

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



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

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

**SB2812**  
**RELATING TO TRANSPORTATION SAFETY**

Senate Committee on Transportation

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The Department of Transportation (DOT) is in strong support of S.B. 2812, relating to driver license testing and penalties for excessive speeding and habitual driving under the influence.

This bill proposes two significant changes to enhance road safety. First, it requires driver license applicants to be tested on the dangers that larger motor vehicles present to pedestrians and bicyclists. Second, it mandates that individuals convicted of excessive speeding or habitually driving under the influence must pass a driver's license examination following each offense.

The DOT strongly supports these measures as they align with our mission to provide a safe transportation system for all road users. The inclusion of testing on the dangers of larger vehicles to vulnerable road users is a critical step in raising awareness and promoting safer driving behaviors. This knowledge is essential in our increasingly multimodal transportation landscape, where interactions between vehicles, pedestrians, and cyclists are frequent.

Furthermore, requiring re-examination for those convicted of excessive speeding or habitual DUI offenses serves as both a deterrent and an educational tool. This measure ensures that these high-risk drivers demonstrate their knowledge and ability to operate a vehicle safely before regaining their driving privileges. It reinforces the serious nature of these offenses and their potential consequences on public safety.

The DOT believes that these proposed changes will contribute significantly to our ongoing efforts to reduce traffic fatalities and serious injuries on our roads. By focusing on education and accountability, we can work towards changing behaviors and creating a culture of safety among all road users.

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

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

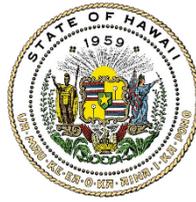
**APPELLATE DIVISION**  
TEL. No. (808) 586-2080

**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 2812: RELATING TO TRANSPORTATION SAFETY**

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

The Office of the Public Defender (OPD) **opposes SB 2812** as to the portion of the bill that would require any person convicted of Excessive Speeding under HRS § 291C-105 to pass a driver's license examination as a mandatory additional penalty.

**The Mandatory Retesting Requirement Is Overbroad and Unnecessary:**

Excessive Speeding under HRS § 291C-105 already carries significant mandatory penalties. As reflected in the bill, even a first offense is punishable by a fine up to \$1000, prompt license suspension, mandatory driver education, and either community service or jail time. Repeat offenses result in enhanced penalties, including longer suspensions and mandatory jail terms.

The existing statutory framework already reflects a serious legislative response to excessive speed offenses. Adding a blanket, mandatory requirement that every defendant retake and pass the entire driver's license examination, regardless of the circumstances of the offense, does not meaningfully enhance public safety. Instead, it creates an additional administrative and financial barrier to license reinstatement.

Excessive Speeding can occur in a wide range of factual scenarios. The current statutory definition includes:

- Driving 30 mph or more over the posted limit; **or**
- Driving 80 mph or more regardless of the posted limit.

While some cases undoubtedly reflect dangerous conduct, others may involve momentary lapses of judgment rather than a fundamental lack of knowledge of traffic laws. A mandatory retest presumes that the underlying issue is a knowledge deficit. In many instances, that is not the case.

### **Judicial Discretion Is the More Appropriate Approach**

If the Legislature believes retesting may be appropriate in certain cases, OPD respectfully proposes an amendment to allow judicial discretion rather than imposing a categorical requirement.

For example:

“The court may, in its discretion, order the defendant to successfully complete a driver’s license examination if the court finds that such testing is necessary to promote public safety.”

Judges are in the best position to assess:

- The specific facts of the offense;
- The defendant’s prior driving record;
- Whether the conduct reflects recklessness versus lack of knowledge; and
- Whether retesting meaningfully addresses the underlying behavior.

Providing discretion preserves public safety while avoiding unnecessary administrative burdens in cases where retesting serves no rehabilitative purpose.

### **Alternatively, Limit the Requirement to Subsequent Offenses**

At a minimum, if a retesting provision is retained, OPD strongly recommends that it be limited to second or subsequent offenses within five years, consistent with the existing enhancement structure in HRS § 291C-105.

A first offense already triggers license suspension and driver retraining. Adding mandatory retesting at that stage is cumulative and disproportionate. Limiting it to repeat offenders would better align the penalty with escalating culpability.

