



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

February 16, 2024
2:00 p.m.
State Capitol, Room 325

**H.B. 1562, H.D. 1
RELATING TO DRIVING WITHOUT A LICENSE**

House Committee on Judiciary & Hawaiian Affairs

The Hawaii Department of Transportation (HDOT) **supports H.B. 1562, H.D. 1**, which adds confiscation of a vehicle as a maximum penalty on a third conviction for operating a motor vehicle without a license within a five-year period. Provides that if the defendant is not the registered owner of the vehicle used to commit the third offense, the owner of the vehicle shall be responsible for certain costs and fines.

The HDOT supports this legislation which seeks to enhance penalties for those who continue to drive without having a license or driving with an expired, suspended, revoked, or cancelled license.

These drivers should not continue to drive on Hawaii's roadways as they put others at risk. Our State data shows the following:

"License Compliance with Vehicle Class" This captures drivers who had no license at all, expired, suspended, revoked, and cancelled licenses. The data also captured motorcycle operators who were not properly endorsed.

Non-Compliant Drivers/Total Drivers in Fatal Crashes:

2020 - 24/114 = 21.1% with 4 "unknowns" resulting in 24 fatalities
2021 - 42/127 = 33.1% with 3 "unknowns" resulting in 42 fatalities
2022 - 36/165 = 21.8% with 0 "unknowns" resulting in 38 fatalities
2023 - 35/116 = 30.2% with 4 "unknowns" resulting in 39 fatalities

Thank you for the opportunity to provide testimony.

JON N. IKENAGA
STATE PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
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APPEALS SECTION
TEL. No. 586-2080

DISTRICT COURT SECTION
TEL. No. 586-2100

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TEL. No. 586-2300

FELONY SECTION
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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY CHENG
ASSISTANT PUBLIC
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HILO OFFICE
275 PONAHAHAWAI STREET
HILO, HAWAII 96720
TEL. No. 974-4571
FAX No. 974-4574

KONA OFFICE
82-6127 MAMALAOA HIGHWAY
P.O. BOX 1219
CAPTAIN COOK, HAWAII 96704
TEL. No. 323-7562
FAX No. 323-7565

KAUAI OFFICE
3060 EWA STREET
LIHUE, HAWAII 96766
TEL. No. 274-3418
FAX No. 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. No. 984-5018
FAX No. 984-5022

February 15, 2024

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
415 South Beretania Street, Conference Room 325
State Capital
Honolulu, HI 96813
via email: JDCtestimony@capitol.hawaii.gov

Re: Testimony in Opposition of H.B. 1562
Hearing: February 16, 2024, 2:00 PM

Dear Chair Tarnas, Vice Chair Takayama and Committee Members:

This letter is in opposition of H.B. 1562 which adds forfeiture of a vehicle as a maximum penalty on a third conviction for operating a motor vehicle without a license.

The forfeiture disproportionately increases penalties which already includes a minimum fine of \$500 to \$1000 and up to one year of imprisonment. The additional penalty of vehicle forfeiture will not stop the conduct. Notably, most individuals charged with driving without a valid driver's license are not the registered owners of the vehicle. Such an amendment will trigger unnecessary and useless paperwork, not to mention the forfeiture proceedings, without an impact on the criminal conduct.

Second, even if the ticketed individual is the registered owner of the vehicle, H. B. 1562 begs the questions of which agency will be storing the vehicle and guarantee that the vehicle is not damaged during the pendency of the case. Cases are routinely dismissed for various reasons, including the suppression of evidence. In those circumstances, the vehicle must be returned to the registered owner and storage would be for naught. In addition, if there is any damage to the vehicle or property inside the vehicle, the state would be liable for it.

Such an amendment would also disproportionately impact impoverished families. Although the registered owner may not be licensed, a family member without a valid driver's license may use the vehicle for employment, family care or schooling purposes. Forfeiture of the vehicle may cause the individual or family members to lose employment, they may be unable to care for or take family members to medical treatment, or the family may no longer be able to transport children to school. The impact and ramifications of forfeiting the motor vehicle for driving without a license disproportionately impacts those at the poverty level who do not have a second vehicle or the financial means to purchase another vehicle.

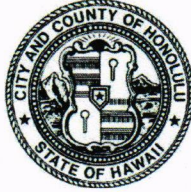
Hawaii is one of the most expensive states to live in. A large number of individuals who receive driving without a valid driver's license citations want to get their license but are unable to do so because of unpaid fines for traffic infractions that are now in collections with compounding interest. Most default judgments start small, but when unpaid due to financial constraints, the outstanding balance grows and a license stopper is triggered. Forfeiting a vehicle will not effectively stop the behavior but will undoubtedly unfairly impact impoverished families.

