



## *The Judiciary, State of Hawai'i*

### Testimony to the Thirty-Third State Legislature, 2025 Session

#### Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair

Wednesday, March 19, 2025, 2:00 p.m.  
Conference Room 325 &  
Via Videoconference

By:

Michelle D. Acosta  
Deputy Chief Court Administrator  
District Court of the First Circuit

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**Bill No. and Title:** Senate Bill No. 1667, SD2 HD1 – Relating to Transportation

**Purpose:** Prohibits any vehicles from blocking marked crosswalks. Requires a person under arrest who refuses to submit to a breath, blood, or urine test to surrender their license to a law enforcement officer. Increases the duration of the suspension of a license when a person is arrested for driving under the influence and refuses to submit a breath, blood, or urine test. Establishes requirements for the State Highway Safety and Modernization Council. Authorizes the State Highway Safety and Modernization Council to select potential areas for the Department of Transportation to install additional photo red light imaging detector systems. Authorizes the Department of Transportation to implement additional automated speed enforcement systems in school zones as designated by the Safe Routes to School Advisory Committee. Requires annual reports. Requires the Department of Transportation to collaborate with the courts before any expansion of the safety camera systems. Appropriates funds. Effective 7/1/3000. (HD1)

#### **Judiciary's Position:**

The Judiciary takes no position on the merits of the bill and submits the following concerns for the Legislatures consideration.

There are many transportation safety amendments within this measure, including provisions that would allow for 25 additional photo red light imaging detectors, selected by the State Highway Safety and Modernization Council, and 25 additional automated speed enforcement systems in school zones, designated by the Safe Routes to School Advisory Committee. The Judiciary has concerns regarding the volume of citations that may be generated from the expansion of these systems as contemplated in Sections 6 and 7 of this measure, and requests that any expansion be made in consultation with both the community and the Judiciary.

Based on available data, the 10 intersections with existing red-light photo detection systems in Honolulu issued an average 1,991 citations per month in 2024. In a recent KHON2 News story from January 2025 it was reported that during a one-week period the automated speed camera system recorded 22,000 vehicles exceeding the posted speed limit by at least 11 miles per hour. The Judiciary is concerned about the effects the potential volume of citations will have on the district courts.

These citations must be processed by the district courts. The high volume would likely overwhelm current court resources. The third-party vendor selected by the Department of Transportation would provide electronic copies of traffic citations to the district courts throughout the state. However, the Judiciary's Information Management System (JIMS) is not currently equipped to pull data from the law enforcement citations and transfer the data into court records. Instead, all of the information in the citations (name, address, driver's license number, location of the offense, vehicle make and model, vehicle license plate, etc.) is manually entered by court staff into JIMS, similar to the way that handwritten notes on a receipt need to be manually entered into a billing system in order to create an invoice. Once that information is manually entered by court staff, court staff then processes requests for hearings, written statements from motorists contesting the citations or explaining mitigating circumstances, schedules court dates, and prepares minutes from court hearings. A dramatic increase in traffic citations would likely overwhelm current court resources, potentially to the detriment of other types of cases heard by district court and could also result in the backlog of processing these citations.

The Judiciary's Information Technology Systems Department (ITSD) is looking for technological solutions to efficiently receive and process the high volume of electronic citations. This process of developing and procuring the most appropriate solution will require time and possibly an appropriation. In addition, the Judiciary may require an increase in court personnel to manage steps in the process that cannot be resolved with technology. For example, reviewing written statements and conducting court hearings. The Judiciary requests that any expansion of the red-light and/or speed camera system take into consideration the impact on the district courts statewide and allow adequate time for the courts to work with the Department of Transportation prior to expanding the traffic enforcement camera systems.

The Judiciary appreciates the recognition of the amendment in Section 7 requiring that any expansion shall account for the impacts on the district courts and providing the courts with

Senate Bill No. 1667 SD2 HD1, Relating to Transportation  
House Committee on Judiciary & Hawaiian Affairs  
Wednesday, March 19, 2025

up to six months collaboration time with the department of transportation. The Judiciary would anticipate an appropriation of approximately \$750,000.

