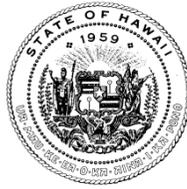


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
CURT T. OTAGURO
ROBIN K. SHISHIDO

Tuesday, March 17, 2026
9:30 am
State Capitol, 430

**SB2010, SD2
RELATING TO MOTOR VEHICLES**

House Committee on Transportation

The Department of Transportation (DOT) supports S.B. 2010, S.D. 2, relating to the authorization of impoundment of motor vehicles for certain traffic violations.

S.B. 2010, S.D. 2 authorizes the impoundment of motor vehicles involved in specified traffic violations, including driving under the influence, failure to stop after accidents, and repeated traffic offenses. The bill establishes clear criteria for when and how vehicles may be impounded, along with comprehensive procedures for towing, storage, and disposal of impounded vehicles. Additionally, the bill requires unlicensed drivers to have a vehicle moved or towed at the owner's expense.

DOT supports this legislation as it directly addresses critical public safety concerns on Hawaii's roadways. Impoundment of vehicles used in serious traffic violations serves as a meaningful deterrent and removes potentially dangerous vehicles — and their operators — from active circulation on our roads. This is particularly significant given the persistent threat posed by drivers operating under the influence, those who fail to fulfill their legal obligations following accidents and repeat traffic offenders who continue to demonstrate disregard for traffic laws.

Our State data consistently demonstrates the dangers posed by non-compliant drivers on Hawaii's roadways. Non-compliant drivers — those operating without a valid license, or with expired, suspended, revoked, or cancelled licenses — have represented a significant proportion of drivers involved in fatal crashes:

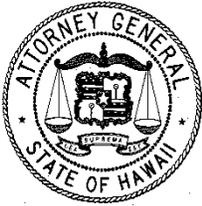
2020 - 24/114 = 21.1% with 4 unknowns resulting in 24 fatalities
2021 - 42/127 = 33.1% with 3 unknowns resulting in 42 fatalities
2022 - 36/165 = 21.8% with 0 unknowns resulting in 38 fatalities
2023 - 35/116 = 30.2% with 4 unknowns resulting in 39 fatalities

The provision requiring unlicensed drivers to bear the cost of towing and storage of a vehicle is a particularly important element of this bill. It reinforces personal

accountability and places the financial burden appropriately on those who violate licensing requirements, rather than on the public or vehicle owners who may be unaware of the violation. This is consistent with prior legislative efforts supported by the DOT, which similarly sought to enhance penalties for unlicensed drivers and assign financial responsibility to vehicle owners when their vehicles are used in the commission of such violations.

By establishing structured and enforceable impoundment procedures, S.B. 2010, S.D. 2 provides law enforcement with an effective tool to promote compliance with traffic laws, reduce repeat offenses, and enhance overall roadway safety for all users. The DOT believes this measure is a prudent and necessary step toward reducing traffic fatalities and injuries in Hawaii.

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



**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. 2, RELATING TO MOTOR VEHICLES.

BEFORE THE:

HOUSE COMMITTEE ON TRANSPORTATION

DATE: Tuesday, March 17, 2026

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 430

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, Deputy Attorney General

Chair Kila 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-2

Submitted on: 3/12/2026 5:22:03 PM

Testimony for TRN on 3/17/2026 9:30:00 AM

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

Comments:

I, Johnnie-Mae L. Perry, Comment problem with "storeage." Currently, it appears in Wai'anae, property owners are using their property as "shortage" for business and/or the city.

