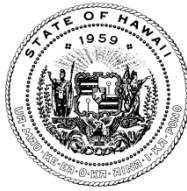


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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

Thursday, February 12, 2026
3:01 PM
State Capitol, 229

SB3182
RELATING TO ADMINISTRATIVE LICENSE REVOCATION

Senate Committee on Transportation

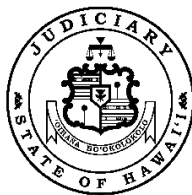
The Department of Transportation (DOT) supports SB3182, which aims to clarify administrative driver's license revocation procedures for alcohol- and drug-related offenses.

The DOT supports SB3182 as it aims to streamline and standardize the administrative review and hearing processes for driver's license revocations. We recognize the importance of ensuring timely disclosure of documents and aligning review timelines to improve the efficiency and fairness of these procedures.

As we continue to work with our traffic safety partners to reduce impaired driving incidents, we believe that any changes to the administrative license revocation procedures should be evaluated in terms of their potential to deter impaired driving and enhance public safety.

We look forward to further discussions on this bill and are prepared to offer additional insights on its implementation and potential effects on our ongoing efforts to combat impaired driving in Hawaii.

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



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Transportation

Senator Lorraine R. Inouye, Chair

Senator Brandon J.C. Elefante, Vice Chair

Thursday, February 12, 2026 at 3:01 p.m.
State Capitol, Conference Room 229 & Videoconference

By

Karilee Harada

Chief Adjudicator

Administrative Driver’s License Revocation Office

Bill No. and Title: Senate Bill No. 3182, Relating to Administrative License Revocation.

Purpose: Clarifies administrative driver's license revocation procedures by requiring timely disclosure of documents, aligning review timelines, and standardizing administrative review and hearing processes.

Judiciary’s Position:

The Judiciary respectfully opposes this measure. It appears the intent of this measure is to require the Administrative Driver’s License Revocation Office (ADLRO) to provide every Respondent with all the documents it received from law enforcement agencies within 5 calendar days of receipt. See SB 3182 at 16:17 – 17:4. Under the current law - Hawai‘i Revised Statutes (H.R.S.) § 291E-37(f)(5), Respondents may request this information as part of a challenge to the director’s decision to administratively revoke the license.

The Judiciary has significant operational concerns with implementation of the mandate proposed by this measure requiring ADLRO to mail a copy of all the documents it receives from law enforcement to every respondent within 5 calendar days of receipt. SB 3182 at 16:17 – 17:4. The measure requires ADLRO to provide this information “in a manner reasonably calculated to provide actual notice” (*id.*) which ADLRO interprets as requiring mailing be certified mail. This requirement has significant operational, logistical, staffing, and fiscal implications for ADLRO.



ADLRO processes approximately 3,000-4,000 Operating a Vehicle Under the Influence of an Intoxicant (OVUI) cases statewide each year. If ADLRO is required to mail all documents in the case file (that can range from 60 to 100+ pages) to Respondents within 5 calendar days of receiving it from law enforcement agencies, it would be very costly. The mailing would have to be by certified mail to satisfy proof of mailing. It should also be noted that in many cases, the physical address provided on the police documents is incorrect or incomplete; ADLRO mails review decisions to multiple addresses to ensure receipt. Certified mailing to multiple addresses would be even more costly.

The ADLRO is currently understaffed with only three clerical staff processing the over 3,000 OVUI cases statewide each year. If this bill passes, ADLRO would need at least two additional clerical positions at a cost of approximately \$83,300 annually (SR10 Step C). Copying and mailing thousands of case file documents would take substantial time, especially with a 5-calendar day deadline. If the deadline is not met, ADLRO would have to rescind the revocations, which raise significant public safety concerns.

This bill would also mandate that all records sent must be “accompanied by a certification from the person submitting the record attesting to the accuracy and authenticity of the electronic or automated record relied upon.” See SB3182 at 17:5-9. The ADLRO staff cannot attest to the accuracy of the sworn statement documents submitted by the law enforcement agencies. ADLRO relies solely on the sworn statements submitted by the law enforcement agencies consisting of all county police departments, military police, and state sheriffs. Pursuant to H.R.S. § 291E-36, each officer’s statement is required to be “sworn,” attesting to the truth and veracity of the statements contained the officer’s report.

As detailed above, under the current statute, there is already a procedure in place to provide Respondents copies of their case file. Respondents can request copies of their case files by completing a form on the ADLRO website. Almost all respondents and counsel request that copies be sent via email. By using this form, ADLRO can verify that we have the correct address, either physical or email, on file. This latter point of ensuring the correct contact information is critically important.

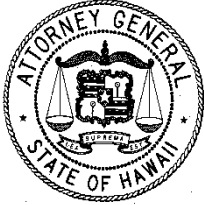
This bill would require the ADLRO to provide the Respondent with a written listing of any prior alcohol or drug enforcement contact (AEC) and afford the Respondent an opportunity to contest its validity or applicability before it can be considered. Since prior AECs are considered during the review process to determine the revocation period, this proposed amendment would result in the need for a “hearing” on the prior AEC before the review decision is mailed to respondent.

Under the current statute, all respondents can request a contested case hearing to contest the revocation, including prior AECs. If the number of prior AECs is determined to be incorrect, the hearing officer will issue a decision with the newly amended revocation period. Under the current statute, the issue is fully adjudicated at the contested case hearing stage. Requiring another hearing before the review process defeats the legislative intent of the ADLRO, which is to protect public safety by expeditiously removing impaired drivers from the roadways.



This bill requires the ADLRO to “make available documentation sufficient to demonstrate that any testing instrument relied upon was properly approved, maintained, calibrated, and certified, and that the operator of the testing instrument was properly trained and certified at the time of testing. Calibration, maintenance, and certification logs shall be made available for inspection or copying upon request.” ADLRO does not keep logs, records, documents regarding calibration, maintenance, and certification of intoxilyzer machines because the current statute only requires a sworn statement of the intoxilyzer operator and intoxilyzer supervisor attesting to the above in each case. ADLRO was legislatively created as a civil administrative agency to protect public safety by providing a procedure to expeditiously revoke licenses of impaired drivers and address the backlog of criminal OVUII cases. The formal rules of evidence do not apply to our hearings and under the current statute and case law, the only documents required are a sworn statement by the intoxilyzer operator and intoxilyzer supervisor.

Thank you for the opportunity to testify on this measure.



**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. 3182, RELATING TO ADMINISTRATIVE LICENSE REVOCATION.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION

DATE: Thursday, February 12, 2026 **TIME:** 3:01 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Michael J.S. Moriyama, 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 clarify procedures for administrative driver's license revocation (license revocation), which is the administrative revocation of a person's driver's license that is triggered when a person is arrested for the criminal offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII, also known as, "DUI"). The license revocation process begins with a Notice of Administrative Revocation (NOAR) issued to the person by the arresting law enforcement officer and is then carried out by an administrative body known as the Administrative Driver's License Revocation Office (ADLRO).

The Department believes that the existing license revocation procedures and timelines are generally effective as written. However, the contents and effects of the NOAR require revision. The NOAR permits a person arrested for OVUII to continue to drive with a temporary driver's license during the pendency of the ADLRO review process. See: section 291E-34, Hawaii Revised Statutes (HRS). This temporary status continues for up to thirty days (for an alcohol-related incident) or forty-four days (for a drug-related incident) until the person receives a written decision by mail, informing the person whether that person's license has been revoked or not. This process creates uncertainty as some people reportedly never receive the ADLRO's mailed decision,

which is sent to the address the person provides upon arrest and/or the address provided by them to the Department of Motor Vehicles, Driver Licensing Center.

To prevent such confusion, the Department recommends that the Committee amend the NOAR, by amending section 291E-34, HRS, to provide all persons arrested for OVUII with notice that their licenses will be revoked unless and until the ADLRO informs them via mail that their licenses are not revoked.

It is our understanding that the Hawaii County Office of the Prosecuting Attorney intends to submit a proposed S.D. 1 for this bill that would make appropriate amendments to section 291E-34, HRS, to address the issue raised above, as well as conforming amendments to sections 291E-31, 291E-37, 291E-38, and 291E-41, HRS. We have seen a draft of that proposal and generally support it.

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

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: www.honoluluprosecutor.org

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

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

February 11, 2026

RE: S.B. 3182; RELATING TO ADMINISTRATIVE LICENSE REVOCATION

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. 3182 with recommended amendment.

S.B. 3182 significantly restructures the administrative driver's license revocation (ADLRO) process by conditioning review decisions on document disclosures and shifting timelines based on when materials are transmitted to the respondent. The Department supports the intent to streamline the process and provide for timely disclosures.

The attached Proposed S.D. 1 fixes a real and recurring loophole in our current administrative revocation system. Under the current draft of S.B. 3182, revocation timelines are triggered only after mailing of documents or electronic transmission to the respondent. That structure invites delay and creates an opening for suspended drivers to later claim they were unaware that their revocation had begun.

In practice, we see defendants argue they "didn't know" they were suspended, despite being arrested for drunk driving and receiving a written notice. That ambiguity undermines enforcement and accountability.

Proposed S.D. 1 restores clarity by establishing that the notice of administrative revocation itself sets the effective date of the revocation, unless rescinded. The notice is issued directly to the driver at the time of arrest. There is no confusion, no grey area, no opportunity to feign ignorance.

The proposed version preserves due process. Drivers still have the opportunity to submit written information and request a hearing. But it removes the uncertainty that allows suspended drivers to exploit the procedural timeline.

Administrative revocation is about immediate public safety. When someone is arrested for driving under the influence, the State must be able to act promptly and decisively. Proposed S.D. 1 ensures that drunk drivers cannot game the system by later claiming they did not understand when their suspension began.

The Department respectfully urges this Committee to pass S.B. 3182, Proposed S.D. 1.

Thank you for the opportunity to testify on this matter.

