



**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. 2417, H.D. 1, RELATING TO ADMINISTRATIVE LICENSE REVOCATION.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**DATE:** Wednesday, March 4, 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

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Chair Tarnas and Members of the Committee:

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

The purpose of this bill is to clarify procedures for administrative driver's license revocation (license revocation), which is the administrative revocation of a person's driver's license that is triggered when a person is arrested for the criminal offense of Operating a Vehicle Under the Influence of an Intoxicant. The license revocation process begins with a Notice of Administrative Revocation issued to the person by the arresting law enforcement officer and is then carried out by an administrative body known as the Administrative Driver's License Revocation Office (ADLRO).

The Department notes that certain statutory provisions, not yet amended by this bill, need clarification regarding the timeframe for an administrative review decision.

With regard to termination proceedings, the Department is concerned that three different subsections within sections 291E-34 and 291E-37, Hawaii Revised Statutes (HRS), describe the proper protocol for instances when the ADLRO rescinds a person's administrative revocation. However, the wording of those three subsections is inconsistent and thus confusing.

Section 291E-36(a)(4)(B), HRS, currently requires, as part of the documents to be reviewed in an administrative review of an administrative revocation of a driver's license, that the person responsible for maintaining the drug testing equipment provide a sworn statement establishing that the person conducting the test had been trained and certified on and is capable of maintaining the drug testing equipment. It appears

that the person responsible for maintaining the drug testing equipment is not the person under current law that is to provide a sworn statement that such person was trained, certified, and capable of maintaining the drug testing equipment. Requiring the person responsible for maintaining the drug testing equipment to swear that the person conducting the drug test was trained, certified, and capable of maintaining the drug testing equipment is irrelevant if the person conducting the drug test is not the person responsible for maintaining the drug testing equipment.

The Department recommends the following revisions to the bill.

### **TIMEFRAME FOR ADMINISTRATIVE REVIEW DECISION**

Section 291E-34(c)(5)(A), HRS, on page 3, lines 14 through 17, should be amended as follows, to remain consistent with section 291E-37(a)(1), HRS (stricken material to be deleted from the bill):

- (A) Not later than ~~[eight]~~ fourteen days after the date of the issuance of the notice of administrative revocation in the case of an alcohol related offense; and . . . .

Act 146, Session Laws of Hawaii 2025 (Act 146) amended section 291E-37(a)(1), HRS, to require that the administrative review decision be issued to a respondent within fourteen—rather than eight—days.

Likewise, section 291E-34(c)(5)(B), HRS, on page 3, lines 18 through 20, should be amended as follows (stricken material to be deleted from the bill), to remain consistent with section 291E-37(a)(2), HRS, which was amended in Act 146 from twenty-two to twenty-eight days:

- (B) Not later than ~~[twenty-two]~~ twenty-eight days after the date of the issuance of the notice of administrative revocation in the case of an alcohol related offense.

### **TERMINATION OF PROCEEDINGS**

To resolve inconsistencies, and clarify ADLRO revocation procedure, section 291E-34(d), HRS, should be amended as follows (stricken material to be deleted from the bill):

- (d) The notice shall state that, if ~~[the respondent's license and privilege to operate a vehicle is not administratively revoked]~~ after the review, the ~~[respondent's license shall be returned, unless a subsequent alcohol or drug enforcement contact has occurred, along with]~~ director rescinds the administrative revocation, the respondent shall be given a certified statement that

the administrative revocation proceedings have been terminated[-] and, unless a subsequent alcohol or drug enforcement contact has occurred, the respondent's license shall be returned.

Similarly, section 291E-34(g), on page 8, line 5, should be amended as follows:

(g) The notice shall state that, if the administrative revocation is [~~reversed~~ rescinded] after the hearing, the [~~respondent's license shall be returned, along with~~] respondent shall be given a certified statement that the administrative revocation proceedings have been terminated[-] and, unless a subsequent alcohol or drug enforcement contact has occurred, the respondent's license shall be returned.

Also, section 291E-37(e), HRS, which is not currently contained in the bill, but would properly be inserted on page 11, line 8, should be amended as follows:

(e) If the evidence does not support administrative revocation, the director shall rescind the notice of administrative revocation [~~and return the respondent's license along with~~], provide a certified statement that administrative revocation proceedings have been terminated[-], and, unless a subsequent alcohol or drug enforcement contact has occurred, return the respondent's license.

Thus, the respondent would still be provided notice if the initial administrative revocation was rescinded, but it is clear that the driver's license would not be returned if a subsequent alcohol or drug contact occurred.

### **STATEMENT REGARDING MAINTENANCE OF DRUG TESTING EQUIPMENT**

The Department recommends that a new section be added to the bill, to amend section 291E-36(a)(4)(B), HRS, as follows:

(B) The person [~~conducting the test~~] had been trained and, at the time of the test, was certified and capable of maintaining the testing equipment; and . . . .

### **OTHER AMENDMENTS FOR CONSISTENCY**

In addition to the amendments above, the Department recommends that the word "terminated," in section 291E-31(1), on page 1, line 7, be amended to "administratively revoked."