2010 SB RELATING TO MOTOR VEHICLES.

C. Kimo Alameda, Ph.D.
Mayor



Reed K. Mahuna
Police Chief

William V. Brilhante Jr.
Managing Director

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

March 13, 2026

Representative Darius K. Kila, Chair
Representative Tyson K. Miyake, Vice Chair
And Members
Committee on Transportation
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Representatives Kila and Miyake and Members,

RE: SENATE BILL 2010 SD2 RELATING TO MOTOR VEHICLES
DATE: MARCH 17, 2026
TIME: 9:30 A.M.
PLACE: VIDEOCONFERENCE
CONFERENCE ROOM 430

The Hawai`i County Police Department (HPD) respectfully offers comment on Senate Bill 2010, Senate Draft 2 (SB2010 SD2), which establishes new statewide requirements and restrictions on the towing and impoundment of motor vehicles when drivers are cited or arrested for certain traffic offenses.

HPD wholeheartedly agrees that unlicensed, uninsured, intoxicated, and otherwise unsafe drivers pose a significant threat to public safety on Hawai`i's roadways. To address these risks, Hawai`i County Code §24-12, enacted in 2011, already authorizes officers to tow vehicles when drivers are cited for violations such as driving without a license, driving with a suspended or revoked license, operating a vehicle under the influence of an intoxicant, and other offenses under the Statewide Traffic Code.

However, SB2010 SD2 would significantly restrict these existing county towing authorities by imposing a statewide framework that supersedes local law. In particular, the bill requires officers to wait a "reasonable time" for a licensed individual to remove the vehicle before arranging a tow, and creates new mandatory exceptions that prevent towing even in situations where the driver has committed serious violations or poses a continuing risk.

For Hawai`i Island, these new requirements present unique operational and public-safety challenges:

SENATE BILL 2010 SD2 RELATING TO MOTOR VEHICLES

DATE: MARCH 17, 2026

TIME: 9:30 A.M.

PLACE: VIDEOCONFERENCE

CONFERENCE ROOM 430

Page 2

- **Geography and Travel Time:** Many of Hawai'i County's roadways span large rural areas with long distances between towns. Waiting a "reasonable time" for a licensed driver to arrive may take 30 to 60 minutes or longer, depending on location.
- **Tow Company Response Times:** Tow companies often face long travel distances as well, resulting in extended on-scene wait times for officers.
- **Officer Safety and Resource Impact:** These prolonged roadside encounters increase risks to officers and divert critical resources away from other calls for service, including collisions, thefts, domestic violence, and impaired driving enforcement.
- **Reduced Ability to Prevent Repeat Dangerous Driving:** Under current county law, HPD can immediately remove a vehicle from a driver who is unlicensed, suspended, or otherwise a hazard. SB2010 SD2 restricts this tool and could result in unsafe drivers regaining access to vehicles shortly after a stop.

HPD supports measures that improve traffic safety, but SB2010 SD2 limits the practical tools that counties already use effectively and creates operational burdens that will negatively affect both public safety and police services on Hawai'i Island.

For these reasons, the Hawai'i Police Department respectfully requests that the Committee hold SB2010 SD2 or consider amendments that preserve existing county authority under Hawai'i County Code §24-12.

Thank you for the opportunity to provide testimony.

Na'u Me Ka Ha'aha'a,


for REED K. MAHUNA
POLICE CHIEF

To: Representative Darius K. Kila, Chair
Representative Tyson K. Miyake, Vice Chair
Committee on Transportation

From: Veronica Moore, Individual Citizen

Date: March 15, 2026

RE: Senate Bill 2010 SD2
Measure Title: RELATING TO MOTOR VEHICLES.
Report Title: Motor Vehicles; Drivers; Unlicensed Drivers; Stops; Citations Traffic;
Public Safety; Impoundment

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2010 SD2. Thank you for your consideration.

Sincerely,

Veronica M. Moore

Law Office of Georgette A. Yaindl, LLLC
Georgette Anne Yaindl 8940
P.O. Box 307
Kailua-Kona Hawai'i 96745-0307
(808) 224-0219 v/txt (877) 300-8869 fax
gyaindl@gyattorney.com

March 15, 2026

Rep. Darius K. Kila, Chair
Rep. Tyson K. Miyake, Vice Chair
Committee on Transportation
House of Representatives
33rd Legislature, State of Hawai'i

via: <http://www.capitol.hawaii.gov>

Dear Committee leadership and members,

Re: **SUPPORT FOR AND COMMENTS ON SB2010 SD2 RELATING
TO MOTOR VEHICLES**

DATE: Tuesday, March 17, 2026

TIME: 9:30 a.m.