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSE REVOCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291E-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§291E-31 Notice of administrative revocation; effect.** As
4 used in this part, the notice of administrative revocation:

5 (1) Establishes that the respondent's license and
6 privilege to operate a vehicle in the State or on or in the
7 waters of the State shall be terminated:

8 (A) Thirty days after the date the notice of
9 administrative revocation is issued in the case of an
10 alcohol related offense; or

11 (B) Forty-four days after the date the notice of
12 administrative revocation is issued in the case of a
13 drug related offense; or

14 (C) ~~[Such]~~ If respondent requests an administrative
15 hearing, then at such later date as is established by
16 the director under section 291E-38,

____.B. NO.____

1 [if] unless the director [~~administratively revokes the~~
2 ~~respondent's license and privilege~~] rescinds the administrative
3 revocation;]

4 (2) Establishes the date on which administrative
5 revocation proceedings against the respondent were initiated;

6 (3) Serves as a temporary permit, if applicable, to
7 operate a vehicle as provided in section 291E-33; and

8 (4) Notifies the respondent that the respondent shall
9 obtain an ignition interlock permit and keep an ignition
10 interlock device installed and operating in any vehicle the
11 respondent operates during the revocation period if the
12 respondent had a valid license at the time of the arrest."

13 SECTION 2. Section 291E-34, Hawaii Revised Statutes, is
14 amended to read as follows:

15 " §291E-34 **Notice of administrative revocation;**
16 **contents.** (a) The notice of administrative revocation shall
17 provide, at a minimum and in clear language, the following
18 general information relating to administrative revocation:

19 (1) The statutory authority for administrative
20 revocation;

21 (2) An explanation of the distinction between
22 administrative revocation and a suspension or

_____.B. NO._____

1 revocation imposed under section 291E-61 or 291E-
2 61.5; and

3 (3) That criminal charges filed pursuant to section
4 291E-61 or 291E-61.5 may be prosecuted
5 concurrently with the administrative action.

6 (b) The notice, when completed by the law enforcement
7 officer and issued to the respondent, shall contain at a minimum
8 the following information relating to the incident that gives
9 rise to the issuance of the notice of administrative revocation:

10 (1) Information identifying the respondent;

11 (2) The specific violation for which the respondent was
12 arrested;

13 (3) The date issued and the date the administrative
14 revocation is scheduled to go into effect;

15 (4) The expiration date of the temporary permit; and

16 (5) That the issuance of the notice of administrative
17 revocation will be administratively reviewed.

18 (c) The notice shall provide, at a minimum, the
19 following information relating to the administrative review:

20 (1) That the review is automatic;

21 (2) That the respondent, within three days of the issuance
22 of the notice of administrative revocation in the case

.B. NO.

1 of an alcohol related offense and within seventeen
2 days of the issuance of the notice of administrative
3 revocation in the case of a drug related offense, may
4 submit written information demonstrating why the
5 respondent's license and privilege to operate a
6 vehicle should not be administratively revoked;

7 (3) The address [~~or~~], location, or electronic mailing
8 address where the respondent may submit the
9 information

10 (4) That the respondent is not entitled to be present or
11 represented at the administrative review; and

12 (5) That the administrative review decision shall be
13 mailed to the respondent:

14 (A) No later than fourteen days after the date of the
15 issuance of the notice of administrative
16 revocation in the case of an alcohol related
17 offense; and

18 (B) No later than twenty-eight days after the date ~~of~~
19 the issuance of the notice of administrative
20 revocation in the case of a drug related
21 offense.

.B. NO.

(d) The notice shall state that, if [~~the respondent's license and privilege to operate a vehicle is not administratively revoked~~] after the review, the director rescinds the administrative revocation, the respondent's license shall be returned, unless a subsequent alcohol or drug enforcement contact has occurred, along with a certified statement that the administrative revocation proceedings have been terminated.

(e) The notice shall state that, if the administrative review affirms the revocation of respondent's license and privilege to operate a vehicle [~~is administratively revoked after the review~~], a review decision shall be mailed to the respondent, or to the parent or guardian of the respondent if the respondent is under the age of eighteen, that shall contain, at a minimum, the following information:

- (1) The reasons why revocation of the respondent's license and privilege to operate a vehicle [~~is administratively revoked~~] is affirmed;
- (2) That the respondent may request the director, within six days of the date the review decision is mailed, to schedule an administrative hearing to review the administrative revocation;

____.B. NO.____

(3) That, if the respondent's request for an administrative hearing is received by the director within six days of the date the review decision was mailed, the hearing shall be scheduled to commence:

(A) No later than twenty-five days after the date of the issuance of the notice of administrative revocation in the case of an alcohol related offense; and

(B) No later than thirty-nine days after the date of the issuance of the notice of administrative revocation in the case of a drug related offense;

(4) The procedure to request an administrative hearing;

(5) That failure to request an administrative hearing within the time provided shall cause the administrative revocation to ~~[take]~~ remain in effect ~~[for the [period and]~~ under the conditions established by the director in the review decision;

