



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

Tuesday, February 17, 2026
3:00 PM
State Capitol, 229

SB2010
RELATING TO MOTOR VEHICLES

Senate Committee on Transportation

The Department of Transportation (DOT) is in strong support of S.B. 2010, relating to the impoundment of motor vehicles for certain traffic violations.

This bill 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. It establishes criteria for when and how vehicles may be impounded, along with procedures for towing, storage, and disposal.

The DOT believes this measure will significantly enhance road safety by providing law enforcement with an additional tool to address serious traffic violations. Impounding vehicles involved in these offenses can serve as an immediate and tangible consequence for dangerous driving behaviors, potentially deterring future violations and protecting public safety.

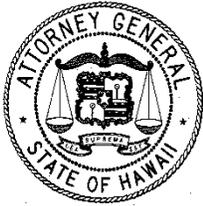
In particular, the provision for impounding vehicles involved in driving under the influence cases aligns with our ongoing efforts to combat impaired driving. By authorizing vehicle impoundment, this bill provides a strong deterrent that goes beyond fines and helps separate the acts of drinking and driving.

Furthermore, the inclusion of repeated traffic offenses as grounds for impoundment addresses the issue of habitual violators who persistently endanger others on our roads. This provision could be particularly effective in modifying behaviors of drivers who have not responded to other enforcement measures.

The DOT appreciates that the bill establishes clear procedures for impoundment, towing, storage, and disposal. This ensures that the process is implemented fairly and consistently, while also providing due process for vehicle owners.

We believe that S.B. 2010, in conjunction with our existing traffic safety programs and enforcement efforts, will contribute to making Hawaii's roads safer for all users.

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, RELATING TO MOTOR VEHICLES.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION

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

LOCATION: State Capitol, Room 229

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

Chair Inouye 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 9, line 4, to page 10, 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.

JON N. IKENAGA
PUBLIC DEFENDER

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February 16, 2026

SB 2010: RELATING TO MOTOR VEHICLES

Chair Inouye, Vice-Chair Elefante, and Members of the Committee on Transportation:

The Office of the Public Defender (OPD) **opposes SB 2010** 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.

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

4. 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.

5. 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.

6. Judicial and System Resource Impact

SB 2010 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;
- Limiting impoundment to post-conviction findings for the most serious offenses.

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

Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i

February 17, 2026

RE: S.B. 2010; RELATING TO MOTOR VEHICLES.

Chair Inouye, Vice-Chair Elefante, and members of the Senate Committee on Transportation, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 2010 with recommended amendments.

S.B. 2010 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 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

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).

two or more impoundment offenses, the court may extend the impoundment to ninety 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 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.

The Department recommends employing impoundment only for traffic offenses rather than traffic infractions. Traffic infractions carry civil penalties, while traffic offenses are governed by the Penal Code.

Specifically, the Department recommends the following changes defining the impoundment offenses:

- (1) At page 4, line 14, deleting Section 286-41, operating an unregistered vehicle, as this is an infraction;
- (2) At page 5, lines 10-11, deleting Section 291C-14, failing to give information or render aid, as this is statute is not a separate offense;
- (3) At page 5, lines 12-13, deleting Section 291C-15, failing to fulfill any duty upon striking an unattended vehicle or other property, as this is an infraction;
- (4) At page 5, lines 14-15, deleting Section 291C-16, failing to provide immediate notice of a collision, as this statute is not a separate offense.

Thank you for the opportunity to testify on this matter.

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February 15, 2026

Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair
Committee on Transportation
The Senate
33rd Legislature, State of Hawai`i

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

Dear Committee leadership and members,

Re: **COMMENTS ON SB2010 RELATING TO MOTOR VEHICLES**

DATE: February 17, 2026 TIME: 3:00 PM

PLACE: Conference Room 229 & Videoconference

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 belief “that impounding vehicles when drivers commit certain traffic violations will greatly contribute to safer roads.” Agreed, ‘ae, mahalo.

Please consider that the bill speaks only of traffic violations, when many of the “violations” cited in the bill are traffic *offenses*, punishable by imprisonment and/or fines, not fines alone. Possibly this act should be applicable only to defined traffic offenses.

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 crime and rightfully should be made subject to forfeiture under chapter 712A, potentially via amendment of § 712A-4, “Covered Offenses,” and 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

SB-2010

Submitted on: 2/13/2026 10:24:48 PM

Testimony for TRS on 2/17/2026 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

2010 SB RELATING TO MOTOR VEHICLES.

ONLY ONE CONTRACT TOW COMPANY with the City & County of HNL for O'ahu.
STORAGE?

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

From: Veronica Moore, Individual Citizen

Date: February 16, 2026

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

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2010. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore