses, retailers, construction sites, and consumers. When a commercial vehicle is struck while disabled, it can cause traffic lane closures, delivery delays; missed shipment windows; increased freight costs. By improving roadside safety reduces these disruptions, strengthens supply chain resilience, and enhances overall freight mobility.

The trucking industry already faces workforce recruitment and retention challenges. Professional drivers deserve safe working conditions, including reasonable roadway protections when circumstances force roadside stops.

HB 1692 demonstrates legislative recognition that commercial drivers are not merely vehicle operators, they are workers exposed to occupational roadway hazards. Enhanced statutory protection supports workforce stability and signals respect for the essential services drivers provide.

Many states have expanded "Move Over" laws to include disabled vehicles, recognizing that roadside incidents frequently involve non-emergency vehicles. Aligning Hawaii with these broader safety standards promotes consistency for interstate carriers and improves driver awareness statewide.

Mahalo for this opportunity to testify.

TO: Members of the Committee on Transportation

FROM: Natalie Iwasa  
808-395-3233

HEARING: 8:30 a.m. Thursday, February 12, 2026

SUBJECT: HB1692, Traffic Safety, Move Over – **Amendment Requested**

Aloha Chair Kila and Committee Members,

Thank you for allowing the opportunity to provide testimony on HB1692, which would require drivers to slow down and potentially move over for vehicles that are stopped for maintenance or mechanical issues on the shoulder or along the roadside.

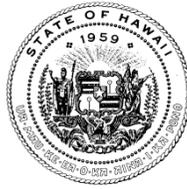
One of the indicators cited in the bill is traffic cones. Cones are regularly used by some motorists when they park their vehicles. For example, there's a truck on the 900 block of Lunalilo Home Road that regularly puts a cone out while it is parked there.

Even on wider sections of Lunalilo Home Road, where the speed limit is 30 mph, parked vehicles sometimes have cones next to them.

There should be no need to slow down or move over in the normal course of passing a parked vehicle.

**Please amend HB1692 to remove "traffic cones" from the list of indicators (page 2, line 11).**

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

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Thursday, February 12, 2026  
8:30 AM  
State Capitol, 430

**HB1692  
RELATING TO TRAFFIC SAFETY**

House Committee on Transportation

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The Department of Transportation (DOT) is in strong support of H.B. No. 1692. This legislation addresses a critical gap in Hawaii's traffic safety framework by expanding the scope of existing "move over" laws to require drivers to slow down and change lanes when approaching any stationary vehicle on the shoulder or roadside due to a traffic collision or mechanical issue—regardless of whether emergency vehicles are present.

The bill aligns with national best practices and reflects the growing consensus among 29 states that have already enacted comprehensive "move over" laws. As noted in the bill's findings, nearly 3,600 fatalities occurred nationwide between 2014 and 2022 when individuals were struck while stopped on roadways near disabled vehicles. By mandating that drivers approach such situations with heightened caution and take proactive measures like slowing down and changing lanes, this Act enhances public safety and reduces the risk of injury or death to both motorists and roadside workers.

Section 291C-27, as amended by this bill, clearly defines the responsibilities of drivers approaching stationary vehicles, including those displaying hazard warning lights or other recognized safety signals. It also establishes appropriate consequences for violations, including potential criminal charges depending on the severity of harm caused. These provisions ensure accountability and reinforce the importance of responsible driving behavior in hazardous situations.

Furthermore, the bill's language explicitly includes a range of vehicle types that qualify as "stationary vehicles," such as trucks, utility vehicles, construction vehicles, and transit vehicles, thereby broadening protection beyond just emergency responders. This inclusive definition ensures that all road users are protected when they encounter stopped vehicles in potentially dangerous locations.

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