### **The OVUII Provision Is Unnecessary**

Although OPD’s testimony is focused on the Excessive Speed portion, we note briefly that the bill similarly requires persons convicted under HRS § 291E-61.5 (habitually operating a vehicle under the influence) to retake the examination.

This requirement is redundant. Individuals convicted of OVUII offenses already face mandatory license revocation for significant periods. Under existing law,

once the revocation period is complete, individuals must reapply for licensure and comply with examiner requirements before a new license is granted.

Accordingly, an additional statutory mandate to retake the driver's examination is unnecessary because the revocation structure already ensures that the person must requalify before driving privileges are restored.

For these reasons, the Office of the Public Defender **opposes** SB 2812.

Thank you for the opportunity to comment on this measure.



## Testimony of the Oahu Metropolitan Planning Organization

### Senate Committee on Transportation

February 17, 2026 3:00PM  
Conference Room 229 & Videoconference

### SB2812 Relating to Transportation Safety

Dear Chair Inouye, Vice Chair Elefante, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB2812**, which requires testing of driver license applicants on the dangers that larger motor vehicles present to pedestrians and bicyclists. Requires persons who commit the offense of excessively speeding or habitually driving while intoxicated to pass the driver license examination for each offense.

This bill supports our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities increased over twenty (20) percent in Hawaii, and over sixty (60) percent on Oahu, from 2024 to 2025. As the bill states, hood height of a vehicle could result in a greater chance of serious injury or death upon impact as it is closer to the head or torso rather than with lower vehicles. Researchers with the [Insurance Institute for Highway Safety](#) studied data for nearly 18,000 pedestrian crashes and found that vehicles with a hood height greater than 40 inches are 45% more likely to cause fatalities than shorter vehicles with a hood height of 30 inches or less.

Safety expert and author of *Right of Way: Race, Class, and the Silent Epidemic of Pedestrian Deaths in America*, Angie Schmitt, who was a guest speaker at OahuMPO's Transportation Forum in January, highlighted the risk of large hood heights in her presentation. She shared that the front ends of some of the best-selling cars in the United States (full-size pickups, which we also see here in Hawaii) are as high as 55 inches. She explained that this produces huge forward blind zones that are especially dangerous to children, who are some of our most vulnerable users. They are smaller and less visible to drivers, have less developed hazard perception skills, and may act unpredictably in traffic situations.

Furthermore, nearly [a third of traffic deaths in Hawaii](#) are the result of impaired driving, where drivers have a Blood Alcohol Concentration of 0.08 or higher. This statistic puts Hawaii in the bottom quarter of all states with regard to impaired driving fatalities. Thus, reexamination puts further protocols in place to prevent potentially dangerous drivers from immediately returning to the roadways while ensuring they are aware of the rules and laws to operate a vehicle safely.

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.

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

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February 15, 2026

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

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

Dear Committee leadership and members,

Re: **SUPPORT FOR SB2812 RELATING TO TRANSPORTATION  
SAFETY**

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

PLACE: Conference Room 229 & Videoconference

I write in strong support of each and every proposed amendment to HRS § 286-108 (examinations); § 291C-105 (“Excessive Speeding”), and § 291E-61.5 (habitual DUI). Certainly, however, whether the threat of having to retake the drivers ed exam or whether drivers ed actually changes scofflaw behavior is speculative, at best. But the threat and reality of seizure of the vehicle used in the commission of the habitual crime is not. Please consider making provision for application of chapter 712A Forfeiture in this bill, as is appropriate under Article 9, section 10 of the State of Hawai`i Constitution. Mahalo.

Thank you for your consideration of this testimony.

Sincerely,

/s/ Georgette A. Yaindl \_\_\_\_\_  
GEORGETTE ANNE YAINDL

**SB-2812**

Submitted on: 2/13/2026 10:26:53 PM

Testimony for TRS on 2/17/2026 3:00:00 PM

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

Comments:

I, Johnnie-Mae L. Perry, Support

2812 SB RELATING TO TRANSPORTATION SAFETY.

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 2812  
Measure Title: RELATING TO TRANSPORTATION SAFETY.  
Report Title: Driver's License; License Examination; Excessive Speeding; DUI;  
Penalties

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2812. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore