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Wednesday, April 8, 2026
2:00 PM
State Capitol, 325

**SB2697, SD1, HD1
RELATING TO TRANSPORTATION**

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) supports SB2697, SD1, HD1, which prohibits shoulder driving, authorizes impoundment of vehicles with expired registrations, increases fines for out-of-state vehicles, and establishes HOV lane penalties.

This bill addresses several critical transportation safety and compliance issues. First, it prohibits the practice of driving on shoulder lanes except under specified conditions, which is a significant public safety concern. Shoulder lanes are designed for emergency use and unauthorized driving on these lanes creates dangerous conditions for motorists, emergency vehicles, and roadside workers. Establishing clear prohibitions with enforceable penalties will help deter this hazardous behavior and improve overall roadway safety.

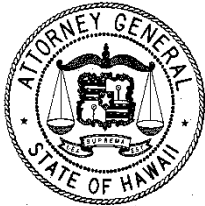
Second, the bill authorizes the impoundment and seizure of vehicles with expired registrations exceeding three and five years respectively. Vehicles with long-expired registrations pose a risk to public safety, as they may not have undergone required safety inspections or emissions testing. These vehicles may also lack adequate insurance coverage, placing other road users at financial and physical risk in the event of an accident. The DOT believes that the authority to impound and seize such vehicles is a necessary and proportionate measure to ensure compliance with registration requirements and to maintain the safety and integrity of our roadways.

Third, the bill increases fines for out-of-state vehicle registration violations. This provision is important in ensuring that out-of-state vehicle owners are held to the same standards of compliance as in-state residents. The current fine structure has proven insufficient as a deterrent, and increasing penalties will encourage timely compliance with registration requirements, ensuring that all vehicles operating on Hawaii's roads are properly registered, insured, and inspected. The DOT wishes to request clarification on the creation and authority of administrative rules created for this purpose, however, as there may be ripeness for confusion on legal authority if the DOT's rules conflict with the rules passed by the Department of Law Enforcement or County Police Departments.

Finally, the establishment of penalties for High Occupancy Vehicle (HOV) lane violations addresses a longstanding enforcement gap. HOV lanes are designed to reduce traffic congestion and encourage carpooling, thereby reducing emissions and improving traffic flow. Without meaningful penalties, the effectiveness of HOV lanes is significantly undermined. The DOT strongly supports the establishment of clear and enforceable penalties for HOV lane violations, which will help maximize the utility of these lanes and advance the state's broader transportation and environmental goals.

The DOT recognizes that the effective date of 7/1/3000 is a placeholder and encourages the Committee to establish a realistic and operationally feasible effective date to allow for proper implementation, public education, and enforcement readiness. Ideally, the effective date of this bill should be at least two years from the end of the 2026 session, to allow for DOT ample time to coordinate law enforcement efforts with the County Policy Departments, the Department of Law Enforcement, the County DMVs and other stakeholders. The DOT also requests reports to be filed biannual, if not at a longer interval period, along with a provision to ensure expiration of the requirement to submit reports once satisfactory enforcement has been achieved via enforcement.

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**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 2697, S.D. 1, H.D. 1, RELATING TO TRANSPORTATION.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, April 8, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Tarnas and Members of the Committee:

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

The bill prohibits vehicles from driving on the shoulder of a roadway, except in certain circumstances, and authorizes the Department of Transportation, any law enforcement officer, or any approved person, contractor, or government agency designated to carry out towing enforcement to impound vehicles parked in certain locations with expired registrations of three years or more.

Section 1 of the bill amends chapter 291C, Hawaii Revised Statutes (HRS), by adding two new sections. Subsection (b) of the new section entitled "Shoulder lanes; use prohibited," on page 1, lines 8 through 14, imposes a penalty of \$250 for a first infraction or any infraction not preceded within one year by a prior violation of the section and a penalty of \$1,000 for a second or subsequent violation of the section within five years of the first violation. Subsection (a) of the new section entitled "Expired registration; enforcement; penalties," on page 1, line 16, through page 2, line 11, allows the Department of Transportation, any law enforcement officer, or any approved person, contractor, or government agency to impound a vehicle that is parked on a public roadway or in a commercial parking lot that is open to the public and cause the vehicle to be towed if the vehicle is not currently registered and has not been registered for the three previous consecutive years.

The Department is concerned, first, that subsection (b) of the first new section, on page 1, lines 10 through 14, creates a legal ambiguity by stating that a first infraction or a violation not preceded within one year of a prior violation of the section is subject to a \$250 fine, but then imposes a \$1,000 penalty on a second violation or an infraction committed within five years of the first infraction. That means that, if the subject second violation was committed more than one year after a first violation but committed within five years of the first violation, a penalty of both \$250 and \$1,000 would apply with no clarification as to which fine is, or whether both penalties are, to be imposed.