(6) That the respondent may regain the right to a hearing by requesting the director, within sixty days after the issuance of the notice of administrative revocation, to schedule a hearing;

_____.B. NO._____

(7) That the director shall schedule the hearing to commence no later than thirty days after the date a request under paragraph (6) is received, but that, except as provided in section 291E-38(j), the temporary permit shall not be extended if the respondent fails to request an administrative hearing within the initial six-day period provided for that purpose;

(8) That failure to attend the hearing shall cause the administrative revocation to [~~take~~] remain in effect for the period and under the conditions indicated;

(9) The duration of the administrative revocation and other conditions that may be imposed, including: referral to the driver's education program for an assessment of the respondent's substance abuse or dependence and the need for treatment; and

(10) That the respondent shall obtain an ignition interlock permit in order to operate a vehicle during the revocation period if the respondent had a valid license at the time of the arrest.

(f) The notice shall provide, at a minimum, the following information relating to administrative hearings:

.B. NO.

- 1 (1) That the respondent shall have six days from the date
2 the administrative review decision was mailed to
3 request that an administrative hearing be scheduled;
- 4 (2) That a request for an administrative hearing and
5 payment of a \$30 fee, unless waived pursuant to
6 section 291E-39, shall entitle the respondent to
7 review and copy, prior to the hearing, all documents
8 that were considered at the administrative review,
9 including the arrest report and the sworn statements;
- 10 (3) That the respondent may be represented by an attorney,
11 submit evidence, give testimony, and present and
12 cross-examine witnesses;
- 13 (4) That, in cases where the respondent is under the age
14 of eighteen, a parent or guardian must be present; and
- 15 (5) That a written hearing decision shall be mailed no
16 later than five days after completion of the hearing.
- 17 (g) The notice shall state that, if the administrative
18 revocation is [~~reversed~~] rescinded after the hearing, the
19 respondent's license shall be returned, along with a certified
20 statement that the administrative revocation proceedings have
21 been terminated.

_____.B. NO._____

1 (h) The notice shall state that, if the administrative
2 revocation is sustained at the hearing, a written hearing
3 decision shall be mailed to the respondent, or to the parent or
4 guardian of the respondent if the respondent is under the age of
5 eighteen, that shall contain, at a minimum, the following
6 information:

7 (1) The effective date of the administrative revocation;

8 (2) The duration of the administrative revocation;

9 (3) Other conditions that may be imposed by law, including
10 the use of an ignition interlock device; and

11 (4) The right to obtain judicial review.

12 (i) The notice shall state that failure of the respondent,
13 or of the parent or guardian of the respondent if the respondent
14 is under the age of eighteen, to attend a scheduled hearing
15 shall cause the administrative revocation to ~~[take]~~ remain in
16 effect as provided in the administrative review decision."

17 SECTION 3. Section 291E-37, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending subsections (a) and (b) to read:

20 "(a) The director shall automatically review the issuance
21 of a notice of administrative revocation and shall issue a
22 written review decision ~~[administratively revoking]~~ affirming

.B. NO.

1 administrative revocation of the license and privilege to
2 operate a vehicle or rescinding the notice of administrative
3 revocation. The written review decision shall be mailed to the
4 respondent, or to the parent or guardian of the respondent if
5 the respondent is under the age of eighteen, no later than:

6 (1) Fourteen days after the date the notice was issued in
7 a case involving an alcohol related offense; or

8 (2) Twenty-eight days after the date the notice was
9 issued in a case involving a drug related offense.

10 (b) The respondent shall have the opportunity to
11 demonstrate in writing why the respondent's license and
12 privilege to operate a vehicle should not be administratively
13 revoked and, within three days of receiving the notice of
14 administrative revocation, as provided in section 291E-33,
15 shall submit any written information[~~either~~] by mail,
16 electronic mail, or in person, to the director's office or to
17 any office or address designated by the director for that
18 purpose."

19 2. By amending subsection (d) to read:

20 "(d) The director shall [~~administratively revoke~~] affirm
21 the administrative revocation of the respondent's license and
22 privilege to operate a vehicle if the director determines that:

____.B. NO.____

(1) There existed reasonable suspicion to stop the vehicle, the vehicle was stopped at an intoxicant control roadblock established and operated in compliance with sections 291E-19 and 291E-20, or the person was tested pursuant to section 291E-21;

(2) There existed probable cause to believe that the respondent operated the vehicle while under the influence of an intoxicant; and

(3) The evidence proves by a preponderance that:

(A) The respondent operated the vehicle while under the influence of an intoxicant; or

(B) The respondent operated the vehicle and refused to submit to a breath, blood, or urine test after being informed:

(i) That the person may refuse to submit to testing in compliance with section 291E-11; and

(ii) Of the sanctions of this part and then asked if the person still refuses to submit to a breath, blood, or urine test, in compliance with the requirements of section 291E-15."