PLACE: Conference Room 430 & Videoconference
State Capitol
415 South Beretania Street

This bill is based on a legislative finding that “too many motor vehicle drivers are threats to public safety and create risks of injury or death” and intent “that impounding vehicles when drivers commit certain traffic violations will greatly contribute to safer roads.” Agreed.

But please consider that the bill speaks only of traffic *violations*, when many of the “violations” cited in the bill are actually traffic *crimes*, punishable by imprisonment and/or fines, not fines alone. HRS § 701-107(1) (“An offense defined by this Code or by any other statute of this State for which a sentence of imprisonment is authorized constitutes a crime.”) Possibly this act should be applicable only to traffic crimes. However, if the intent is to also allow the court discretion in cases of certain traffic violations, then the language defect in the bill can be cured by substituting “offense(s)” for “violation(s)”, throughout.

It also is right and proper that the several offenses proposed to be covered by the bill are identified not merely by the statutory citation, but also should state the name of the covered offense.

Section 4 of the bill that addresses the matter of seizure following expiration of the proposed period of impoundment also needs further consideration. The bill proposes that vehicles impounded pursuant to this act that are unclaimed shall be deemed abandoned and any proceeds from their sale or destruction would be retained by the salvage yard. But these presumably are not derelict vehicles with aged, expired registrations, nor actually abandoned. These vehicles are instruments used in the commission of a traffic offense and rightfully should be made subject to forfeiture under chapter 712A, necessitating amendment of § 712A-4, "Covered Offenses." The proceeds of a sale at public auction appropriately should be realized by the county safe routes to school programs.

Thank you for your consideration of this testimony.

Sincerely,

/s/ Georgette A. Yaindl
GEORGETTE ANNE YAINDL

JON N. IKENAGA
PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

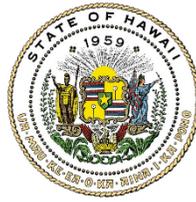
APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY Y. C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUAI OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

February 16, 2026

SB 2010, SD2: RELATING TO MOTOR VEHICLES

Chair Kila, Vice-Chair Miyake, and Members of the Committee on Transportation:

The Office of the Public Defender (OPD) **opposes** SB 2010 SD2 which would authorize the impoundment of a motor vehicle when a person is arrested or cited for a range of traffic offenses if an officer has a “valid public safety concern,” and would further permit court-ordered impoundment at the registered owner’s expense. The bill also authorizes police to tow and impound vehicles for numerous alleged traffic violations and includes additional provisions requiring that certain cited operators be prohibited from continuing to operate a vehicle.

While public safety is a paramount concern, the OPD has significant concerns that this measure will have the following impacts:

1. Expand Punishment Prior to Adjudication

The bill permits towing and impoundment at the point of citation or arrest, before any judicial finding of guilt, based on an officer’s determination of a “valid public safety concern.” In practice, this functions as a punitive economic sanction imposed prior to conviction. For many indigent individuals, the loss of a vehicle combined with towing and storage costs can be financially devastating even if charges are later dismissed or reduced.

2. Impose Severe Financial Burdens on Indigent Drivers

The bill requires that impoundment occur at the registered owner’s expense. Many OPD clients already struggle with housing instability, inconsistent employment, and limited financial resources. Towing and storage fees often accumulate rapidly. If a vehicle is not recovered within thirty days, it may be deemed abandoned and

sold or disposed of. For low-income families, the loss of a vehicle is not merely an inconvenience, it may mean loss of employment, inability to attend court, inability to transport children, or inability to access medical care. These collateral consequences may increase system involvement rather than enhance public safety.