Thank you for the opportunity to testify on this measure.

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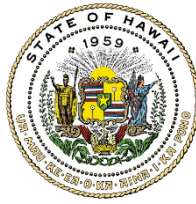
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## **SB1667 SD2 HD1: RELATING TO TRANSPORTATION**

### **Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs:**

The Office of the Public Defender (OPD) **opposes SB1667 SD2** (“the Bill”). Specifically, the OPD opposes Section 4 of the Bill which seeks to substantially increase the period of license suspension under Hawai‘i Revised Statutes (“HRS”) § 291E-65(c) for drivers under the age of twenty-one years who are arrested for operating a vehicle after consuming a measurable amount of alcohol and refuse to submit to testing.

### **Current statutory scheme:**

HRS § 291E-64 sets forth the offense of Operating a Vehicle Under After Consuming a Measurable Amount of Alcohol; Persons Under the Age of Twenty-One. Under that section, it shall be unlawful for any person under the age of twenty-one years to operate any vehicle with a measurable amount of alcohol.<sup>1</sup>

HRS § 291E-65, sets forth the penalties where a person under the age of twenty-one who has been arrested for operating their vehicle while operating their vehicle with a measurable amount of alcohol refuses to submit to a breath or blood test. Under this section, as soon as practicable after arrest, the officer must submit an affidavit to a district court judge stating that: (1) the officer had probable cause to believe the arrested person was under the age of twenty-one and had been operating a vehicle on a public way, street, road, or highway with a measurable amount of alcohol; (2) that the arrested person was informed that they may refuse to submit to a breath or blood test; (3) that the person refused to submit to a breath or blood test; (4) that the arrested person was informed of the sanctions for

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<sup>1</sup> By contrast, under HRS § 291E-61 a person over twenty-one must have a BAC of .08 grams of alcohol per two hundred liters of breath.

refusing to submit to testing; (5) that the arrested person was asked if they still refused to submit to testing; and (6) the arrested person continued to refuse. Within twenty-one days after receipt of the officer's affidavit, the district court must hold a hearing to determine whether: (1) the officer had probable cause to believe that the person was under the age of twenty-one had been operating a vehicle on a public way, street, road or highway with a measurable amount of alcohol; (2) that the person was lawfully arrested; (3) that the person was informed that they may refuse to submit to a breath or blood test; (4) that person refused to submit to a breath or blood test; (5) that the person was informed of the sanctions for refusal; (6) that the person was asked whether they still refused to submit to testing; and (7) that the person continued to refuse. If the judge finds the statements in the officer's affidavit to be true, the judge shall suspend the person's license for twelve months for a first suspension or a suspension not preceded within a five-year period by a suspension under HRS § 291E-65 or for between two years and five years for any subsequent suspension.

#### **Effects of Section 4 of the Bill:**

Section 4 of the Bill seeks to amend HRS § 291E-65 by increasing the periods of suspension for refusal to submit to testing under HRS § 291E-65 from one year to three years on a first refusal and from two to five years to three to five years for a subsequent refusal.

#### **The increase in penalties under the Bill is unnecessary and disproportionate:**

The drastic increase in penalties set forth under the Bill would make the license suspension for a person who simply refuses testing greater than the license suspension for a person who actually operates their vehicle with a measurable amount of alcohol. This is unnecessary and disproportionate.

A person who is found to have violated HRS § 291E-64 by operating their vehicle with a measurable amount of alcohol would have their license suspended for (a) one hundred eighty-days for a first violation or a violation not preceded within a five-year period by a prior alcohol enforcement contact or (b) up to two years for a violation that occurs within five years of two prior law enforcement contacts.