3. By amending subsections (f) and (g) to read:

____.B. NO.____

"(f) If the director [~~administratively revokes~~] affirms
the administrative revocation of the respondent's license and
privilege to operate a vehicle, the director shall mail a
written review decision to the respondent, or to the parent or
guardian of the respondent if the respondent is under the age of
eighteen. The written review decision shall:

- (1) State the reasons for the administrative revocation;
- (2) Indicate that the respondent has six days from the
date the written review decision is mailed to request
an administrative hearing to [~~review~~] contest the
director's written review decision;
- (3) Explain the procedure by which to request an
administrative hearing;
- (4) Be accompanied by a form, postage prepaid, that the
respondent may fill out and mail in order to request
an administrative hearing;
- (5) Inform the respondent of the right to review and copy
all documents considered at the review, including the
arrest report and the sworn statements of law
enforcement officers or other persons, prior to the
hearing; and

_____.B. NO._____

1 (6) State that the respondent may be represented by
2 counsel at the hearing, submit evidence, give
3 testimony, and present and cross-examine witnesses,
4 including the arresting law enforcement officer.]

5 (g) Failure of the respondent to request a hearing within
6 the time provided in section 291E-38(a) shall cause the
7 administrative revocation to [~~take~~] remain in effect for the
8 period and under the conditions provided in the administrative
9 review decision issued by the director under this section. The
10 respondent may regain the right to an administrative hearing by
11 requesting the director, within sixty days of the issuance of
12 the notice of administrative revocation as provided in section
13 291E-33, to schedule an administrative hearing. The
14 administrative hearing shall then be scheduled to commence no
15 later than thirty days after the date the request for hearing is
16 received by the director. The administrative review decision
17 issued by the director under this section shall explain clearly
18 the consequences of failure to request an administrative hearing
19 and the procedure by which the respondent may regain the right
20 to a hearing."

21 SECTION 4. Section 291E-38, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:

.B. NO.

"(a) If the director [~~administratively revokes~~] affirms
the administrative revocation of the respondent's license and
privilege to operate a vehicle after the administrative review,
the respondent may request an administrative hearing to
review the administrative review decision within six days of the
date the administrative review decision is mailed. If the
request for hearing is received by the director within six days
of the date the review decision is mailed, the hearing shall be
scheduled to commence no later than:

- (1) Twenty-five days from the date the notice of
administrative revocation was issued in a case
involving an alcohol related offense; or
- (2) Thirty-nine days from the date the notice of
administrative revocation was issued in a case
involving a drug related offense.

The director may continue the hearing only as provided in
subsection (j)."

SECTION 5. Section 291E-41, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:

" (a) Unless an administrative revocation is rescinded
[~~reversed~~] or the temporary permit is extended by the director,
administrative revocation shall become effective on the day

_____.B. NO._____

1 specified in the notice of administrative revocation. Except as
2 provided in section 291E-44.5, no license to operate a vehicle
3 shall be restored under any circumstances during the
4 administrative revocation period. Upon completion of the
5 administrative revocation period, the respondent may reapply and
6 be reissued a license pursuant to section 291E-45."

7 SECTION 6. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 7. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 8. This Act shall take effect upon approval.

13

14 INTRODUCED BY: _____

15 BY REQUEST

____.B. NO.____

Report Title:

Administrative Driver's License Revocation; Notice; Disclosure

Description:

Amemnds the administrative driver's license revocation procedures by establishing the notice of administrative revocation as official notice of the starting date for administrative driver's license revocation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KILAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

64-1067 MAMALAHOA HIGHWAY, C-3
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY WITH COMMENTS ON SENATE BILL 3182 WITH PROPOSED SD1 DRAFT ATTACHED

A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION

COMMITTEE ON TRANSPORTATION

Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair

Thursday, February 12, 2026, at 3:01 p.m.
Via Videoconference
State Capitol Conference Room 229
415 South Beretania Street

Honorable Chair Inouye, Vice-Chair Elefante, and Members of the Committee on Transportation: The County of Hawai'i Office of the Prosecuting Attorney submits the following testimony with comments on Senate Bill 3182.

The County of Hawai'i Office of the Prosecuting Attorney supports the intent of S.B. 3182 to clarify the administrative driver's license revocation process. To promote further discussion, we have attached a proposed SD1 draft for your consideration. The proposed SD1 draft resulted from discussions with stakeholders at a recent Statewide Traffic Commanders meeting and incorporates their input.

The proposed SD1 draft would keep the existing administrative driver's license revocation process largely the same as it currently exists, but would clarify that a revocation takes automatic effect 30 days after a Notice of Administrative Revocation, and that a revocation remains effective until the Administrative Driver's License Revocation Office (ADLRO) decides otherwise.

An administrative driver's license revocation is a non-criminal procedure that is initiated when probable cause exists to believe that an individual has been driving under the influence of alcohol or drugs, or when an individual refuses to submit to a breath or blood test. This process is initiated by the issuance of a Notice of Administrative Revocation to the suspected impaired driver, followed by a case-by-case review of relevant evidence by the ADLRO. Appropriate due process is offered through this review and by affording the driver the opportunity for an hearing. Administrative revocations can greatly enhance public safety by removing impaired drivers from the public roads swiftly and with certainty.