3. Disproportionately Affecting the Economically Vulnerable

The bill authorizes towing for driving without a license (HRS § 286-102) and driving without insurance (HRS § 431:10C-104), among other offenses. In the OPD's experience, many individuals charged with these offenses are not engaging in reckless or dangerous driving but are attempting to work, care for family members, or attend court. Transforming administrative or economic noncompliance into grounds for immediate vehicle seizure risks disproportionately impacting economically vulnerable residents rather than targeting the most dangerous conduct.

This approach is also inconsistent with recent judicial programs such as Community Outreach Court and the Restricted License Program, which are designed to help individuals renew or obtain their driver's licenses by resolving outstanding fines and removing license stoppers.

4. Mandatory Vehicle Removal for Certain Licensing Offenses

The SD2 version of this bill adds a new provision prohibiting a cited operator from continuing to operate a motor vehicle when cited for certain licensing violations. The vehicle must instead be removed by a licensed driver or towed at the owner's expense, and the cited individual must arrange transportation away from the scene of the stop.

While this provision may be intended to promote roadway safety, it may create significant practical hardships for individuals cited for licensing violations who are otherwise operating safely. Many individuals cited for driving without a valid license are attempting to travel to work, transport family members, or attend court obligations. Immediate removal of the vehicle, particularly where no licensed driver is readily available, may result in towing costs and additional financial burdens even in circumstances where the vehicle could otherwise be safely parked or transferred to another driver. For economically vulnerable individuals, these additional consequences may compound existing barriers rather than promote long-term compliance with licensing requirements.

In addition, the bill requires that the vehicle be removed by a licensed driver **within a "reasonable time,"** but does not define what constitutes a reasonable amount of time. This lack of clarity may lead to inconsistent application in the

field and uncertainty for both law enforcement officers and motorists. What may be considered reasonable in one situation or location may be deemed unreasonable in another, potentially resulting in unnecessary towing and additional financial penalties.

The provision may also divert law enforcement resources away from core public safety responsibilities. Officers may be required to remain at the scene of a traffic stop while waiting for a licensed driver to arrive or while coordinating towing arrangements. In busy districts where officers are already responding to high call volumes and emergency situations, requiring officers to remain on scene for extended periods during otherwise routine traffic stops could reduce available patrol capacity and delay responses to higher-priority incidents. These operational considerations should be carefully evaluated before expanding mandatory vehicle removal requirements in this manner.

Extended roadside stops may also create additional safety risks for both motorists and law enforcement officers. Traffic stops frequently occur on busy roadways, highways, or areas with limited shoulder space. Requiring officers to remain on scene while waiting for a licensed driver to arrive or for towing to be arranged may unnecessarily prolong roadside encounters, increasing exposure to passing traffic and other hazards. Reducing the amount of time officers and motorists are stopped on the side of active roadways is an important public safety consideration that should be weighed when evaluating policies that may extend the duration of traffic stops.

For these reasons, the Legislature should carefully consider whether requiring officers to supervise the removal of vehicles in these circumstances represents the most effective use of limited law enforcement resources. Public safety is best served when officers are able to focus their time and attention on impaired driving, violent crime, and other immediate threats to community safety rather than extended roadside administrative enforcement.

5. Vague and Broad “Public Safety Concern” Standard

The definition of “valid public safety concern” includes a belief that the operator is likely to attempt to operate the vehicle under the influence or in a manner placing others at significant risk. While well-intentioned, this standard leaves substantial discretion with the citing officer. Without clearer, more objective criteria, similarly situated individuals may be treated differently depending on subjective assessments.

6. Impact on Third-Party Owners and Families

Although the bill includes limited consideration of third-party ownership in court-ordered impoundments, towing at the point of arrest may still impose hardship on innocent vehicle owners, often family members, who rely on the vehicle for daily necessities. Even a brief impoundment period can trigger cascading financial consequences.

