

**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2026, S.D. 1, RELATING TO TRAFFIC SAFETY.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 26, 2026 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Michael J.S. Moriyama,
Deputy Attorney General, at (808) 587-2979)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of this bill is to require drivers approaching any emergency or stationary vehicle whose emergency lights are flashing to slow down to a specific speed depending on the posted speed limits and change lanes if necessary and safe to do so.

Section 2 of the bill, on page 2, line 7, through page 3, line 7, amends section 297-27(a), Hawaii Revised Statutes (HRS), by requiring drivers approaching an emergency vehicle or any stationary vehicle whose emergency lights are flashing or has other warning signs displayed to slow down to a specific speed depending on the posted speed limit, and change lanes if necessary and safe to do so.

The Department is concerned that the bill does not include other potential causes that result in a stationary vehicle. Section 297-27(a), on page 2, lines 11-16, does not provide for vehicular warning signs, in addition to nonvehicular warning signs, as a condition notifying approaching drivers that a stationary vehicle is stopped. For example, if a stationary vehicle is stopped due to an electrical failure, the vehicle's emergency lights may be inoperable. Raising the hood (or trunk lid) of such a stationary vehicle will provide notice to approaching drivers that the stationary vehicle is stopped

and, as a result, the approaching driver needs to slow down and change lanes if necessary and safe.

The Department is also concerned that the bill, as written, may create enforceability issues. Section 297-27(a)(1), on page 2, line 17, through page 3, line 7, requires drivers approaching an emergency or stationary vehicle to slow down to a specific speed depending on the posted speed limit, requiring proof that an approaching driver did not slow down to the specified reduced speed. However, if no law enforcement officer is present, witnesses (such as an ambulance crew) may be unable to establish the specific speed of the approaching driver which would be necessary to prove a violation. Even if a law enforcement officer is present, the officer may be unable to ascertain the specific speed of an approaching vehicle while engaged in rendering aid or otherwise attending to official duties. The Department recommends deleting the requirement that approaching drivers slow down to specific speeds, depending on the posted speed limits, and including wording that approaching drivers be required to change lanes if possible and safe to do so.

The Department is further concerned that the bill, section 297-27(a)(2), on page 3, lines 10-13, requires drivers approaching an emergency or stationary vehicle to change lanes only if necessary, and not if possible, limiting protection to individuals on the roadside attending to an emergency or other road or vehicular situation.

To address the Department's concerns, the Department recommends that the amendments to section 291C-27(a) in section 2 of the bill at page 2, line 7, through page 3, line 13, be revised as follows (changes Ramseyered against the current version of section 291C-27(a), with our suggestions indicated in bold):

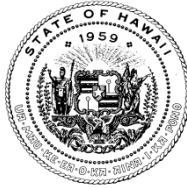
(a) A driver of a vehicle that is approaching an emergency vehicle that is stopped for an emergency, investigation of a possible traffic violation, rendering assistance to a police officer, or other official duties, or any stationary vehicle that is stopped in any location on the roadway, shoulder, or roadside as indicated by the flashing emergency lights or warning signals, including vehicle hazard warning lights, road flares, traffic cones, caution signs, or any **vehicular warning**

signs or nonvehicular warning signs of the stopped emergency or stationary vehicle, shall:

- (1) Slow down to a reasonable and prudent speed that is safe under the circumstances ~~[of an emergency road situation ahead. Reasonableness and prudence shall take into account weather conditions, road conditions, and vehicular and pedestrian traffic in the immediate area]~~. If necessary, the driver shall come to a complete stop ~~[before making a lane change under paragraph (2); and]; or~~
- (2) [Make] If possible and safe to do so, make a lane change into the adjacent lane ~~[if necessary and if it is safe to do so, or if possible, to two lanes over which leaves one lane between the driver and the emergency vehicle]~~.

We respectfully ask the Committee to pass this bill with the recommended amendments.

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



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

LATE

February 26, 2026
10:00 A.M.
State Capitol, Conference Room 016

**SB2026, SD1
RELATING TO TRAFFIC SAFETY**

Senate Committee on Judiciary

The Department of Transportation (DOT) supports SB2026, SD1.

This bill amends Hawaii Revised Statutes §291C-27 to require drivers approaching stationary vehicles stopped on the shoulder, roadside, or any location on the roadway due to traffic collisions or mechanical problems to slow down and make a lane change if necessary. The legislation specifically applies to vehicles displaying hazard warning lights or other recognized safety signals such as road flares, traffic cones, or caution signs.