Individuals who disregard their administrative revocation and continue to drive on public roads should be subject to prosecution and enhanced penalties under HRS 291E-62. However, in practice it has been difficult to enforce administrative revocations, due to the need to prove that the driver received notice of the outcome of the ADLRO process. As the law is currently written, the administrative revocation does not technically occur until the ADLRO's review is complete and a written decision is mailed to the respondent. In practice, notice by mail often cannot support prosecution of criminal charges by proof beyond a reasonable doubt. The difficulty of enforcement undermines the purposes of administrative revocation—swiftness and certainty.

The proposed SD1 draft attached would take a new approach that would greatly enhance the enforceability of administrative revocations. The proposed SD1 would specify that an administrative revocation becomes effective 30 days after the Notice of Administrative Revocation, and remains effective unless and until the ADLRO decides otherwise. The proposed SD1 would recharacterize the ADLRO process as a review that may result in the administrative revocation being either affirmed or rescinded. These changes would allow police and prosecutors to better enforce the criminal penalties under HRS 291E-62 against those who disregard an administrative revocation.

For the foregoing reasons, the County of Hawai'i Office of the Prosecuting Attorney supports the intent of Senate Bill 3182, and respectfully offers the proposed SD1 draft attached for your consideration. Thank you for the opportunity to testify and provide comments on this matter.

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSE REVOCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291E-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§291E-31 Notice of administrative revocation; effect.** As
4 used in this part, the notice of administrative revocation:

5 (1) Establishes that the respondent's license and
6 privilege to operate a vehicle in the State or on or in the
7 waters of the State shall be terminated:

8 (A) Thirty days after the date the notice of
9 administrative revocation is issued in the case of an
10 alcohol related offense; or

11 (B) Forty-four days after the date the notice of
12 administrative revocation is issued in the case of a
13 drug related offense; or

14 (C) ~~[Such]~~ If respondent requests an administrative
15 hearing, then at such later date as is established by
16 the director under section 291E-38,

_____.B. NO._____

1 [if] unless the director [~~administratively revokes the~~
2 ~~respondent's license and privilege~~] rescinds the administrative
3 revocation;]

4 (2) Establishes the date on which administrative
5 revocation proceedings against the respondent were initiated;

6 (3) Serves as a temporary permit, if applicable, to
7 operate a vehicle as provided in section 291E-33; and

8 (4) Notifies the respondent that the respondent shall
9 obtain an ignition interlock permit and keep an ignition
10 interlock device installed and operating in any vehicle the
11 respondent operates during the revocation period if the
12 respondent had a valid license at the time of the arrest."

13 SECTION 2. Section 291E-34, Hawaii Revised Statutes, is
14 amended to read as follows:

15 " §291E-34 **Notice of administrative revocation;**
16 **contents.** (a) The notice of administrative revocation shall
17 provide, at a minimum and in clear language, the following
18 general information relating to administrative revocation:

19 (1) The statutory authority for administrative
20 revocation;

21 (2) An explanation of the distinction between
22 administrative revocation and a suspension or

_____.B. NO._____

1 revocation imposed under section 291E-61 or 291E-
2 61.5; and

3 (3) That criminal charges filed pursuant to section
4 291E-61 or 291E-61.5 may be prosecuted
5 concurrently with the administrative action.

6 (b) The notice, when completed by the law enforcement
7 officer and issued to the respondent, shall contain at a minimum
8 the following information relating to the incident that gives
9 rise to the issuance of the notice of administrative revocation:

10 (1) Information identifying the respondent;

11 (2) The specific violation for which the respondent was
12 arrested;

13 (3) The date issued and the date the administrative
14 revocation is scheduled to go into effect;

15 (4) The expiration date of the temporary permit; and

16 (5) That the issuance of the notice of administrative
17 revocation will be administratively reviewed.

18 (c) The notice shall provide, at a minimum, the
19 following information relating to the administrative review:

20 (1) That the review is automatic;

21 (2) That the respondent, within three days of the issuance
22 of the notice of administrative revocation in the case

.B. NO.

1 of an alcohol related offense and within seventeen
2 days of the issuance of the notice of administrative
3 revocation in the case of a drug related offense, may
4 submit written information demonstrating why the
5 respondent's license and privilege to operate a
6 vehicle should not be administratively revoked;

7 (3) The address [~~or~~], location, or electronic mailing
8 address where the respondent may submit the
9 information

10 (4) That the respondent is not entitled to be present or
11 represented at the administrative review; and

12 (5) That the administrative review decision shall be
13 mailed to the respondent:

14 (A) No later than fourteen days after the date of the
15 issuance of the notice of administrative
16 revocation in the case of an alcohol related
17 offense; and

18 (B) No later than twenty-eight days after the date ~~of~~
19 the issuance of the notice of administrative
20 revocation in the case of a drug related
21 offense.

.B. NO.

