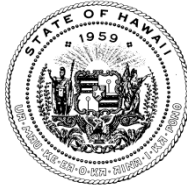


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
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Tuesday, March 24, 2026  
9:00 AM  
State Capitol, 430

**SB2026, SD2  
RELATING TO TRAFFIC SAFETY**

House Committee on Transportation

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The Department of Transportation (DOT) strongly supports S.B 2026, S.D. 2.

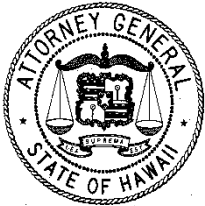
S.B. 2026 S.D. 2 amends Hawaii Revised Statutes §291C-27 to require drivers approaching stationary vehicles on the shoulder or roadside — due to collisions or mechanical problems — to slow down and, if necessary, change lanes. The bill applies to vehicles displaying hazard lights or other warning signals, providing a clear and enforceable standard for driver behavior in these high-risk situations.

DOT supports this measure as it directly addresses a critical public safety concern on Hawaii's roadways. Stationary vehicles on the shoulder or roadside — whether disabled, involved in a collision, or attended to by emergency or roadside assistance personnel — represent a significant hazard to both occupants and first responders. Requiring approaching drivers to reduce speed and change lanes where safely possible creates a vital buffer zone that can prevent secondary collisions, injuries, and fatalities. This type of 'Move Over' legislation is consistent with laws enacted across numerous other states and has demonstrated effectiveness in reducing roadside incidents and protecting vulnerable individuals outside of their vehicles.

The DOT recognizes that the safety of Hawaii's traveling public, emergency responders, tow operators, and roadside assistance workers depends on clear, enforceable traffic laws that promote cautious and responsible driving behavior near stationary vehicles. S.B. 2026, S.D. 2 provides such clarity by codifying the obligation to slow down and change lanes when approaching vehicles displaying hazard lights or other warning signals, thereby reducing ambiguity and promoting consistent compliance among drivers statewide.

DOT further notes that this legislation aligns with the DOT's broader highway safety goals and its commitment to reducing traffic-related fatalities and serious injuries on Hawaii's roads. Implementation of this measure will complement existing traffic safety infrastructure and enforcement efforts, strengthening the overall framework for roadway safety in the State of 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**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2026, S.D. 2, RELATING TO TRAFFIC SAFETY.

**BEFORE THE:**

HOUSE COMMITTEE ON TRANSPORTATION

**DATE:** Tuesday, March 24, 2026

**TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 430

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Michael J.S. Moriyama, Deputy Attorney General

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Chair Kila and Members of the Committee:

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

The Department supports the intent of the bill, the purpose of which is to require drivers approaching a stationary vehicle whose emergency lights are flashing to slow down to a specific speed depending on the posted speed limits and change lanes if necessary and safe to do so. A similar requirement already exists for drivers approaching an emergency vehicle.

The Department is concerned that the bill does not address other potential causes that could result in a stopped stationary vehicle. Section 297-27(a), Hawaii Revised Statutes, as amended by section 2 of this bill on page 2, lines 11-16, does not provide for vehicular warning signs, in addition to nonvehicular warning signs, as a condition notifying approaching drivers that a stationary vehicle is stopped. If a stationary vehicle is stopped due to an electrical failure, the vehicle's emergency lights may be inoperable. Raising the hood (or trunk lid) of such a stationary vehicle will provide notice to approaching drivers that the stationary vehicle is stopped and, as a result, the approaching driver needs to slow down and change lanes if necessary and safe.

The Department is also concerned that the bill, as written, may create enforceability issues. Section 297-27(a)(1), on page 2, line 17, through page 3, line 7,

requires drivers approaching an emergency or stationary vehicle to slow down to a specific speed depending on the posted speed limit, requiring proof that an approaching driver did not slow down to the specified reduced speed. Requiring approaching drivers to slow to a specific speed creates an evidentiary element that will be difficult to establish to prove a violation. If no law enforcement officer is present, witnesses (such as an ambulance crew) will be required to establish the specific speed of the approaching driver to prove a violation. Without proper training and equipment, it is unlikely that such witnesses will be able to determine the specific speed of an approaching driver. Even if a law enforcement officer is present, if the officer is providing aid or otherwise attending to official duties, the officer may be unable to also reach for and engage a speed gun or otherwise determine the approaching driver's specific speed. To ensure enforcement, it is recommended that the duty simply be to slow down. That way lay witnesses and attending officers can determine and testify that the approaching driver did not slow down.