Thank you for taking these comments into consideration.

Sincerely,
/s/ Taryn Tomasa
Deputy Public Defender

POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
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RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE MC-TK

February 16, 2024

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and
Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

SUBJECT: House Bill No. 1562, H.D. 1, Relating to Driving Without a License

I am Michael Campbell, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD appreciates the intent of House Bill No. 1562, H.D. 1, Relating to Driving Without a License, which adds confiscation of a vehicle as a maximum penalty, but has the following concerns.

The HPD understands the intent of the bill, however, we are concerned with who will be responsible for the towing and storage fees and where these seized vehicles would be stored as we already have storage space issues.


The HPD appreciates the committee's consideration of our concerns regarding House Bill No. 1562, H.D. 1, Relating to Driving Without a License. Thank you for the opportunity to testify.

APPROVED:

Sincerely,

Log 

Arthur J. Logan
Chief of Police

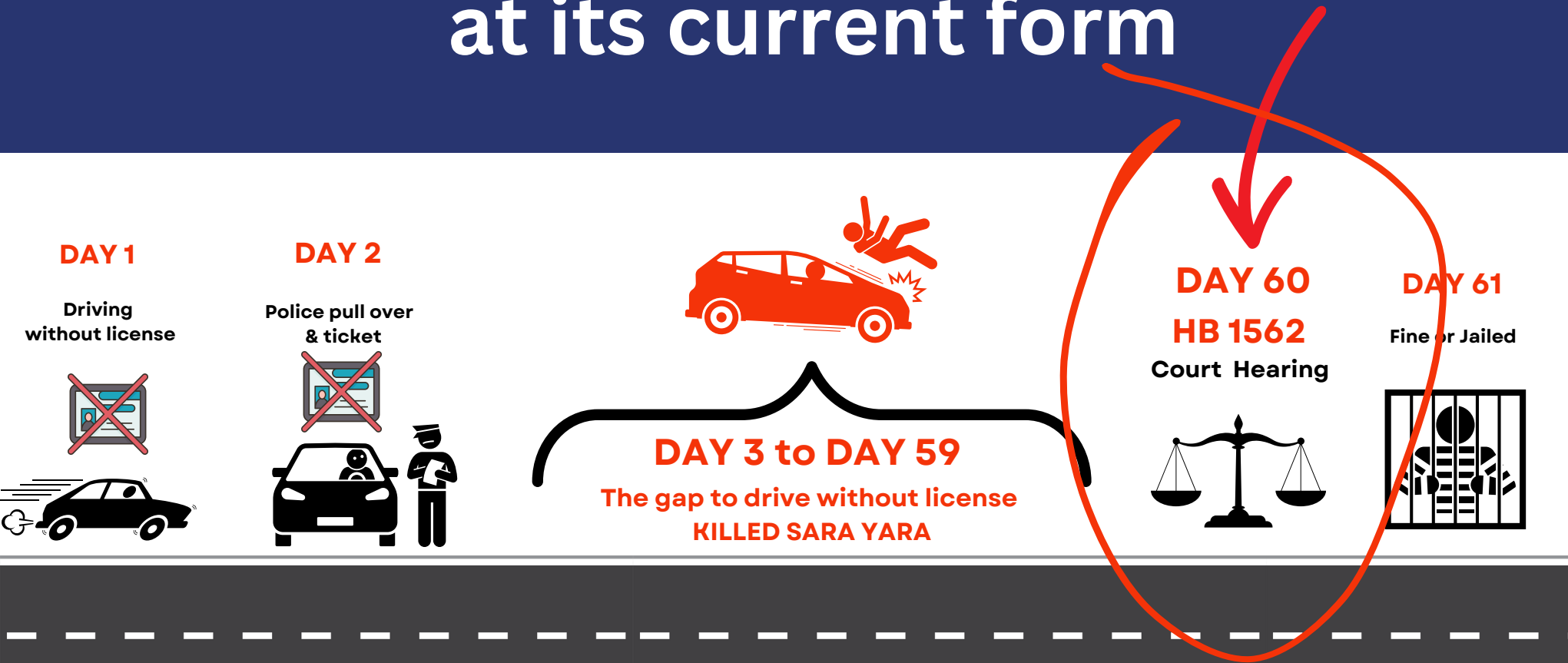

Michael Campbell, Acting Captain
Traffic Division

HB 1562

The real problem is:

**The gap between the day of
unlicensed driving
and conviction**

Effectiveness of HB 1562 at its current form



RESULT: SARA WOULD STILL HAVE GOTTEN KILLED

Increasing penalty upon conviction DOES NOT stop the unlicensed driver from going back out the next day .