Under the Bill, if a judge simply finds probable cause that a person who has operated their vehicle with a measurable amount of alcohol has refused to submit to testing the person would have their license suspended for three years for the first suspension and three to five years for any subsequent suspension.

It is unnecessary and disproportionate to punish a person more severely for simply refusing to submit to testing than for actually driving with a measurable amount of alcohol.

In fact, under the Bill, a person under the age of twenty-one who refused to submit to testing would be subject to a longer license suspension than a person over the age of twenty-one who refused to submit to testing. For a driver who is over twenty-one with no prior alcohol or drug enforcement contacts within ten years preceding the administrative revocation, the period of license revocation for a refusal to submit to testing is two years (see HRS § 291E-41(c)). It is unnecessary and disproportionate to impose a one-year longer license suspension for refusal to submit to testing on a driver under the age of twenty-one than a driver over the age of twenty-one.

**An unnecessarily long license suspension will have adverse effects and these affects will disproportionately impact lower-income persons:**

Some of the negative impacts of license suspensions are: (1) transportation challenges due to inability to drive to work, school, medical appointments or run errands, which can disrupt daily life; (2) legal consequences when people who are under long suspensions are compelled to drive for necessary purposes; (3) employment impacts due to lost job prospects or job loss; and (4) financial burdens to navigate legal challenges associated with a suspended license. Drastically increasing the length of license suspensions will further exacerbate these issues.

License suspensions disproportionately affect lower-income persons. As the license suspension process is a civil, not criminal, issue, persons subject to license revocation for refusals to submit to testing are not entitled to legal counsel. Persons who cannot afford legal counsel must therefore navigate the revocation process on their own. This means that lower-income persons who cannot afford an attorney will be at a distinct disadvantage in the process and will be more likely to receive license suspensions. Persons whose licenses are suspended have their ability to get to work, school, access essential services and maintain employment disrupted, further exacerbating their financial hardships. Drastically increasing the length of license suspensions will further exacerbate these issues for lower-income people.

**Conclusion:**

The OPD acknowledges the issues caused by drunk driving – traffic injuries and deaths, economic impacts and public safety are all legitimate concerns. However, the Bill does not provide any justification as to how drastically increasing the period of license suspension will address these concerns. **Section 4 of the Bill is unnecessary as there are already penalties in place for persons who refuse to submit to testing that range from one year to five years** (see current version of HRS § 291E-64). In order to justify drastically increasing these already-existing penalties, there should be some objective justification or some rationale that establishes that the increase will achieve some particular goal. The Bill contains no supporting preamble and sets forth no objective justification or rationale for

increasing the penalties. At a minimum, the Bill should be supported by statistics, data or studies to establish why a drastic increase in the periods of suspension are necessary – absent such justification, Section 4 of the Bill should be stricken.

Thank you for the opportunity to comment on this measure.

March 19, 2025

To: Rep. David Tarnas, Chair; Rep. Mahina Poepoe, Vice Chair and Members of the  
Committee on Judiciary & Hawaiian Affairs

From: Arkie Koehl, Public Policy Committee Chair; Mothers Against Drunk Driving  
(MADD) Hawaii

Re: Senate Bill 1667 SD2, HD1 – RELATING TO TRANSPORTATION.

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I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of Senate Bill 1667 SD2 HD1.

However, we suggest the Committee address what we and others see as somewhat ambiguous language regarding refusal to submit to a breath or blood test; specifically if the intent of amendments to 291E-65 on page 3 lines 14-20 and page 4 lines 1-5 is for increases in revocation periods for only persons under the age of 21 (291E-65 says “if a person under arrest for operating a vehicle after consuming a measurable amount of alcohol, pursuant to section 291E-64, refuses to submit to a breath or blood test, ...,” but 291E-64 is for operating a vehicle after consuming a measurable amount of alcohol; persons under the age of 21.)

Thank you for the opportunity to submit this testimony.