The Department is further concerned that section 297-27(a)(2), on page 3, lines 8 through 13, requires approaching drivers to change lanes only if necessary, and not if possible. The requirement that a lane change is made only when necessary creates an enforceability issue requiring witnesses to establish that the approaching driver did not change lanes and that it was necessary for the driver to do so. Requiring, instead, approaching drivers to change lanes if possible means that if an adjacent lane was free and the approaching driver failed to change lanes, witnesses can establish a violation by testifying that the approaching driver did not change lanes, without having to also establish that a lane change was necessary. Requiring approaching drivers to change lanes anytime it is possible to do so, expands protection to individuals, including police officers, dealing with a roadside emergency or vehicular situation.

In addition, the Department is concerned that section 297-27(a), on page 3, lines 8 through 9, requires an approaching driver to stop, if necessary, before making a lane change. The bill does not address situations where a driver should stop and wait for direction from a law enforcement officer, wait for the roadway to be cleared, or proceed only when accident victims or other individuals are safely out of the roadway. The

Department recommends that the bill be amended to simply require a driver to stop if necessary.

To address the Department's concerns, the Department recommends that section 291C-27(a), on page 2, line 7, through page 3, line 13, be amended as follows (changes Ramseyered against the current version of section 291C-27(a), with our suggestions indicated in bold):

(a) A driver of a vehicle that is approaching an emergency vehicle that is stopped for an emergency, investigation of a possible traffic violation, rendering assistance to a police officer, or other official duties, or any stationary vehicle that is stopped in any location on the roadway, shoulder, or roadside as indicated by the flashing emergency lights or warning signals, including vehicle hazard warning lights, road flares, traffic cones, caution signs, or any **vehicular warning signs** or nonvehicular warning signs of the stopped emergency or stationary vehicle, shall[:

- ~~(1) Slow] slow down [to a reasonable and prudent speed that is safe under the circumstances of an emergency road situation ahead. Reasonableness and prudence shall take into account weather conditions, road conditions, and vehicular and pedestrian traffic in the immediate area. If necessary, the driver shall come to a complete stop before making a lane change under paragraph (2); and~~
- ~~(2) Make a lane change into the adjacent lane if necessary and if it is safe to do so, or if possible, to two lanes over which leaves one lane between the driver and the emergency vehicle.] and if possible and safe to do so, make a lane change to an adjacent lane. The driver shall come to a complete stop if necessary.~~

We respectfully ask the Committee to pass this bill with the recommended amendments.

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



## Testimony of the Oahu Metropolitan Planning Organization

### House Committee on Transportation

03/24/26 9:00 AM

CR 430 & Videoconference

SB2026 SD2

RELATING TO TRAFFIC SAFETY

Dear Chair Kila, Vice Chair Miyake, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB2026 SD2** which requires drivers of vehicles approaching stationary motor vehicles stopped in any location on the roadway, shoulder, or roadside to slow down and make a lane change if necessary.

This bill supports our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities in Hawaii increased over twenty (20) percent between 2024 and 2025; most alarming, Oahu saw an increase of over sixty (60) percent in fatalities in the same period. A 2011 study conducted by [AAA Foundation for Traffic Safety](#) found that the average risk of death for a pedestrian reaches 50% at an impact speed of 42 MPH, 75% at 50 MPH, and 90% at an impact speed of 58 MPH. This has put our first responders and individuals stopped on shoulders or roadside at tremendous risk when addressing traffic collisions, vehicle maintenance, or mechanical issues.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.