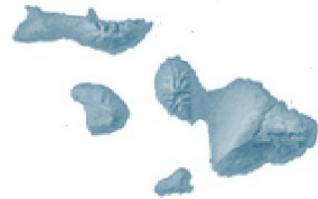
The Department also recommends that the word, "sustained," in section 291E-34(h), on page 8, line 7, be amended to "affirmed," to remain consistent with the use of the word "affirm" throughout the bill.

Should the Committee choose to pass this bill, the Department respectfully asks that these recommended amendments be incorporated. Thank you for the opportunity to provide comments on this bill.

**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

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TESTIMONY ON  
H.B. 2417 HD1  
RELATING TO ADMINISTRATIVE LICENSE REVOCATION

March 3, 2026

The Honorable David A. Tarnas  
Chair  
The Honorable Mahina Poepoe  
Vice Chair  
and Members of the Committee on Judiciary and Hawaiian Affairs

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui **supports H.B. 2417 HD1, Relating to Administrative License Revocation.** *Inter alia*, this measure is intended to increase the clarity of the Administrative Driver's License Revocation Office ("ADLRO") license revocation procedures.

We support this bill because it clarifies that the ADLRO's review decision affirms or rescinds the existing license revocation, rather than actually revoking the respondent's driver's license. We believe this language will make it easier for drivers to understand how the ADLRO review process works and what their license status may be at a given stage of that process.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports H.B. 2417 HD1.** Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.

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## OFFICE OF THE PROSECUTING ATTORNEY

### TESTIMONY IN SUPPORT OF HOUSE BILL 2417, HD1

#### A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION

#### COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair

Wednesday, March 4, 2026, at 2:00 p.m.  
Via Videoconference  
State Capitol Conference Room 229  
415 South Beretania Street

Honorable Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs: The County of Hawai'i Office of the Prosecuting Attorney submits the following testimony **in support** of House Bill 2417, House Draft 1.

The intent of H.B. 2417, HD1, is to clarify the administrative driver's license revocation process. We greatly appreciate that the HD1 draft incorporates the suggested amendments that arose out of discussions with stakeholders.

H.B. 2417, HD1, would not significantly alter the existing administrative driver's license revocation process, but would clarify that a revocation takes automatic effect 30 days after a Notice of Administrative Revocation, and remains in effect until the Administrative Driver's License Revocation Office (ADLRO) decides otherwise. We believe these small changes will produce great benefits by improving the enforceability of administrative revocations.

An administrative driver's license revocation is a non-criminal procedure that is initiated when probable cause exists to believe that an individual has been driving under the influence of alcohol or drugs, or when an individual refuses to submit to a breath or blood test. This process is initiated by the issuance of a Notice of Administrative Revocation to the suspected impaired driver, followed by a case-by-case review of relevant evidence by the ADLRO. Appropriate due process is offered through this review and by affording the driver the opportunity for an hearing. Administrative revocations can greatly enhance public safety by removing impaired drivers from the public roads swiftly and with certainty.

Individuals who disregard their administrative revocation and continue to drive on public roads should be subject to prosecution and enhanced penalties under HRS 291E-62. In practice, however, it has been difficult to enforce administrative revocations, due to the need to prove that the driver received notice of the outcome of the ADLRO process. As the law is currently written,

the administrative revocation does not technically occur until the ADLRO's review is complete and a written decision is mailed to the respondent. In practice, notice by mail often cannot support prosecution of criminal charges by proof beyond a reasonable doubt. The difficulty of enforcement undermines the purposes of administrative revocation—swiftness and certainty.

H.B. 2417, HD1, would clarify that the Notice of Administrative Revocation that a police officer issues to a suspected impaired driver itself sets enforceable timelines, removing the delay and ambiguity of notice by mail and allowing police and prosecutors to better enforce criminal penalties under HRS 291E-62 against those who disregard an administrative revocation.

For the foregoing reasons, the County of Hawai'i Office of the Prosecuting Attorney **supports** House Bill 2417, House Draft 1. Thank you for the opportunity to testify on this matter.

**DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE DAVID A. TARNAS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawai'i**

March 3, 2026

**RE: H.B. 2417, H.D. 1; RELATING TO ADMINISTRATIVE LICENSE REVOCATION.**

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in support of H.B. 2417, H.D. 1.

H.B. 2417 significantly restructures the administrative driver's license revocation (ADLRO) process by conditioning review decisions on document disclosures and shifting timelines based on when materials are transmitted to the respondent. The Department supports the intent to streamline the process and provide for timely disclosures.

This bill fixes a real and recurring loophole in our current administrative revocation system. In practice, we see defendants argue they "didn't know" they were suspended, despite being arrested for drunk driving and receiving a written notice. That ambiguity undermines enforcement and accountability.

H.B. 2417 restores clarity by establishing that the notice of administrative revocation itself sets the effective date of the revocation, unless rescinded. The notice is issued directly to the driver at the time of arrest. There is no confusion, no grey area, no opportunity to feign ignorance. Drivers still have the opportunity to submit written information and request a hearing. But it removes the uncertainty that allows suspended drivers to exploit the procedural timeline.

Administrative revocation is about immediate public safety. When someone is arrested for driving under the influence, the State must be able to act promptly and decisively. H.B. 2417 ensures that drunk drivers cannot game the system by later claiming they did not understand when their suspension began.

The Department respectfully requests this Committee to pass H.B. 2417.

Thank you for the opportunity to testify.