Arkie Koehl





## Testimony of the Oahu Metropolitan Planning Organization

### Senate Committee on Judiciary and Hawaiian Affairs

03/19/2025 2:00 PM  
CR 325 & Videoconference

### SB 1667 SD2 HD1 RELATING TO TRANSPORTATION

Dear Chair Tarnas, Vice Chair Poepoe and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB1667 SD2 HD1** which makes changes to and appropriates funds for various transportation safety efforts and penalties regarding poor driving behaviors including impaired driving and speeding.

This bill will help us achieve our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities increased ten percent between 2023 and 2024 in Hawaii and speeding and impaired driving are some of the biggest causes of traffic fatalities and serious injuries. In 2024, the State of Hawaii Department of Transportation conducted an annual [behavioral study](#), and nearly one-quarter of respondents admitted to exceeding the speed limit by more than 20 miles per hour, and over half exceeded the speed limit by 10-20 miles per hour in the last six months. Statistics provided by the [Honolulu Police Department](#) and [State of Hawaii Department of Health](#) indicate that nearly half of traffic fatalities on Oahu and within the State of Hawaii are caused by impaired driving.

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.



**Testimony for Hawai'i Appleseed Center for Law and Economic Justice**  
**Support for SB1667 - Relating to Transportation**  
**House Committee on Judiciary & Hawaiian Affairs (JHA)**  
**March 19, 2025 at 2PM**

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Dear Chair Tarnas, Vice Chair Poepoe, and members of the JHA committee,  
Mahalo for the opportunity to express **SUPPORT for SB1667**, which establishes a number of provisions to improve pedestrian safety, including prohibiting vehicles from marked crosswalks, authorization of automated speed enforcement, pedestrian lead intervals, and others. We also provide a number of suggested amendments.

With the State's growing cost of living, including transportation costs, as well as our climate and energy crises, it is vital that we prioritize funding to improve the safety, accessibility, and affordability of non-vehicular modes of transportation. Unfortunately, despite the urgent need to decrease automobile dependency, pedestrian injuries and fatalities are on the rise.

We believe one of the most powerful components of SB1667 is the provision for leading pedestrian intervals (LPIs). LPIs are an under-utilized Federal Highway Administration (FHWA) proven safety countermeasure in Hawai'i. LPIs increase pedestrian visibility, reduce conflicts between drivers and pedestrians, improve the likelihood of drivers yielding to pedestrians, and protect our most vulnerable roadway users. FHWA estimates that LPIs can achieve a 13% reduction in pedestrian-related crashes at intersections.<sup>1</sup> However, in cities where LPI strategies have been implemented, even greater safety benefits have been measured. For example, in 2019, Seattle adopted a new policy to evaluate adding a LPI whenever a new traffic signal was built or repaired. At locations where LPI's had been installed in Seattle saw a 48% reduction in pedestrian turning collisions and a 34% reduction in serious injury and fatal pedestrian collisions.<sup>2</sup>

The 2023 Vulnerable Road User Safety Assessment for Hawai'i noted that 57% of pedestrian crashes happen at intersections, demonstrating the large possibility of such a safety intervention. Unlike the many pedestrian infrastructure across our state, this one solution is completely operational and thus

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<sup>1</sup> U.S Dept. of Transportation, Federal Highways Administration. (2024). *Leading Pedestrian Interval*. Webpage. Available at: <https://highways.dot.gov/safety/proven-safety-countermeasures/leading-pedestrian-interval>.

<sup>2</sup> Seattle Department of Transportation. (2024). *Leading Pedestrian Intervals*. Webpage. Available at: <https://www.seattle.gov/transportation/projects-and-programs/safety-first/vision-zero/leading-pedestrian-interval>.

available at a much lower cost. Thus, it is a “low-hanging fruit” in that it is an extremely low cost strategy to increase the safety of pedestrians and bicyclists.