The Department is also concerned that subsection (a) of the second new section, on page 1, line 16, through page 2, line 11, which allows any approved and designated person or contractor to impound a vehicle, does not provide a description of the process under which such impoundment will be carried out. In other words, the bill does not identify which persons or contractors are qualified to be approved and designated, who grants the approval and designation, in what form will the approval and designation be granted, what records of approval and designation will be kept, if any, who will maintain the approval and designation records, and how will approval and designation be verified. It is also important to ensure that only a Department of Transportation official or law enforcement officer is the person to verify registration status and, only after doing so, impound the vehicle and order the vehicle towed. Impounding and towing a vehicle is a drastic measure to impose on Hawaii families who depend on their vehicles in carrying out their daily activities including getting to work. Department of Transportation officials and law enforcement officers, obligated to protect the constitutional rights citizens, cannot deprive owners of their vehicles without proper due process procedures relating to vehicle impoundment and towing in place. Therefore, it is essential that, if a vehicle is to be impounded and towed, the procedure be described in detail including a requirement that the vehicle's registration status be verified by a Department of Transportation official or a law enforcement officer before ordering the tow. Allowing any other "person" or "contractor" to impound and tow a vehicle removes the only protection Hawaii residents will have against an improper impoundment and tow.

The Department is also concerned that exempting every tow under this new section from the protection provided by section 290-11(b)(2), HRS, (page 2, line 11) will deny owners the opportunity to be able to establish that their vehicle should not be towed by allowing them to safely enter their vehicle and provide a current registration or a registration from the prior three years, before their vehicle is towed away.

The Department recommends amending the paragraphs of subsection (b) of the first new section, on page 1, lines 10 through 14, as follows (material to be deleted from the bill is bracketed and stricken, new wording to be added is underscored and indicated in bold):

- (1) For a first [~~infraction,~~] **violation of this section**, or any [~~infraction~~] **violation of this section** not preceded within [~~one-year~~] **five years** by a prior violation of this section, a fine of \$250; and
- (2) For a [~~second or subsequent~~] violation **of this section** committed within five years of [~~the first violation,~~] **a prior violation of this section**, a fine of \$1,000.

The Department also recommends amending subsection (a) of the second new section, on page 1, line 16, through page 2, line 11, as follows (material to be deleted from the bill is bracketed and stricken, new wording to be added is indicated in bold):

(a) Notwithstanding any law to the contrary, after verifying the registration status of a vehicle, the department of transportation[~~;~~] **or** any law enforcement officer[~~, or any approved person, contractor, or government agency designated to carry out towing enforcement~~] may impound a vehicle that is parked on a public roadway or in a commercial parking lot that is open to the public and cause the vehicle to be towed subject to section 290-11(b) to (i) when, prior to towing the vehicle, the department of transportation or a county department of finance has verified that the vehicle is not currently registered and has not been registered for the three previous consecutive years or more[~~;~~ ~~provided that towing enforcement conducted pursuant to this section shall be exempt from section 290-11(b)(2)~~].

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

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

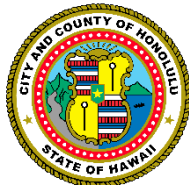
DEPARTMENT OF CUSTOMER SERVICES
KA 'OIHANA LAWELawe KUPA
CITY AND COUNTY OF HONOLULU

RICK BLANGIARDI
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April 6, 2026

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
and Members of the House Committee on Judiciary & Hawaiian Affairs
State Capitol, Conference Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

SUBJECT: S.B. No. 2697, S.D. 1, H.D. 1 - Relating To Transportation
HEARING: Wednesday, April 8, 2026, 2:00 p.m.

The City and County of Honolulu, Department of Customer Services (CSD) respectfully offers **comments** to S.B. No. 2697, S.D. 1, H.D. 1 for your committee's consideration. Pursuant to Section 6-402 of the Revised Charter of the City and County of Honolulu, CSD Division of Motor Vehicles (DMV) administers the motor vehicle registration program for the island of O'ahu. While CSD appreciates the intent of the proposed legislation, we have concerns regarding its application and its legal implications.

S.B. No. 2697, S.D. 1, H.D. 1 addresses several transportation-related matters, including shoulder lane use, enforcement actions for vehicles with long-expired registrations, penalties for failure to register out-of-state vehicles, and revised penalties for certain traffic violations. CSD's comments are limited to provisions affecting the administration of motor vehicle registration.

The provisions authorizing the Department of Transportation and county police departments to impound or cause to tow vehicles that are not currently registered and have not been registered for the three previous consecutive years or more will require

careful coordination among all enforcement agencies and county motor vehicle registration offices.

Implementation will require updates to registration databases and internal procedures to ensure accurate verification of registration status, proper calculation of updated registration fees and penalties, and timely processing of redemptions. Clear communication protocols between enforcement agencies and DMV offices will be essential to ensure that vehicle records accurately reflect impoundment and towing actions.

In addition, statutory clarity regarding notice requirements, redemption timelines, documentation standards, and fee assessments will be critical to ensure consistent application across all counties and to minimize disputes between vehicle owners, law enforcement agencies, and towing operators. Existing procedures and contractual arrangements may require review and modification to align with any new statutory authority.

Given these significant operational considerations, we respectfully request the Legislature provide clear guidance on funding, resources and the necessary time available for implementation. CSD DMV urges the Legislature to consider the impact on county operations and, should this matter move forward, requests a reasonable and adequate amount of time for the counties to research and assess implementation requirements, staffing, funding requirements, information technology and other resource impacts, necessary updated administrative procedures, staff training, and good public outreach.