The DOT supports this measure because it enhances traffic safety for all road users, particularly those who are stopped on the roadside due to vehicle malfunctions or accidents. As highlighted in the bill's findings, nearly 3,600 fatalities nationwide occurred between 2014 and 2022 when individuals were stranded in or near disabled vehicles. By expanding the "move over" law to include all stationary vehicles displaying warning signals, this legislation aligns Hawaii with the practices of 29 other states that have already adopted similar protections.

In alignment with the Director's feedback, the DOT recommends simplifying subsection (1) and (2) of §291C-27 by establishing clear and consistent speed-reduction. Specifically, drivers should be required to reduce their speed by at least twenty miles per hour below the posted speed limit when approaching or passing stopped emergency, law enforcement, tow, or other qualifying vehicles. For locations where the posted speed limit is 30 miles per hour or lower, drivers should instead be required to proceed at 5 miles per hour. This simplified approach eliminates the need for on-the-spot calculations during stressful conditions, improves driver understanding, and enhances compliance and safety outcomes for roadway responders and all road users.

Additionally, the bill removes the definition of "stationary vehicle," streamlining the language while maintaining clarity and consistency. The purpose of the Act has been updated to reflect its expanded scope, emphasizing the need for enhanced protection for motorists, emergency responders, and roadside workers.

This bill reinforces the importance of responsible driving behavior and aligns with the DOT's Vision Zero goals aimed at eliminating traffic-related deaths and serious injuries. It also reflects our commitment to improving road safety through proactive legislative measures.

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

February 26, 2026

Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice-Chair
Members of the Senate Committee on Judiciary

Re: SB 2026_SD1 Relating to Stationary Vehicles; Traffic Safety; Duty of Approaching Vehicle

AAA Hawai'i is proud to sponsor Senate Bill 2026_SD1. If enacted, the measure would align Hawai'i's "Slow Down, Move Over" (SDMO) law with 29 states and the District of Columbia by requiring drivers approaching any stranded, stationary vehicle to move into an adjacent lane when possible, or, if unsafe or impracticable, slow to specified speeds. As amended, SB 2026_SD1 applies at "any location on the roadway, shoulder, or roadside" and prohibits motorists from exceeding designated maximum speeds based on the posted speed limit.

Background

The first SDMO law in the United States was passed in South Carolina in 1996, after a paramedic named James Garcia was seriously injured by a passing motor vehicle. The injured victim received a traffic citation, but the driver of the striking vehicle did not. This inspired Mr. Garcia to change the law and set off a wave of similar laws across the country. By 2012, all 50 states had enacted SDMO laws, with the minimum goal to protect emergency responders working along roadsides.

In passing HB2030 (Act 318) in 2012, Hawaii became the 50th and final state to a SDMO law that covered emergency vehicles and tow trucks. HB 2030 required motorists to slow down and change lanes, if necessary and safe to do so, when passing a stationary emergency vehicle or tow truck. "Emergency vehicle" was defined as police or fire, ocean safety, emergency medical services, or freeway service patrol. The state later added vehicles with Sheriff Divisions, Hawaii Emergency Management Agency, County Emergency Management agencies, Civil Defense, Harbors Division, and Division of Conservation and Resources Enforcement in 2015 (HB436, Act 192).

Hawaii's current SDMO law is confusing and difficult to follow. It applies only to tow trucks and certain public agency vehicles yet expects motorists to know exactly when and where it applies. In practice,

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drivers often do not. SB2026 preserves existing protections for emergency vehicles while extending protections to all vehicles in distress—especially the most vulnerable road users. Unlike trained professionals, most motorists are not equipped to safely stand on the shoulder of high-speed highways.