7. Judicial and System Resource Impact

SB 2010 SD2 will materially increase demands on Hawai‘i’s judicial and public safety systems at a time when court dockets, law enforcement personnel, and public defense resources are already strained. The bill authorizes vehicle impoundment at the point of citation or arrest based on an officer’s assessment of a “valid public safety concern,” and permits owners to demand an administrative hearing to contest the factual and legal basis for that seizure.

Because impoundment carries immediate and significant financial consequences and may result in the permanent loss of a vehicle if fees accumulate, many individuals will understandably exercise their right to challenge the impoundment. This will increase the number of contested administrative hearings conducted on accelerated timelines and require additional officer appearances, evidentiary presentations, and agency coordination.

At the same time, the underlying criminal cases will proceed separately in district court. This creates duplicative litigation over the same facts - once in an impoundment proceeding and again in the criminal prosecution. Courts should anticipate expanded motions practice, including suppression motions, due process challenges, and constitutional claims regarding unlawful seizure or excessive financial penalties. Each contested matter requires judicial time, clerical processing, prosecutor preparation, police testimony, and defense representation.

The bill further requires courts to engage in additional findings at sentencing regarding third-party ownership, continued access to vehicles, and the “interests of justice” before ordering post-conviction impoundment. While judicial discretion is essential, layering new evidentiary determinations into already high-volume traffic and misdemeanor calendars will increase hearing length and case complexity. Without corresponding appropriations or structural safeguards, this bill risks expanding litigation, increasing officer court time, and placing additional workload on district courts, prosecutors, and public defenders statewide.

If the Legislature wishes to move forward with some form of impound authority, the OPD respectfully urges consideration of:

- Clear, objective criteria for officer-initiated impoundment;
- Expedited post-seizure hearings;
- Hardship exemptions for primary family vehicles;
- Fee waivers or sliding-scale recovery for indigent owners; and
- Limiting impoundment to post-conviction findings for the most serious offenses.

For these reasons, the Office of the Public Defender **opposes** SB 2010 SD2.

Thank you for the opportunity to comment on this measure.



TESTIMONY IN SUPPORT OF SENATE BILL 2010 SD2
RELATING TO MOTOR VEHICLES

Ke Kōmike Hale o ke Alakau
(House Committee on Transportation)

Ke Kapitala ‘o Hawai‘i
(Hawai‘i State Capitol)

Malaki 17, 2026

9:30 AM

Lumi 430

Aloha e Chair Kila, Vice Chair Miyake, a me Members of Ke Kōmike Hale o ke Alakau:

The Office of Hawaiian Affairs (OHA) provides the following **COMMENTS on SB2010 SD2** which authorizes the impoundment of motor vehicles when certain traffic violations have been alleged or committed and requires that, when a person is cited for driving without a valid license, the person may not resume operating the vehicle. OHA recognizes and respects the Legislature’s intent to improve roadway safety and reduce serious injury and death, and we share the goal of keeping our communities safe. However, OHA remains concerned that the bill relies on penalties that may be overly punitive, economically destabilizing, and likely to fall hardest on low-income households, without clear evidence they will improve safety outcomes beyond existing enforcement tools.

As amended, the bill no longer focuses only on clearly dangerous driving conduct such as reckless driving or operating under the influence. It also authorizes roadside towing and possible impoundment where a person is cited for driving without a license and continues to permit impoundment for operating without valid motor vehicle insurance. These violations can present legal compliance concerns, but they do not always reflect immediate dangerous driving behavior. In many cases, they are also tied to financial hardship, documentation barriers, or gaps in access rather than recklessness.

OHA is particularly concerned that the bill may impose immediate and significant financial consequences before a person has a meaningful opportunity to cure the issue or challenge the tow. Towing and storage costs can escalate quickly. For many working families, a vehicle is essential to maintaining employment, attending medical appointments, taking children to school, and meeting daily household needs. Even a temporary loss of access to a vehicle can trigger missed work, lost wages, and housing instability, making it harder for individuals to regain compliance with licensing or insurance requirements.