THIS IS THE ENABLING LOOHOLE THAT KILLED SARA

FACTS

- An Unlicensed driver is **NOT QUALIFIED** to drive on the road
- Once an unlicensed driver is pulled over by police, the unlicensed driver **SHOULD NOT** resume driving on the road
- Police is the **first touch point** to identify and could prevent an unlicensed driver to continue to pose further public danger
- **Current system** did not stop a habitual offender **from driving**
- Getting a **conviction takes time**

**What is the right and most effective thing
to do to prevent death
by unlicensed driver?**

**IMMEDIATE
INTERVENTION BY THE
POLICE**

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graph TD; A[IMMEDIATE INTERVENTION BY THE POLICE] --> B[Unlicensed driver cannot resume driving]; A --> C[Vehicle to be towed to a safe location for retrieval by a licensed driver];
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**Unlicensed driver
cannot resume
driving**

**Vehicle to be towed
to a safe location
for retrieval by a
licensed driver**

HOW EFFECTIVE IS POLICE INTERVENTION?

DAY 1

Driving without license



DAY 2

Police pull over & ticket & tow car



VERY EFFECTIVE
NO ACCESS TO CAR &
REDUCE PUBLIC DANGER
COSTLY to retrieve car

DAY 60
HB 1562



Court Hearing

DAY 61

Fine or Jailed



THE GAP IS CLOSED BY
POLICE IMMEDIATELY

To Honolulu Police Department

There are **48 active towing companies**
on the island of Oahu, whom would welcome the
business of towing unlicensed driver's cars

**Sara's live or anyone's live are more than just
storage or administrative hassles**

**We need your understanding and support,
your enforcement can save lives**

WE WANT A LAW THAT WORKS!

A law that gives the police the power to immediately

- 1) Stop the unlicensed driver from continue driving**
- 2) Remove the vehicle to a safe location for licensed driver retrieval**

**Each time an unlicensed driver
is pulled over and identified**

List of Towing Companies on Oahu (48 companies)**As of Feb 3rd 2024**

Name	Address	Phone
The Tow	425 N. Kuakini St. #2	(808) 282-3965
Advanced Towing & Recovery	5 Sand Island Access Rd, Honolulu, HI 96819	(808) 672-2364
A Versatile Towing	471 Hinano Way, Kailua	(808) 306-4245
Warrior Express Towing	1474 Ala Mahamoe St,	(808) 780-1489
Road Service Hawaii	Honolulu, HI 96825	(808) 638-3547
Advanced Towing & Recovery	5 Sand Island Access Rd, Honolulu, HI 96819	(808) 672-2364
A Versatile Towing	471 Hinano Way, Kailua, HI 96734	(808) 306-4245
Don's Makiki Service	1406 S Beretania St, Honolulu, HI 96814 99-	(808) 949-8544
Valley Service & Repair	015 Lohea Place, Honolulu, HI 96819	(808) 847-1125
Tradewind Towing Service LLC	Pearl City, HI 96782	(808) 456-7888
Aranton Towing Service	PO Box 19016, Honolulu, HI 96817	(808) 330-0167
Akamai Towing Services LLC	PO Box 4673 Bay #2, Kaneohe, HI 96744	(808) 306-9687
Honolulu Towing Inc	933 Owen St, Honolulu, HI 96819	(855) 295-4988
Island Hookaz Towing Service	561 Kawaioa Rd, Kailua, HI 96734	(866) 439-6230
Island Wide Towing Transport and Recovery	2669 Kilihau St, Honolulu, HI 96819	(808) 457-1699
Alberts Towing and Auto		(888) 492-8654
T's Towing II Inc	94-515 Alapoi St, Milliani, HI 96789	(808) 622-4004
Xtreme Towing	95-1013 Hookanahe St, Milliani	(808) 754-6211
Janell's Towing & Lift Svc	2368 Akalakala St, Pearl City, HI 96782	(808) 455-4581
Advanced Towing & Recovery	1060 Kamehameha Hwy, Pearl City, HI 96782	(808) 456-8697
Triple T Towing	94-609 Kaaka St, Waipahu	(808) 676-4594
Aranton Towing Svc	94-252 Pupuole St, Waipahu	(808) 330-0167
Chang Towing Svc	656 Kilani Ave, Wahiawa	(808) 622-4034
Jack's Towing Svc	2154 California Ave, Wahiawa	(808) 621-7834
Affordable Towing Svc Inc	98-151 Lipoa Pl, Aiea, HI 96701	(808) 456-4574
A Road Runner Towing Svc	98-851 Iho Pl, Aiea, HI 96701	(808) 486-7867
Auto Rescue Towing Svc	91-1012 Makaaloa St, Ewa Beach, HI 96706	(808) 593-0035
Hook & Tow	99-1010 Kahua Pl # B, Aiea, HI 96701	(808) 485-2222
Gao's Towing Svc	99-529 Opukea St, Aiea	(808) 226-1761
Cachola towing	91-1000 Waihua Pl, Ewa Beach,	(808) 671-3124
ALWAYS TOWING	Makakilo, Kapolei, HI 96707	(808) 783-6256
Off Peak Towing	1227 Ala Aolani St, Honolulu, HI 96819	(808) 683-5555
Solid Towing	91-455 Ewa Beach Rd	(808) 620-0656
Hawaii Tow Trucks	3251 N Nimitz Hwy, Honolulu, HI 96819	(808) 861-1969
Ed's Towing Svc	87-1683 Kapiki Rd, Waianae, HI 96792	(808) 668-4078
Pascua Towing & Roadside Svc	2468 N School St, Honolulu, HI 9681	(808) 841-2305
Affordable Towing	686 Bannister ST, Honolulu, HI 96819	(808) 848-7200
Enriquez Towing	85-1249 Kamaileunu St, Waianae,	(808) 836-1777
Empire Towing & Recovery	2169 Jennie St, Honolulu, HI 96819	(808) 690-2804
Tow Jams	123 Puuhale Rd, Honolulu, HI 96819	(808) 593-1993
Sniffens Auto Express	1714 Day Pl, Honolulu, HI 96819	(808) 792-3773
Dependable Towing Svc	47-310 Lulani St, Kaneohe, HI 96744	(808) 235-8697
Pron-Tow Svc	47-025 Hui Iwa Pl, Kaneohe, HI 96744	(808) 239-4164
pivotto's towing	59-870 kan hwy, haleiwa, HI 96712	(808) 216-2364
All Island Automotive Towing	91-222 Olai St, Kapolei, HI 96707	(808) 677-6900
Sause Bros Ocean Towing Co	705 N Nimitz Hwy, Honolulu, HI 96817	(808) 521-5082
Country Locksmith & Towing	823 Olive Ave # 1, Wahiawa	(808) 621-1432
Lopez Towing		(808) 218-8916

