



**WRITTEN 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. 2010, S.D. 1, RELATING TO MOTOR VEHICLES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 26, 2026 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Mark S. Tom,
Deputy Attorney General, at (808) 586-1160)

Chair Rhoads 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 authorize the impoundment of a motor vehicle when the citing officer has a valid public safety concern upon arrest or issuance of a citation or when the driver is convicted of, or judgment is found in favor of the State for, certain or repeated traffic violations.

The Department appreciates the intent to provide greater public safety on the roadways. Section 4 of this bill amends section 291C-165.5, Hawaii Revised Statutes, to add to subsection (b) a new paragraph (4), on page 11, line 14, to page 12, line 2, that requires the towing company to include in the notice sent to the impounded vehicle's lien holder or registered owner that the lien holder or registered owner may file a lawsuit for damages or demand an administrative hearing "to determine whether there was a sufficient factual and legal basis for removing the vehicle." The Department is concerned that in the event that a lienholder or registered owner pursues an administrative review or files a lawsuit, the available remedies are unclear. The bill does not identify or limit any potential parties or individuals against whom remedies may be sought. Moreover, any remedy imposed against a potential participant in the removal process may have a chilling effect on the participant's future involvement (i.e.,

law enforcement, towing companies, storage yards, auction houses, etc.). This potential impact on the lack of enforcement and participation by necessary partners would undermine the efficacy of the bill's stated purpose. Clarification is needed to identify the available remedies and who would be responsible for their fulfillment.

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

SB-2010-SD-1

Submitted on: 2/24/2026 12:36:51 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Austin Martin	Testifying for Libertarian Party of Hawaii	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to SB2010Chair and Members of the Committee,

My name is Austin Martin, and I am the Chair of the Libertarian Party of Hawaii. I submit this testimony in strong opposition to SB2010, which authorizes the impoundment of motor vehicles based on mere allegations of certain traffic violations, such as driving without a valid license or repeat DUI offenses. This bill represents a dangerous erosion of fundamental constitutional protections, including due process and property rights, and it invites costly litigation against the state that Hawaii taxpayers can ill afford. Worse still, it will inflict profound suffering on our most vulnerable residents, creating a direct pipeline to poverty for low-income families already struggling to make ends meet.

SB2010 empowers law enforcement to seize and impound vehicles without a conviction or even a full judicial hearing, solely on the basis of alleged infractions. This approach flips the presumption of innocence on its head, allowing the government to punish individuals before they have been proven guilty in a court of law. Under the Fifth and Fourteenth Amendments to the U.S. Constitution, as well as Article I, Section 5 of the Hawaii State Constitution, no person shall be deprived of life, liberty, or property without due process of law. Yet this bill permits extrajudicial seizures that bypass meaningful judicial oversight, treating vehicle owners as guilty until proven innocent. Such policies have been struck down in courts across the country, as they violate core principles of fairness and justice.

Moreover, this legislation undermines the sanctity of private property rights, a cornerstone of liberty. Vehicles are not mere conveniences; for many Hawaiians, they are essential for work, family obligations, and daily life. Allowing the state to confiscate them based on unproven allegations opens the door to abuse, disproportionate impacts on low-income communities, and potential for selective enforcement. History shows that similar asset forfeiture and impoundment laws have led to rampant misuse, with innocent people losing their property and facing burdensome processes to reclaim it—if they can afford to do so at all.

This bill is particularly insidious in its effects on Hawaii's poor and working-class residents, establishing a cruel pipeline to poverty that will devastate lives and communities. In our island state, where public transportation options are often inadequate — especially on neighbor islands — a vehicle is frequently the only reliable means of getting to jobs, medical appointments, schools, or grocery stores. Impounding a car for an alleged violation like driving without a license can trigger a cascade of hardships: immediate loss of income from missed work,

accumulating towing and storage fees that balloon into hundreds or thousands of dollars, and barriers to retrieving the vehicle that push families over the edge. For low-income individuals living paycheck to paycheck, these costs are insurmountable, leading to desperate choices like high-interest payday loans, selling personal belongings, or even forgoing essentials like food and rent.