With these considerations, CSD appreciates the opportunity to provide **comments** on S.B. No. 2697, S.D. 1, H.D. 1.

Sincerely,

Kimberly M. Hashiro
Director

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April 7, 2026

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs
House of Representatives
33rd Legislature, State of Hawai`i

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

Dear Honorable Committee leadership and members,

Re: **COMMENTS ON SB2697, SD1 HD1 RELATING TO
TRANSPORTATION**

DATE: Wednesday, April 8, 2026
TIME: 2:00 p.m.
PLACE: Conference Room 325 & Videoconference
State Capitol
415 South Beretania Street

This bill proposes certain amendments to chapter 291C, our Statewide Traffic Code and chapter 286, Highway Safety. Please I offer the following comments.

First, Section 1“Shoulder lanes; use prohibited” would prohibit “vehicles” from being driven on the roadway shoulder, and offenders would be subject to a fine. However, “**vehicle**” is defined in Chapter 291C as “every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, *including mopeds and bicycles*”, HRS § 291C-1. Unfortunately, transportation by bicycle often requires use of the shoulders. Accordingly, it is right “vehicle” is defined to exclude bicycles.

Next, The Senate Committee on Transportation made 12 substantive changes to the original draft of this bill, one of which seriously undermines the expressed intent or removing derelict vehicles. The Senate Transportation Committee reports:

Your Committee further finds that abandoned and derelict vehicles clutter the State's roadways and create unsafe road conditions. While these vehicles often have registrations that

have been expired for three or more years, the Department of Transportation does not currently possess the authority to impound and dispose of these vehicles. . . . Your Committee also finds that authorizing the Department of Transportation to impound and dispose of certain vehicles will contribute to safer roadways. . . . This measure will contribute to safer, more efficient roadways and improved traffic management across the State.

Notwithstanding, the Senate Committee amended the original draft to delete language that authorizes the Department of Transportation and county police departments to impound a vehicle parked in certain locations with an expired registration of five years or more and dispose of the vehicle by public auction. These amendments are retained in HD1. Critically, HD1 SD1 also does not provide for disposition of an impounded vehicle in the event the vehicle is not recovered by the titled owner or the owner is not known, is deceased, or otherwise is not located. **It is right that the deleted provision is revived.** See the original bill (distinguishing the procedure for a 3 yr derelict vehicle and a vehicle five or more years derelict):

For a vehicle with an expired registration of five years or more that is parked on a public roadway or in a commercial parking lot that is open to the public, seize and dispose of the vehicle, during which time the vehicle shall be subject to redemption by its owner by payment of an updated registration, together with any penalties incurred and the cost of storage and other charges incident to the seizure of the vehicle. If the owner of the vehicle fails to redeem the vehicle within ten days after seizure, the vehicle shall be disposed of in the same manner as when a vehicle is put up for public auction and for which no bid is received; provided that if no valid ownership is proven, a fifteen-day notice shall be made available to the public prior to the disposal of the vehicle.

Finally, please also reconsider the language in Section 1(d): “The department of transportation and the county police departments may establish rules as necessary for the enforcement of this section.” **County police departments do not have rulemaking authority.**

Mahalo for your attention the matter of derelict passenger cars and scofflaw passenger car owners, and please consider, as believed by this testifier, addressing the unintended consequence of excluding bicycles from being ridden in the roadway shoulder as provided for in Section 1.

Thank you for your consideration of this testimony.

Sincerely,

/s/ Georgette A. Yaindl
GEORGETTE ANNE YAINDL

SB-2697-HD-1

Submitted on: 4/6/2026 3:14:56 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

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

Comments:

I, Johnnie-Mae L. Perry, Support

2697 SB RELATING TO TRANSPORTATION

SB-2697-HD-1

Submitted on: 4/6/2026 5:28:31 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Edward Codelia	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

I support the enforcement provisions contained in SB2697 that allow the Department of Transportation and law enforcement to impound vehicles that remain unregistered for extended periods of time. Vehicles operating or stored on public roadways should meet basic legal requirements, including valid registration.

However, the bill currently allows impoundment only when a vehicle has not been registered for **three consecutive years**.

In my view, this threshold is unnecessarily long. A vehicle that has gone **two full years without registration** has already avoided multiple renewal cycles and represents a prolonged violation of state law. Waiting an additional year before impoundment authority begins weakens enforcement and encourages continued non-compliance.

Two years is more than sufficient time for a vehicle owner to bring a vehicle into compliance. At that point, if a vehicle is cited or located with registration expired for two consecutive years, the vehicle should be eligible for impoundment.

I do support the bill's provision that requires the owner to **register the vehicle before it can be released from impound**, as this ensures that enforcement actually results in compliance.

For these reasons, I respectfully suggest that the committee consider amending the bill to allow impoundment when a vehicle has not been registered for **two consecutive years instead of three**.

Thank you for the opportunity to submit testimony.

Respectfully submitted.

Edward Codelia

Maui Resident