### **Suggested Amendments**

Hawai‘i Appleseed would like to elevate the concerns from the State of Hawai‘i Judiciary, regarding the difficulties in processing the high number of citations to be generated through automated speed enforcement. As such, Hawai‘i Appleseed suggests that SB1667 should explicitly **state that any expansion of the red light and/or speed camera system take into consideration the impact on the district courts statewide and allow adequate time for the courts to work with HDOT prior to expanding the traffic enforcement camera system (Sections 5 and 6).**

Hawai‘i Appleseed also has concerns regarding the punitive nature of some of the provisions currently included in the bill. As such, Hawai‘i Appleseed suggests that SB1667 should:

- **Lower maximum fines associated with vehicles blocking crosswalks to be no more than \$50 (Section 1).** While Hawai‘i Appleseed understands the pedestrian safety risks associated with vehicles blocking crosswalks, we are concerned with the regressive nature of the proposed fines for this violation (currently proposed no greater than \$500). This level of fine could be detrimental to low-income residents and could likely turn into debt and damaged credit. To be in line with other parking violations, we believe this fine should be no more than \$50.
- **Remove the bill’s amendments to HRS 291-2 (Section 2(2) and Section 2(3)) and HRS 291E-65 to increase license suspension periods (Section 4).** While Hawai‘i Appleseed supports the intent to reduce reckless and intoxicated driving, we also recognize that many residents depend on driving for their economic livelihood. Increasing the license suspension period for applicable individuals from twelve months to three years (as proposed in Section 4) for the refusal of breath, blood, or urine tests, could have profound negative impacts to residents. Before imposing such a drastic punitive change, we suggest that license suspension be further studied, to better understand impacts, and to gauge if increases to license suspension periods are the most effective way to reduce the prevalence of reckless and intoxicated driving.

Lastly, we believe it’s important to strengthen the bill’s requirements regarding leading pedestrian intervals. As such, Hawai‘i Appleseed suggests that the language of Section 5(b) of SB1667 be amended to read:

- (1) **Upon the first placement or replacement of a state owned or operated traffic actuated signal, a traffic actuated signal shall be installed and maintained to have a leading pedestrian interval and shall include the installation, activation, and maintenance of an accessible pedestrian signal and detector.**
- (2) **The department of transportation shall install a leading pedestrian signal on no less than twenty-five existing intersections with traffic actuated signals on an annual basis. In installing a leading pedestrian signal, the department of transportation shall prioritize installation of leading pedestrian signals at intersections with high collision rates.**

(3) ~~The state highway safety and modernization council, in coordination with the department of transportation, may select up to ten intersections where the department of transportation may install photo red light imaging detector systems in addition to those currently operating, pursuant to chapter 291J, where feasible on an annual basis; provided that pedestrians have no less than a four second lead time to begin crossing the intersection before vehicles being permitted to proceed at each~~ **The department of transportation shall install a leading pedestrian signals at** intersection where a photo red light imaging detector system is installed; provided further that citations shall not be issued for any photo red light imaging detector system installed pursuant to this subsection before January 1, 2027.

**(4) For purposes of this section:**

**“Accessible pedestrian signal and detector” means an integrated device that communicates information about the “WALK” and “DON’T WALK” intervals at signalized intersections in nonvisual formats, including audible tones, speech messages, and vibrotactile surfaces, to pedestrians who are blind or have low vision.**

**“Intersections with high collision rates” means intersections where one or more collisions with a pedestrian or bicyclist, resulting in a serious injury or fatality, has occurred in the last ten years.**

**“Leading pedestrian interval” means an official traffic control signal that advances the “WALK” signal for three to seven seconds while the red signal halting traffic continues to be displayed in parallel through or turning traffic.**

Mahalo for the opportunity to testify on this important measure.



Abbey Seitz

Director of Transportation Equity

Hawai'i Appleseed Center for Law and Economic Justice

**SB-1667-HD-1**

Submitted on: 3/17/2025 8:54:54 PM

Testimony for JHA on 3/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose the speed and red light camera system.The police need to be citing more people.