



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Transportation
Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair

Tuesday, March 17, 2026 at 3:00 p.m.
State Capitol, Conference Room 229

By

Michelle D. Acosta
Deputy Chief Court Administrator
District Court of the First Circuit

Bill No. and Title: House Bill No. 2031, H.D. 2, Relating to Transportation.

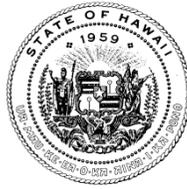
Purpose: Establishes the Administrative Hearings Division within the Department of Transportation and transfers certain administrative hearing powers to the Division, including matters related to transportation network company permit appeals, automated red light camera and speed enforcement traffic citations, and commercial driver’s license appeals. Allows authorized employees of the Department of Law Enforcement to review images produced by the automated red light camera and speed enforcement systems. Effective 7/1/3000. (HD2)

Judiciary’s Position:

Should this measure be passed, the Judiciary would require time for coordination and implementation, but given the Department of Transportation’s broader implementation requirements, we respectfully defer to the Department for an appropriate timeline.

Thank you for the opportunity to provide comments on House Bill No. 2031, H.D. 2.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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Tuesday, March 17, 2026
3:05 PM
State Capitol, 229



**HB2031, HD2
RELATING TO TRANSPORTATION**

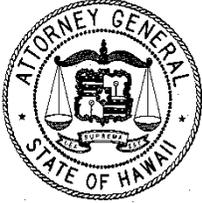
Senate Committee on Transportation

The Department of Transportation (DOT) supports H.B. 2031, H.D.2, which establishes the Administrative Hearings Division within the Department and transitions certain transportation-related enforcement and appeals matters to a centralized administrative framework. H.D.2 strengthens and clarifies the bill by formally authorizing the Division to conduct Chapter 91 administrative hearings for matters under DOT jurisdiction, including transportation network company permit appeals, commercial driver's license suspensions, revocations, and cancellations, and automated red light and speed enforcement citations.

The measure converts automated red light and speed enforcement violations from civil traffic infractions processed through the Judiciary to administrative violations handled by DOT, creating a more efficient and consistent adjudication process while preserving judicial review under Chapter 91. H.B. 2031, H.D.2 further authorizes a "reviewing entity," including county police departments or authorized employees of the Department of Law Enforcement, to review and verify automated enforcement images. The bill also authorizes the Director to prescribe necessary forms, procedures, and administrative rules to implement these programs effectively.

Additionally, H.B. 2031, H.D.2 appropriates funds from the State Highway Fund for the establishment of the Administrative Hearings Division and for implementation of the automated enforcement programs. These changes will reduce the burden on the Judiciary, improve administrative efficiency, and provide clearer procedural authority for enforcement and appeals.

Thank you for the opportunity to provide testimony in support.



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

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 2031, H.D. 2, RELATING TO TRANSPORTATION.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION

DATE: Tuesday, March 17, 2026 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Marjorie A. Lau, Deputy Attorney General

Chair Inouye and Members of the Committee:

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

This bill establishes within the Department of Transportation (DOT) an administrative hearings division (Division) to conduct administrative hearings pursuant to chapter 91, Hawaii Revised Statutes (HRS). This bill includes moving the process for handling violations under the automated speed enforcement systems program and the photo red light imaging detector systems program to the Division from the current process under the Statewide Traffic Code, chapter 291C, HRS. Amendments are made to existing statutes currently addressing processing such violations. Additionally, new statutory sections and amendments to existing statutes are included to provide for administrative hearings by the Division for certain matters.

The Department recommends the following to support the stated intent of the bill and intended administrative process.

First, the Department believes that the sections specifically providing for chapter 91 administrative hearings under chapter 291J, HRS, and chapter 291L, HRS, were inadvertently deleted when adding in the alternate appeal process from such chapter 91 administrative hearings into this bill.

The Department therefore recommends that section 3 of the bill, starting on page 6, line 3, include an additional new section to read as follows:

"§291J- Administrative hearings. (a) Any person issued a citation pursuant to this chapter may contest the citation by submitting a request for an administrative hearing conducted pursuant to chapter 91 to the administrative

hearings division of the department within thirty days after the date the citation was received.

