

# S.B. NO. 2851

JAN 23 2020

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## A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT VEHICLES.

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

1           SECTION 1. Section 291-31.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) No person shall knowingly operate, affix or cause to  
4 be affixed, display, or possess any lamp, reflector, or  
5 illumination device that appears to be the color blue, or colors  
6 blue and red, upon any motor vehicle, motorcycle, motor scooter,  
7 bicycle, or moped except for:

8           (1) County law enforcement vehicles authorized and  
9           approved by the chief of police of the county in which  
10          the vehicle is operated;

11          (2) Department of public safety law enforcement vehicles  
12          with blue and red lamps, reflectors, or illumination  
13          devices authorized and approved by the director of  
14          public safety;

15          (3) Department of land and natural resources division of  
16          conservation and resources enforcement vehicles with  
17          blue and red lamps, reflectors, or illumination

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1 devices authorized and approved by the chairperson of  
2 the board of land and natural resources; [~~or~~]

3 (4) Department of transportation division of harbors law  
4 enforcement vehicles with blue and red lamps,  
5 reflectors, or illumination devices authorized and  
6 approved by the director of transportation[~~or~~]; or

7 (5) Department of the attorney general law enforcement  
8 vehicles with blue and red lamps, reflectors, or  
9 illumination devices authorized and approved by the  
10 attorney general.

11 This prohibition shall not apply to factory-installed instrument  
12 illumination."

13 SECTION 2. Section 291C-1, Hawaii Revised Statutes, is  
14 amended by amending the definition of "authorized emergency  
15 vehicle" to read as follows:

16 ""Authorized emergency vehicle" includes fire department  
17 vehicles, police vehicles, ambulances, ocean safety vehicles,  
18 public safety law enforcement vehicles, conservation and  
19 resources enforcement vehicles, [~~and~~] department of  
20 transportation division of harbors law enforcement vehicles, and  
21 department of the attorney general law enforcement vehicles  
22 authorized and approved pursuant to section 291-31.5 that are

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1 publicly owned and other publicly or privately owned vehicles  
2 designated as such by a county council."

3 SECTION 3. Section 291C-27, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) As used in this section, "emergency vehicle" means a  
6 police or fire department vehicle, ocean safety vehicle,  
7 emergency medical services vehicle, freeway service patrol  
8 vehicle, sheriff division vehicle, Hawaii emergency management  
9 agency vehicle, county emergency management vehicle, civil  
10 defense vehicle, department of transportation harbors division  
11 vehicle, department of land and natural resources division of  
12 conservation and resources enforcement vehicle, department of  
13 the attorney general law enforcement vehicle, or a tow truck."

14 SECTION 4. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun, before the effective date of this Act.

17 SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

**Report Title:**

Law Enforcement Vehicles

**Description:**

Allows the Department of the Attorney General to have law enforcement vehicles, with colored lights, that are recognized authorized emergency vehicles.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT VEHICLES.

PURPOSE: To enable the Attorney General to have law enforcement vehicles, with colored lights, that are recognized authorized emergency vehicles.

MEANS: Amend sections 291-31.5(a), 291C-1, and 291C-27(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Under chapter 28, HRS, the Attorney General is tasked with the responsibility to investigate and prosecute violations of law. Investigators with the Department or the Attorney General have all the powers and authority of a police officer or a deputy sheriff. Despite the law enforcement responsibility and authority, the department does not have the official and explicit authority to use law enforcement vehicles with emergency response lights.

While law enforcement officers with the Attorney General are primarily investigators, they are also emergency responders that require the use of properly equipped emergency vehicles. The Investigations Division has been the lead state agency in addressing projected major civil disorders. It is also required to respond in times of natural disasters in both emergency and law enforcement capacities. It needs emergency vehicles to respond to incident scenes and assist other law enforcement officers. The vehicles may also be used to seal off restricted or dangerous areas.

This bill will provide the department with emergency vehicle capability, which has already been granted to county police, the Department of Public Safety, the Department of Land and Natural Resources, and the Harbors Division of the Department of Transportation.

Impact on the public: The public will be able to easily identify and recognize the presence and action of law enforcement vehicles of the Department of the Attorney General. This will improve public safety.

Impact on the department and other agencies: This bill will allow for more effective emergency response and enforcement by the law enforcement officers of the Department of the Attorney General. It will also facilitate their interactions with other law enforcement and government agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.