The bill's requirement that a cited operator arrange transportation away from the scene also raises practical concerns. In many parts of Hawai'i, especially outside urban cores, public transportation, rideshare availability, and other alternatives are limited or unreliable. As a result, the burdens created by this measure may be felt most heavily by those who already face the greatest transportation insecurity.

OHA also remains concerned about the bill's discretionary framework. Although the measure requires a valid public safety concern before roadside impoundment in certain circumstances, that standard is still subjective and may lead to inconsistent application. In practice, the bill risks functioning not only as a public safety tool but also as a mechanism that compounds poverty-related barriers.

If the Legislature wishes to strengthen roadway safety, OHA respectfully encourages a more narrowly tailored approach focused on conduct that clearly and directly threatens public safety, such as impaired driving, reckless driving, or repeated dangerous driving offenses. The Legislature may also wish to consider alternatives such as cure periods, proof-of-compliance pathways, or other mechanisms that promote lawful driving status without undermining economic stability.

Mahalo nui for the opportunity to provide testimony on this measure.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: www.honoluluprosecutor.org

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

**THE HONORABLE _____, CHAIR
HOUSE COMMITTEE ON _____
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

March/April ____, 2026

RE: S.B. 2010, S.D.2; RELATING TO MOTOR VEHICLES.

Chair ___ and Chair ___, Vice-Chair _____, and members of the House Committees on _____, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **support** of S.B. 2010, S.D.2.

S.B. 2010, S.D.2 expressly allows courts to impound motor vehicles upon conviction for certain traffic offenses. It also specifies the public-safety framework under which police officers may lawfully impound a motor vehicle. The bill provides innocent owners with defenses and alternatives to impoundment.

Hawai'i currently grants counties broad power to remove and impound vehicles for traffic violations.¹ For example, a Honolulu ordinance generally prohibits even momentary parking in a tow-away zone.² Both the police and designated county officials can remove and impound the vehicle for this parking violation.³ State law also provides police with the right to inspect vehicles in hazardous condition.⁴ Until recently, an officer could only confiscate the safety inspection sticker for manifestly dangerous vehicles.⁵ The law now allows summary confiscation of vehicles disabled in a collision.⁶

S.B. 2010, S.D.2 authorizes, but does not require, courts to impound a motor vehicle for up to thirty days at the registered owner's expense for committing certain predicate traffic offenses (“impoundment offense”). For drunk-driving offenses committed within a specified period of two or more impoundment offenses, the court may extend the impoundment to ninety

¹ HRS § 291C-165.5(a).

² Revised Ordinances of Honolulu (ROH) § 15-14.8; § 15-22.11 (2021 & 2025 Supp.).

³ ROH § 15-13.9.

⁴ HRS § 286-22(a).

⁵ *Id.* § 286-22(c).

⁶ *Id.* § 291C-165.5(a).

days. The bill directs courts to consider public safety, prior impoundment, the registered owner's complicity, the driver's continued access to the vehicle, and the interests of justice.

S.B. 2010, S.D.2 also allows police who arrest or cite drivers for an impoundment offense to tow and impound the vehicle if the officer has a valid public safety concern. A public safety concern is defined to mean that the operator, following citation or release from custody, will likely attempt to operate the vehicle under the influence of an intoxicant or in a manner placing others at significant risk of injury or death. The bill prohibits summary impoundment if the third party registered owner or a designated passenger can legally operate the vehicle. The owner may also avoid impoundment if the vehicle is safely and legally parked.

The Department supports this measure. Impoundment of vehicles offers a strong deterrent to dangerous traffic offenses. It also provides courts with a proportionate alternative to fines or incarceration.

Additionally, S.B. 2010, S.D.2 will authorize impoundment only for traffic offenses rather than traffic infractions—as traffic infractions carry civil penalties, while traffic offenses are governed by the Penal Code.

Thank you for the opportunity to testify on this matter