Nationwide, similar policies have been shown to disproportionately burden low-income and minority communities, extracting wealth and deepening inequality. In cities like Chicago and Oakland, vehicle impoundments have led to job loss, financial ruin, and increased homelessness, with towed cars often serving as the last line of shelter for the unhoused.

SB2010 will replicate this suffering here, turning minor infractions into life-altering catastrophes and straining Hawaii's already overburdened social services as more families fall into poverty or homelessness.

Hawaii cannot afford the inevitable lawsuits that will follow. Federal courts have repeatedly ruled against overly broad seizure laws, awarding damages and attorney's fees that burden state budgets. For example, in cases like *Timbs v. Indiana* (2019), the U.S. Supreme Court has affirmed that excessive fines and forfeitures violate the Eighth Amendment, incorporating these protections against the states. SB2010 risks exposing Hawaii to similar challenges, draining resources from education, healthcare, and infrastructure to fund legal defenses and settlements. Why invite this fiscal liability when safer, rights-respecting alternatives exist, such as enhanced traffic education, graduated penalties post-conviction, or targeted enforcement without preemptive seizures?

As libertarians, we believe in limited government that respects individual freedoms and holds authorities accountable. SB2010 expands state power at the expense of personal liberty, setting a precedent for further encroachments on our rights. It does not enhance public safety; instead, it fosters distrust in government, imposes undue hardship on citizens, and perpetuates cycles of poverty that harm our most vulnerable. This bill is an affront to justice and compassion — it is unambiguously evil in its disregard for the human suffering it will cause. I urge you to vote NO on SB2010 and protect the due process, property rights, and dignity of all Hawaiians. Respectfully submitted,

Austin Martin

Chair, Libertarian Party of Hawaii



IN OPPOSITION TO SB2010

The Libertarian Party of Hawaii is in strong opposition to SB2010. This bill authorizes the impoundment of motor vehicles when certain traffic violations have been **alleged** or committed. It explicitly allows seizure **before any conviction**, and often for purely administrative or paperwork-related issues.

The language is clearly troubling: if a law enforcement officer lawfully stops a vehicle and the operator is merely **cited** for driving without a valid license, the officer shall not permit the operator to resume use of the vehicle. Instead, the vehicle must be moved by a licensed driver or towed at the owner's expense, with the cited individual left to arrange their own transportation from the scene. **It's state-sanctioned theft** predicated on an allegation alone, without judicial oversight or proof of guilt.

This "papers, please—or else" mentality is absurd. Hawaii drivers already face fines, points, and potential license suspension for paperwork violations like expired registration, lapsed insurance documentation, or driving on a suspended license. SB2010 escalates these administrative infractions into immediate property seizure, forcing owners to pay exorbitant towing and storage fees just to retrieve their own vehicle—**all before any court has determined wrongdoing**. This turns minor paperwork lapses into financial ruin for working families, especially in our island state where reliable transportation is essential for jobs, school, medical care, and daily survival.

The bill creates a dangerous precedent where law enforcement is allowed to punish first and prove guilt later (if ever). It incentivizes aggressive enforcement for revenue through impound lots rather than fair adjudication. Existing laws already address truly dangerous behavior through graduated penalties, including eventual impoundment after conviction where warranted. Expanding seizure powers to mere citations for paperwork issues is disproportionate, unconstitutional in spirit, and a gross overreach of government authority.

Libertarians stand for individual liberty, due process, and protection of private property. SB 2010 violates all three by enabling pre-conviction forfeiture of vehicles over allegations, paperwork errors, or minor violations. We strongly urge the Committee to reject this bill and vote **NO** on SB2010.

For liberty,

Abbra Green | LPHI Secretary | LibertarianHawaii.com | (808)824-LPHI