HB-1562-HD-1

Submitted on: 2/14/2024 3:20:21 PM

Testimony for JHA on 2/16/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Coco Iwamoto	Individual	Support	In Person

Comments:

Strong Support with Additional Provisions

The news reported that the alleged driver of the vehicle that killed Sara Yara, was stopped and cited 12 times for driving without a license in the last five years. He was convicted for only six of those offense before the fatal incident.

Police need to be able to distinguish whether a driver has a valid license, but not on them at the time of the stop, versus whether the driver is unlicensed; the citation needs to clearly state that distinction. This is not about charging people who forgot their driver’s license in a different purse or pair pants, this is about protecting the public from people who may not know how to drive or who have been adjudicated unsafe to drive and had their licensed revoked.

When people flagrantly violate the law designed to increase safety for the community, it often demonstrate a level of unwillingness to take responsibility and modify their behavior. While mandatory minimums and elevated charges are ineffective deterrents of behavior, this bill focuses on narrowing the opportunities for habitually driving while unlicensed and will result in safer streets for all of our keiki. However, this bill can go further by adding the following provisions:

When an officer accesses the DMV database at a traffic stop and realizes the individual was never issued a driver’s license or had their license revoked, the police officer should not let that unlicensed driver get back in the car and drive away. The unlicensed driver can have a licensed driver drive the car away or have the car towed (not impounded) to a legal parking spot, until a licensed driver can drive the car to the car owner's home.

It is our understanding that this does not happen. To our surprise the police allow the unlicensed driver to get back in the car and drive off. The reason for this, we heard, is because there is no law that says otherwise and/or that the police think they would need to impound the car as evidence and they do not have the physical space to store the car. Again the car just needs to be left in a safe, legal spot, not impounded unless the car itself is evidence to a separate crime.

Realtime records should be kept regarding ownership of a vehicle when the driver is determined to be unlicensed and cited, available to the police and the courts. On conviction of driving while unlicensed, the judge shall order the owner of the car that was driven to sign a statement that affirms the following:

- they know the driver does not have a license,
- if this driver drives their car again, the owner understands they may be subject to a fine,
- upon a third conviction of guilt for driving while unlicensed by the same defendant driving this same car - the car will be subject to asset forfeiture;
- owner knows their insurance company will be notified by the court that owner has permitted an unlicensed driver to drive a vehicle covered by that insurance company and the insurance company may take affirmative steps to adjust coverage or premiums.