(d) The notice shall state that, if [~~the respondent's license and privilege to operate a vehicle is not administratively revoked~~] after the review, the director rescinds the administrative revocation, the respondent's license shall be returned, unless a subsequent alcohol or drug enforcement contact has occurred, along with a certified statement that the administrative revocation proceedings have been terminated.

(e) The notice shall state that, if the administrative review affirms the revocation of respondent's license and privilege to operate a vehicle [~~is administratively revoked after the review~~], a review decision shall be mailed to the respondent, or to the parent or guardian of the respondent if the respondent is under the age of eighteen, that shall contain, at a minimum, the following information:

- (1) The reasons why revocation of the respondent's license and privilege to operate a vehicle [~~is administratively revoked~~] is affirmed;
- (2) That the respondent may request the director, within six days of the date the review decision is mailed, to schedule an administrative hearing to review the administrative revocation;

.B. NO.

1 (3) That, if the respondent's request for an administrative
2 hearing is received by the director within six days of
3 the date the review decision was mailed, the hearing
4 shall be scheduled to commence:

5 (A) No later than twenty-five days after the date of
6 the issuance of the notice of administrative
7 revocation in the case of an alcohol related
8 offense; and

9 (B) No later than thirty-nine days after the date of
10 the issuance of the notice of administrative
11 revocation in the case of a drug related offense;

12
13 (4) The procedure to request an administrative hearing;

14 (5) That failure to request an administrative hearing
15 within the time provided shall cause the
16 administrative revocation to [~~take~~] remain in effect
17 [~~for the [period and]~~] under the conditions established
18 by the director in the review decision;

19 (6) That the respondent may regain the right to a hearing
20 by requesting the director, within sixty days after
21 the issuance of the notice of administrative
22 revocation, to schedule a hearing;

.B. NO.

1 (7) That the director shall schedule the hearing to
2 commence no later than thirty days after the date a
3 request under paragraph (6) is received, but that,
4 except as provided in section 291E-38(j), the
5 temporary permit shall not be extended if the
6 respondent fails to request an administrative hearing
7 within the initial six-day period provided for that
8 purpose;

9 (8) That failure to attend the hearing shall cause the
10 administrative revocation to [~~take~~] remain in effect
11 for the period and under the conditions indicated;

12 (9) The duration of the administrative revocation and
13 other conditions that may be imposed, including:
14 referral to the driver's education program for an
15 assessment of the respondent's substance abuse or
16 dependence and the need for treatment; and

17 (10) That the respondent shall obtain an ignition
18 interlock permit in order to operate a vehicle during
19 the revocation period if the respondent had a valid
20 license at the time of the arrest.

21 (f) The notice shall provide, at a minimum, the following
22 information relating to administrative hearings:

.B. NO.

- 1 (1) That the respondent shall have six days from the date
2 the administrative review decision was mailed to
3 request that an administrative hearing be scheduled;
- 4 (2) That a request for an administrative hearing and
5 payment of a \$30 fee, unless waived pursuant to
6 section 291E-39, shall entitle the respondent to
7 review and copy, prior to the hearing, all documents
8 that were considered at the administrative review,
9 including the arrest report and the sworn statements;
- 10 (3) That the respondent may be represented by an attorney,
11 submit evidence, give testimony, and present and
12 cross-examine witnesses;
- 13 (4) That, in cases where the respondent is under the age
14 of eighteen, a parent or guardian must be present; and
- 15 (5) That a written hearing decision shall be mailed no
16 later than five days after completion of the hearing.
- 17 (g) The notice shall state that, if the administrative
18 revocation is [~~reversed~~] rescinded after the hearing, the
19 respondent's license shall be returned, along with a certified
20 statement that the administrative revocation proceedings have
21 been terminated.

____.B. NO.____

(h) The notice shall state that, if the administrative revocation is sustained at the hearing, a written hearing decision shall be mailed to the respondent, or to the parent or guardian of the respondent if the respondent is under the age of eighteen, that shall contain, at a minimum, the following information:

- (1) The effective date of the administrative revocation;
- (2) The duration of the administrative revocation;
- (3) Other conditions that may be imposed by law, including the use of an ignition interlock device; and
- (4) The right to obtain judicial review.

(i) The notice shall state that failure of the respondent, or of the parent or guardian of the respondent if the respondent is under the age of eighteen, to attend a scheduled hearing shall cause the administrative revocation to ~~[take]~~ remain in effect as provided in the administrative review decision."

SECTION 3. Section 291E-37, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

"(a) The director shall automatically review the issuance of a notice of administrative revocation and shall issue a written review decision ~~[administratively revoking]~~ affirming

.B. NO.

1 administrative revocation of the license and privilege to
2 operate a vehicle or rescinding the notice of administrative
3 revocation. The written review decision shall be mailed to the
4 respondent, or to the parent or guardian of the respondent if
5 the respondent is under the age of eighteen, no later than:

6 (1) Fourteen days after the date the notice was issued in
7 a case involving an alcohol related offense; or

8 (2) Twenty-eight days after the date the notice was
9 issued in a case involving a drug related offense.

