

February 26, 2026

Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice-Chair
Members of the Senate Committee on Judiciary

Re: SB 2026_SD1 Relating to Stationary Vehicles; Traffic Safety; Duty of Approaching Vehicle

AAA Hawai'i is proud to sponsor Senate Bill 2026_SD1. If enacted, the measure would align Hawai'i's "Slow Down, Move Over" (SDMO) law with 29 states and the District of Columbia by requiring drivers approaching any stranded, stationary vehicle to move into an adjacent lane when possible, or, if unsafe or impracticable, slow to specified speeds. As amended, SB 2026_SD1 applies at "any location on the roadway, shoulder, or roadside" and prohibits motorists from exceeding designated maximum speeds based on the posted speed limit.

Background

The first SDMO law in the United States was passed in South Carolina in 1996, after a paramedic named James Garcia was seriously injured by a passing motor vehicle. The injured victim received a traffic citation, but the driver of the striking vehicle did not. This inspired Mr. Garcia to change the law and set off a wave of similar laws across the country. By 2012, all 50 states had enacted SDMO laws, with the minimum goal to protect emergency responders working along roadsides.

In passing HB2030 (Act 318) in 2012, Hawaii became the 50th and final state to a SDMO law that covered emergency vehicles and tow trucks. HB 2030 required motorists to slow down and change lanes, if necessary and safe to do so, when passing a stationary emergency vehicle or tow truck. "Emergency vehicle" was defined as police or fire, ocean safety, emergency medical services, or freeway service patrol. The state later added vehicles with Sheriff Divisions, Hawaii Emergency Management Agency, County Emergency Management agencies, Civil Defense, Harbors Division, and Division of Conservation and Resources Enforcement in 2015 (HB436, Act 192).

Hawaii's current SDMO law is confusing and difficult to follow. It applies only to tow trucks and certain public agency vehicles yet expects motorists to know exactly when and where it applies. In practice,

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drivers often do not. SB2026 preserves existing protections for emergency vehicles while extending protections to all vehicles in distress—especially the most vulnerable road users. Unlike trained professionals, most motorists are not equipped to safely stand on the shoulder of high-speed highways.

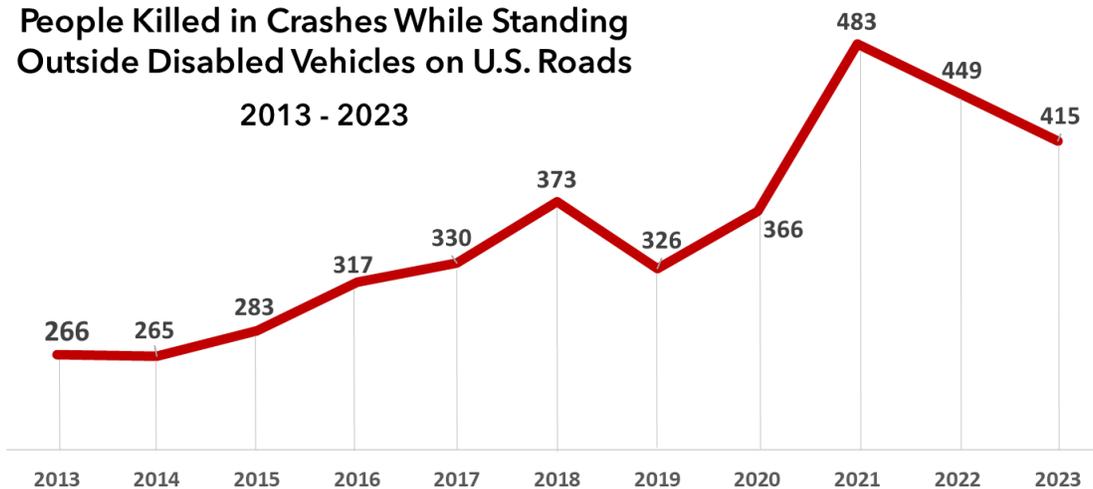
All Stationary Vehicles

SB 2026_SD1 requires a person driving a vehicle on a highway approaching any stationary vehicle that is stopped on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem to approach with caution, slow to specified speeds, and change lanes.

The AAA Foundation for Traffic Safety (AAAFTS) reviewed the Fatality Analysis Reporting System (FARS) for the number of people killed in crashes while outside a disabled vehicle (2014-2023). In 2021, 483 truck drivers, delivery workers, motorists, and passengers were among those killed while outside of disabled vehicles on highways nationwide. Between 2014 and 2023, total number of people killed outside disabled vehicles in the US was over 3,600. Hawai'i experienced at least 9 fatalities of this type during this period, which is commensurate with other states with similar population in size.

People Killed in Crashes While Standing Outside Disabled Vehicles on U.S. Roads

2013 - 2023

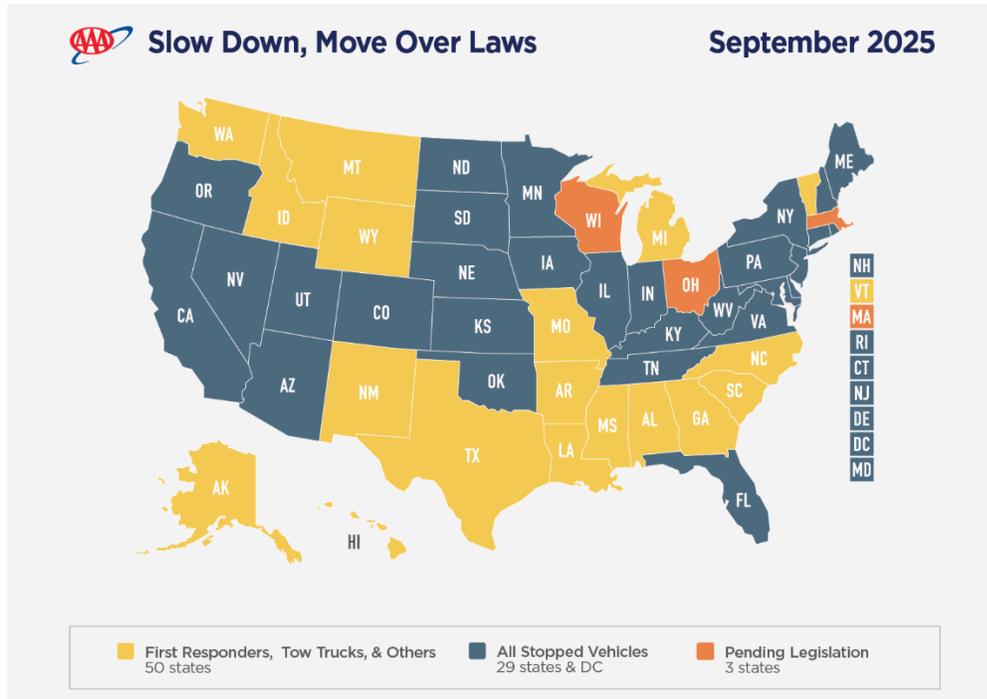


SOURCE: Data from National Highway Traffic Safety Administration's Fatality Analysis Reporting System (FARS). Analysis by AAA Foundation for Traffic Safety. Data from years 2014-2022 are considered final; 2023 data may be revised later.

It is important to note that the AAAFTS analysis only reflects the number of people killed while outside vehicles. A separate report by the Safe Transportation Research and Education Center (SafeTREC) at University of California at Berkeley found over 1,200 individuals were killed in 2022 nationwide because, in many cases, drivers maneuvered too close or fast near parked cars, including road work vehicles or equipment. Most of these fatalities are drivers and passengers inside striking motor vehicles. While the overall concern is that drivers are approaching too fast and close to people and objects on highways, it remains clear those outside vehicles are most vulnerable to serious injury and fatal outcomes when struck by fast moving cars and trucks.

Hawai'i is in the bottom half of the nation without SDMO protections for all stopped vehicles. Since 2011, 29 states plus the District of Columbia have enacted laws requiring motorists to move over a lane and/or slow to a specified speed when approaching disabled or stationary vehicles displaying warning signals. And more states are considering such an enhancement this year. Most states changed their

laws following a 2021 report that hundreds of people are killed and thousands injured each year in crashes involving stopped or disabled vehicles. That report also showed the annual societal cost of those crashes (2016 to 2018) totaled around \$8.8 billion in medical payments, lost wages, and the less easily quantified costs of death or disability.ⁱ As Hawai'i continues to prioritize highway safety, comprehensive legislation is essential to ensure meaningful protection for all vulnerable road users.



Slow Down to Specified Speed Limits

As amended, SB 2026_SD1 requires drivers passing emergency or stationary vehicles stopped in any location in emergency situations to pass a no more than 20 mph below the maximum speed limit on roadways with a speed limit greater than or equal to 30 mph; and no more than 5 mph when the posted speed limit is less than 30 mph. According to a recent AAFTS report about factors that influence driver compliance with SDMO laws, at least 13 states have already adopted this approach. Focus group responses indicated this approach could provide some practical guidance.ⁱⁱ

Comprehensive Approach

AAA recognizes SDMO laws alone will not eliminate all roadside collisions and, more importantly, every driver has a role in keeping our roads safe. However, SDMO laws like SB 2026_SD1 provide an important tool in encouraging drivers to keep a safe distance and speed when approaching other road users. AAA is committed to a comprehensive approach in reducing roadside collisions nationwide. Our education, research, and advocacy priorities are focused on preventing associated dangerous behaviors (like impaired, drowsy, and distracted driving), increasing awareness of SDMO laws, supporting law enforcement, and exploring greater use of vehicle technology (like advance warning systems).

There are nearly 1 million licensed drivers in Hawai'i navigating road conditions that can easily leave them stranded on roadsides. While flat tires, empty fuel tanks or batteries, car collisions, and mechanical problems are common occurrences, life-threatening experiences should not be. In these and similar conditions, we believe a law requiring motorists to move over or slow down for stranded vehicles, and pedestrians standing on the side of highways, should be a basic part of our traffic laws. We strongly encourage a YES vote on SB 2026_SD1.

Respectfully Submitted,



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ⁱ Spicer, et al. "[Frequency and cost of crashes, fatalities, and injuries involving disabled vehicles](#)". Journal of Accident Analysis & Prevention (March 2021)

ⁱⁱ Benedick, A., De Leonardis, D., , Levi, S., Hickerson, K., Moscoso, R., Sadabadi, K. & Jacobs, T. (2025). [Slow Down, Move Over Laws: Investigating Factors Influencing Drivers' Behavior and Compliance](#) (Technical Report). Washington, D.C.: AAA Foundation for Traffic Safety.