If the car is financed by a commercial institution, it will give that institution cause to repossess the car.

If the car is owned by another household member, the owner may be motivated to get rid of the car by selling it or donating it. If they cannot stop their unlicensed household member from driving their car, the owner can report the car stolen by a household member. Obviously cars reported stolen should not be seized by asset forfeiture.

House Committee on Transportation
Re: HB 1562—
RELATING TO DRIVING WITHOUT A LICENSE
Hawaii State Capitol & Via Videoconference
February 16, 2024,

Committee Members

My name is Chevylyn Saniatan and I am here to give my Testimony as a Mom
I support with amendment

If you want to name it after my daughter Sara Yara. Please take a hard look that it was an unlicensed driver that was behind the wheel and should not be behind the wheel.

Last year on February 15, 2023, my daughter Sara Yara, was killed by a hit and run unlicensed driver while walking to school. My daughter was in a marked crosswalk on Kapiolani Boulevard. I was later informed that the person who was apprehended and is currently awaiting trial on this crime was driving the vehicle that killed my daughter without a valid driver's license, had over 164 driving infractions on his record, and was actually stopped and cited for driving without a valid driver's license in the previous month. I just do not understand why this habitual criminal was able and allowed to drive away after being previously cited for driving without a valid license. With seeing that amount of citations on his recorded the vehicle should have been taken away. The Bill that is being presented has a loopholes for someone to still be able to get behind the wheel and drive off. I am asking that you would take a close look and ask yourself if it was you family member this happened to what would you do to fix the law, so no one has to go through what I had to go through.

This amendment to the Highway Safety provisions of Hawaii's law is being proposed to rectify these gaps in enforcement and judicial proceeding by providing tangible consequences for driving without a valid driver's license here in Hawaii. It is my hope and prayer that these amendments will make a person at least think twice about driving a motor vehicle on our roads without a valid driver's license. If the proposed amendments saves one other person from being killed by an unlicensed driver, then my daughter will not have died in vain and another mother will not have to go through what my family has endured this past year. Thank you.

HB-1562-HD-1

Submitted on: 2/15/2024 9:11:46 AM

Testimony for JHA on 2/16/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members,

I Support HB 1562 HD1.

This will keep a driver who habitually drives without a license off the road, especially those who have had licenses revoked for driving while intoxicated or constantly driving at high rates of speed, well above posted speed limits.

Thank you for the opportunity to testify.

RE: HB1562 H.D.1

A year ago the world lost a beautiful soul when Sara Yara's life was cut short by a coward who clearly has no regard for the law nor for life itself as he proved by not stopping to render aid and ran away and hid instead. The loss of Sara's life is unimaginably tragic because it should never have happened. The biggest offense of this case though, in my opinion, is the fact that this low life was given the opportunity to get back behind the wheel of a vehicle despite it being known that he was unlicensed. How many get out of jail free cards should any person be able to hold?

HB1562 seems to be seeking to make positive changes in light of this horrific incident. I technically support this bill with some exceptions.

I agree that a person convicted of driving unlicensed should be subject to fines and be imprisoned. However, I wholeheartedly believe that it should be from the very first offense. Because without stringent and definitive consequences, I believe the violator may be emboldened to get behind the wheel again (still without a license) as the repercussions they could potentially face currently is insignificant in their eyes and therefore they will not see any need to alter their behavior. I think they need to feel the severity of the violation directly unburden their wallet, cause them some humiliation, and relieve them of their vehicle so they don't have to worry about driving. Maybe then, perhaps, the violator might think twice before driving a vehicle without a license.

If there is a 2nd or 3rd violation, the fine and jail time should also progressively increase and the responsibility of their "new" set of wheels should again be taken off their shoulders.

I also take issue with Section 4. July 1, 3000?? Really? Please say this was a typo and that it was meant to read 2030. Even 2030 is far too long to make a decision that impacts public safety so greatly. The public is already at a point where the general consensus is that politicians are not to be trusted, that they are only looking out for themselves and not the people they were meant to serve. I would love for the state (and maybe just maybe the rest of the country, too) have a change of heart upon seeing the politicians of Hawai'i making intelligent and concise decisions that keep the interests of the people at the forefront.

Beyond that, I ask that you please take in the words from Sara's mother, Chevy Yara, in earnest. You have the power to potentially help heal her broken heart.

With that, I thank you for your time.

Sincerely,

Michelle West