10 (b) The respondent shall have the opportunity to
11 demonstrate in writing why the respondent's license and
12 privilege to operate a vehicle should not be administratively
13 revoked and, within three days of receiving the notice of
14 administrative revocation, as provided in section 291E-33,
15 shall submit any written information~~[, either]~~ by mail,
16 electronic mail, or in person, to the director's office or to
17 any office or address designated by the director for that
18 purpose."

19 2. By amending subsection (d) to read:

20 "(d) The director shall ~~[administratively revoke]~~ affirm
21 the administrative revocation of the respondent's license and
22 privilege to operate a vehicle if the director determines that:

_____.B. NO._____

(1) There existed reasonable suspicion to stop the vehicle, the vehicle was stopped at an intoxicant control roadblock established and operated in compliance with sections 291E-19 and 291E-20, or the person was tested pursuant to section 291E-21;

(2) There existed probable cause to believe that the respondent operated the vehicle while under the influence of an intoxicant; and

(3) The evidence proves by a preponderance that:

(A) The respondent operated the vehicle while under the influence of an intoxicant; or

(B) The respondent operated the vehicle and refused to submit to a breath, blood, or urine test after being informed:

(i) That the person may refuse to submit to testing in compliance with section 291E-11; and

(ii) Of the sanctions of this part and then asked if the person still refuses to submit to a breath, blood, or urine test, in compliance with the requirements of section 291E-15."

3. By amending subsections (f) and (g) to read:

.B. NO.

"(f) If the director [~~administratively revokes~~] affirms
the administrative revocation of the respondent's license and
privilege to operate a vehicle, the director shall mail a
written review decision to the respondent, or to the parent or
guardian of the respondent if the respondent is under the age of
eighteen. The written review decision shall:

- (1) State the reasons for the administrative revocation;
- (2) Indicate that the respondent has six days from the
date the written review decision is mailed to request
an administrative hearing to [~~review~~] contest the
director's written review decision;
- (3) Explain the procedure by which to request an
administrative hearing;
- (4) Be accompanied by a form, postage prepaid, that the
respondent may fill out and mail in order to request
an administrative hearing;
- (5) Inform the respondent of the right to review and copy
all documents considered at the review, including the
arrest report and the sworn statements of law
enforcement officers or other persons, prior to the
hearing; and

.B. NO.

1 (6) State that the respondent may be represented by
2 counsel at the hearing, submit evidence, give
3 testimony, and present and cross-examine witnesses,
4 including the arresting law enforcement officer.]

5 (g) Failure of the respondent to request a hearing within
6 the time provided in section 291E-38(a) shall cause the
7 administrative revocation to [~~take~~] remain in effect for the
8 period and under the conditions provided in the administrative
9 review decision issued by the director under this section. The
10 respondent may regain the right to an administrative hearing by
11 requesting the director, within sixty days of the issuance of
12 the notice of administrative revocation as provided in section
13 291E-33, to schedule an administrative hearing. The
14 administrative hearing shall then be scheduled to commence no
15 later than thirty days after the date the request for hearing is
16 received by the director. The administrative review decision
17 issued by the director under this section shall explain clearly
18 the consequences of failure to request an administrative hearing
19 and the procedure by which the respondent may regain the right
20 to a hearing."

21 SECTION 4. Section 291E-38, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:

.B. NO.

1 "(a) If the director [~~administratively revokes~~] affirms
2 the administrative revocation of the respondent's license and
3 privilege to operate a vehicle after the administrative review,
4 the respondent may request an administrative hearing to
5 review the administrative review decision within six days of the
6 date the administrative review decision is mailed. If the
7 request for hearing is received by the director within six days
8 of the date the review decision is mailed, the hearing shall be
9 scheduled to commence no later than:

10 (1) Twenty-five days from the date the notice of
11 administrative revocation was issued in a case
12 involving an alcohol related offense; or

13 (2) Thirty-nine days from the date the notice of
14 administrative revocation was issued in a case
15 involving a drug related offense.

16 The director may continue the hearing only as provided in
17 subsection (j)."

18 SECTION 5. Section 291E-41, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 " (a) Unless an administrative revocation is rescinded
21 [~~reversed~~] or the temporary permit is extended by the director,
22 administrative revocation shall become effective on the day

_____.B. NO._____

1 specified in the notice of administrative revocation. Except as
2 provided in section 291E-44.5, no license to operate a vehicle
3 shall be restored under any circumstances during the
4 administrative revocation period. Upon completion of the
5 administrative revocation period, the respondent may reapply and
6 be reissued a license pursuant to section 291E-45."

7 SECTION 6. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 7. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 8. This Act shall take effect upon approval.

13

14 INTRODUCED BY: _____

15 BY REQUEST

____.B. NO.____

Report Title:

Administrative Driver's License Revocation; Notice; Disclosure

Description:

Amemnds the administrative driver's license revocation procedures by establishing the notice of administrative revocation as official notice of the starting date for administrative driver's license revocation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.