(b) A decision of the administrative hearings division under this section shall constitute a final decision and order under chapter 91, subject to appeal as specifically provided in section 291J- (in lieu of judicial review pursuant to section 91-14)."

Regarding chapter 291L, the Department recommends that section 4 of the bill, starting on page 7, line 14, include an additional new section to read as follows:

"§291L- Administrative hearings. (a) Any person issued a citation pursuant to this chapter may contest the citation by submitting a request for an administrative hearing conducted pursuant to chapter 91 to the administrative hearings division of the department within thirty days after the date the citation was received.

(b) A decision of the administrative hearings division under this section shall constitute a final decision and order under chapter 91, subject to appeal as specifically provided in section 291L- (in lieu of judicial review pursuant to section 91-14)."

Second, the Department takes no position on whether the appeal process following an administrative hearing should be conducted by the district courts or the circuit courts. The Department does, however, recommend that the appeal process be consistent with the usual judicial review process for other types of administrative decisions, as provided under section 91-14, HRS. If the Committee wishes for the district courts to handle the judicial review process for chapter 291J and 291L offenses, in lieu of the circuit courts, new statutes may be created to that effect, as provided below. Because a trial de novo process would essentially return these cases to the same adjudication system that is already in place for traffic infractions, which would to some extent undermine the purpose of moving chapter 291J and chapter 291L offenses to the chapter 91 administrative hearings process, the Department does not recommend using trials de novo for these offenses. Instead, the Department recommends deleting section 3 of the bill, at page 6, line 3, through page 7, line 13, which proposes a new section of chapter 291J, entitled "Appeals", and replacing it with the following new section, to read as follows:

"§291J- Judicial review; procedure. (a) Any person aggrieved by an administrative decision pursuant to this chapter is entitled to judicial review. The respondent, or parent or guardian of a respondent under the age of eighteen, may file a petition for judicial review within thirty days after the administrative hearing decision is mailed. The petition shall be filed with the clerk of the district court in the district in which the incident occurred and shall be accompanied by

the required filing fee for civil actions. The filing of a petition shall not operate as a stay of the imposition of associated fines and fees, nor shall the court stay the imposition of associated fines and fees pending the outcome of the judicial review. The petition shall be appropriately captioned. The petition shall state with specificity the grounds upon which the petitioner seeks reversal of the administrative decision.

(b) The court shall schedule a judicial review as quickly as practicable. Upon review of the record, the court may affirm the decision of the agency or remand the case with instructions for further proceedings; or it may reverse or modify the decision and order if the substantial rights of the petitioner may have been prejudiced because the administrative findings, conclusions, decisions, or orders are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority or jurisdiction of the agency;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary, or capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion."

The Department recommends deleting the first section of section 291L, HRS, to be added by section 4 of the bill, at page 7, line 17, through page 9, line 2, entitled "Appeals", and replacing it with the following new section, to read as follows:

"§291L- Judicial review; procedure. (a) Any person aggrieved by an administrative decision pursuant to this chapter is entitled to judicial review. The respondent, or parent or guardian of a respondent under the age of eighteen, may file a petition for judicial review within thirty days after the administrative hearing decision is mailed. The petition shall be filed with the clerk of the district court in the district in which the incident occurred and shall be accompanied by the required filing fee for civil actions. The filing of a petition shall not operate as a stay of the imposition of associated fines and fees, nor shall the court stay the imposition of associated fines and fees pending the outcome of the judicial review. The petition shall be appropriately captioned. The petition shall state with specificity the grounds upon which the petitioner seeks reversal of the administrative decision.

(b) The court shall schedule a judicial review as quickly as practicable. Upon review of the record, the court may affirm the decision of the agency or remand the case with instructions for further proceedings; or it may reverse or modify the decision and order if the substantial rights of the petitioners may have been prejudiced because the administrative findings, conclusions, decisions, or orders are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority or jurisdiction of the agency;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;

- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary, or capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion."