**March 24, 2026**

**TESTIMONY IN SUPPORT OF SB 2026 SB2**

COMMITTEE ON TRANSPORTATION

Rep. Darius K. Kila, Chair

Rep. Tyson K. Miyake, Vice Chair

Position: SUPPORT

Aloha Chair Kila, Vice Chair Miyake, and members of the House Committee on Transportation,

The Keiki Injury Prevention Coalition Keiki to Kupuna Program, in partnership with Walk Wise Hawaii, educates the public on pedestrian and bicycle safety as well as driver awareness.

We submit this testimony in support of SB 2026 SD2, which requires drivers of vehicles approaching stationary motor vehicles stopped in any location on the roadway, shoulder, or roadside to slow down and, if necessary, make a lane change.

We appreciate the bill addressing the need to expand protections to all motorists stopped on the roadway. This bill will help encourage drivers to be aware and keep safe distances and speeds when approaching those stopped on the roadway while in distress. This bill aligns with state goals of reducing traffic fatalities, especially for our most vulnerable road users.

Thank you for the opportunity to provide testimony on this measure.

Sincerely,

**Lisa Dau, RN**

Injury Prevention Coordinator

Keiki Injury Prevention Coalition

**SB-2026-SD-2**

Submitted on: 3/23/2026 8:27:05 AM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad K Taniguchi	Individual	Support	Written Testimony Only

Comments:

Please amend, improve, and pass this bill in memory of the two Honolulu Police Officers killed on our freeways in separate crashes in 2011--Officers Garrett Davis and Eric Fontes. <https://www.honolulu.gov/information/motor-vehicle-safety/>

The two objectives for this bill are to **require** other vehicles to MOVE OVER WHEN SAFE TO DO SO for freeways and roads with 2+ lanes in each direction. IF THERE ARE NOT TWO LANES IN EACH DIRECTION, THEN IT REQUIRES VEHICLES TO SLOW DOWN.

The current law as amended in SB2026sd1 could be improved by **requiring** the vehicle to MOVE OVER ONE LANE WHEN IT IS POSSIBLE (more than one lane in each direction) AND SAFE TO DO SO. Current law with language to move over "IF NECESSARY" leaves too much discretion to the driver and **does not** require MOVE OVER WHEN POSSIBLE AND SAFE.

IF THERE IS ONLY ONE LANE IN EACH DIRECTION, THEN THE VEHICLE IS REQUIRED TO SLOW DOWN TO SPECIFIED SAFE SPEED LIMITS.

Please consider the language of [Florida - Chapter 316. 126 \(1\)\(b\)1 & 2](#) as a possible model.

(b) If an authorized emergency vehicle displaying any visual signals is parked on the roadside, a sanitation vehicle is performing a task related to the provision of sanitation services on the roadside, a utility service vehicle is performing a task related to the provision of utility services on the roadside, a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, a road and bridge maintenance or construction vehicle displaying warning lights is on the roadside without advance signs and channelizing devices, or a disabled motor vehicle is stopped and is displaying warning lights or hazard lights; is stopped and is using emergency flares or posting emergency signage; or is stopped and one or more persons are visibly present, the driver of every other vehicle, as soon as it is safe:

1. Shall vacate the lane closest to the emergency vehicle, sanitation vehicle, utility service vehicle, wrecker, road and bridge maintenance or construction vehicle, or disabled motor vehicle when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle, sanitation vehicle, utility service vehicle, wrecker, road and bridge maintenance or construction vehicle, or disabled motor vehicle except when

otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed as provided in subparagraph 2.

2. Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

(c) The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Move Over Act. The department shall provide information about the Move Over Act in all newly printed driver license educational materials.

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The question has been raised whether using specific (safe) speed limits will be difficult to enforce because it would require an officer with a speed gun at the time of citation. Perhaps inquiry can be made of prosecutors in FL on their success in such prosecutions.

It may be, however, that the primary benefit of the law is public awareness and education vs enforcement. If PSAs and driving tests can educate about the law --MOVE OVER WHEN POSSIBLE AND SAFE, OR SLOW DOWN TO SAFE SPEEDS WHEN NOT POSSIBLE TO MOVE OVER--that may be the main point. The potential difficulty of enforcement may be secondary to having clear speed limits delineated for education purposes.

Thank you very much.