Third, the Department notes that the parameters for fines for violations under chapter 291J are already set forth in the provisions of chapter 291C, as referenced in section 291J-10. To avoid any conflict with such statutory parameters, but to also allow the DOT to set specific fines, the Department recommends adding a new section to the bill to amend section 291J-10(a) to add a second sentence to read as follows:

"[~~E~~§291J-10~~] Penalty.~~ (a) The penalties for all consequences of a violation for disregarding a steady red signal initiated by the use of a photo red light imaging detector system shall be as provided in section 291C-161. Additionally, specific fines for all consequences of a violation for disregarding a steady red signal initiated by the use of a photo red light imaging detector system may be set, in a manner not inconsistent with any applicable statutory provisions addressing such fines, by the department as the director of transportation deems necessary for the purpose of carrying out this chapter."

Regarding chapter 291L violations, the Department notes that the parameters for fines for violations under chapter 291L are already set forth in the provisions of chapter 291C, as referenced in the bill's proposed new section to chapter 291L. To avoid any conflict with such statutory parameters, but to also allow the DOT to set specific fines, the Department recommends adding a second sentence to subsection (a) of the proposed new section to chapter 291L, on page 9, lines 3-6, to read as follows:

"§291L-___ Penalty. (a) The penalties for all consequences of a violation initiated by the automated speed enforcement systems program shall be set as provided in sections 291C-108 and 291C-161. Additionally, specific fines for all consequences of a violation initiated by the automated speed enforcement systems program may be set, in a manner not inconsistent with any applicable statutory provisions addressing such fines, by the department as the director of transportation deems necessary for the purpose of carrying out this chapter."

With this addition to the proposed new section to chapter 291L, section 18 of the bill, on page 24, lines 10-19, which amends section 291L-10(a), is not necessary and should be deleted.

In light of the recommendations to add a new section to the bill and to delete the existing section 18, all affected section numbers of the bill should be adjusted accordingly.

Thank you for the opportunity to testify.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.092

LATE

The Thirty-Third Legislature, State of Hawaii
The Senate
Committee on Transportation

Testimony by
Hawaii Government Employees Association

March 17, 2026

H.B. 2031, H.D. 2 – RELATING TO TRANSPORTATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes H.B. 2031, H.D. 1, **specifically section one, subsection (g) on page 4 line 18 to 19**, which allows the Director of Transportation to appoint a Hearings Officer or Officers to be exempt from chapter 76, Hawaii Revised Statutes. **We respectfully request amendments to this measure that require hiring of positions pursuant to chapter 76. Hearings Officers are existing civil service positions.**

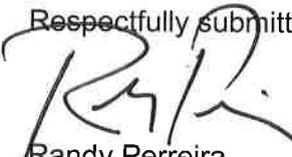
While we have no objections to the establishment of the Administrative Hearings Division within the Department of Transportation, we do have concerns for the need to employ staff that would be exempt from civil service law. Exempt employees do not go through a merit-based hiring process which increases the likelihood that unqualified individuals could be hired, and/or could lead to patronage hires. This measure asks the Legislature to legitimize a Department of Human Resources Development (DHRD) workaround by creating positions outside of the State's civil service and collective bargaining system, rather than requiring the State to fix its own failing civil service hiring process. If departments believe hiring is too slow or too difficult, the proper response is to reform civil service recruitment timelines, modernize hiring practices, and address compensation where justified, not seek legislative approval to bypass chapter 76.

This is a union busting measure. Over the past six years, the State has increased exempt positions by about 600, or 25 percent. Many of these exempt employees are members of our union, and proposals like this create employees with fewer rights, which weakens our ability to advocate for union members. Furthermore, this not only undermines the civil service system, but also points to an ugly truth: one day, exempt positions in state government may outnumber civil service positions.

If the State believes positions should be excluded from collective bargaining, that issue should be addressed through the proper labor relations process, including the Hawaii Labor Relations Board, not inserted into legislation as a shortcut around collective bargaining law. Chapter 89 has existing criteria in determining whether a position should be excluded from collective bargaining.

Thank you for the opportunity to provide testimony in opposition of exemption of Hearings Officer or Officers within H.B. 2031, H.D. 2.

Respectfully submitted,



Randy Perreira
Executive Director

HB-2031-HD-2

Submitted on: 3/15/2026 5:23:12 AM

Testimony for TRS on 3/17/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2031 HB RELATING TO TRANSPORTATION.

PUBLIC SAFETY IS EVERYONE'S RESPONSIBILITY