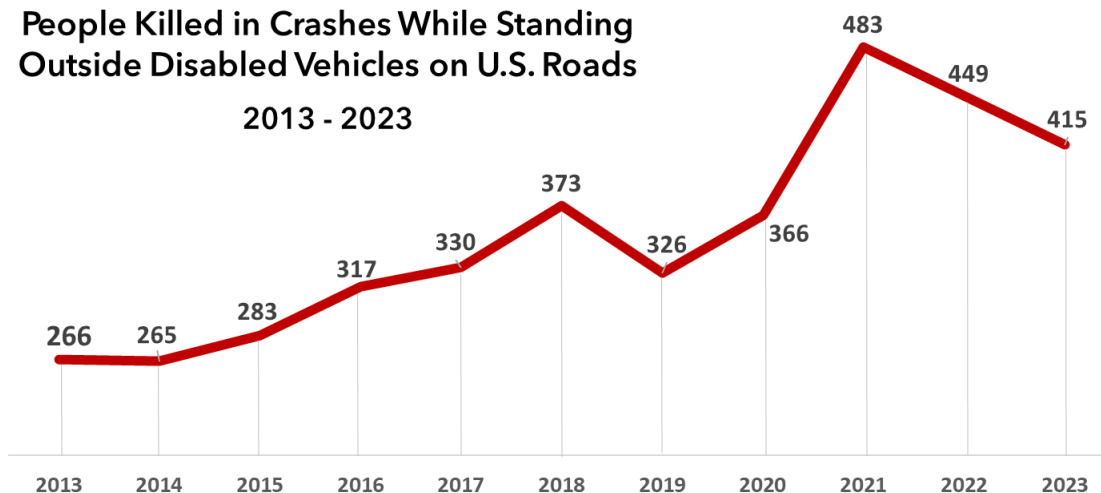
All Stationary Vehicles

SB 2026_SD1 requires a person driving a vehicle on a highway approaching any stationary vehicle that is stopped on the shoulder or roadside due to a traffic collision or vehicle maintenance or mechanical problem to approach with caution, slow to specified speeds, and change lanes.

The AAA Foundation for Traffic Safety (AAAFTS) reviewed the Fatality Analysis Reporting System (FARS) for the number of people killed in crashes while outside a disabled vehicle (2014-2023). In 2021, 483 truck drivers, delivery workers, motorists, and passengers were among those killed while outside of disabled vehicles on highways nationwide. Between 2014 and 2023, total number of people killed outside disabled vehicles in the US was over 3,600. Hawai'i experienced at least 9 fatalities of this type during this period, which is commensurate with other states with similar population in size.

People Killed in Crashes While Standing Outside Disabled Vehicles on U.S. Roads

2013 - 2023

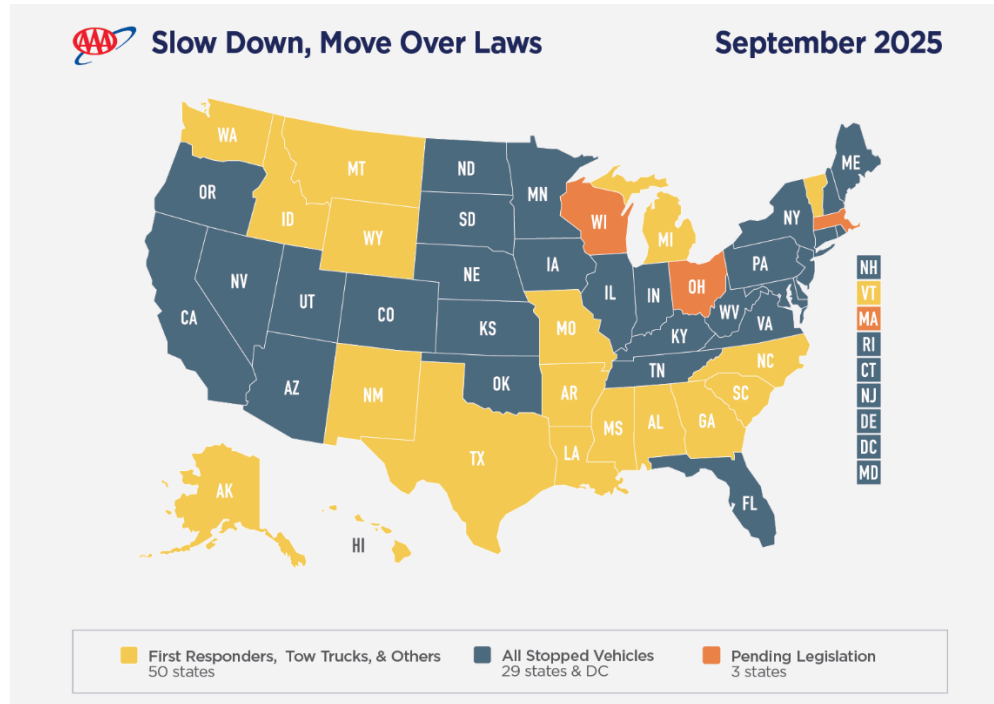


SOURCE: Data from National Highway Traffic Safety Administration's Fatality Analysis Reporting System (FARS). Analysis by AAA Foundation for Traffic Safety. Data from years 2014-2022 are considered final; 2023 data may be revised later.

It is important to note that the AAAFTS analysis only reflects the number of people killed while outside vehicles. A separate report by the Safe Transportation Research and Education Center (SafeTREC) at University of California at Berkeley found over 1,200 individuals were killed in 2022 nationwide because, in many cases, drivers maneuvered too close or fast near parked cars, including road work vehicles or equipment. Most of these fatalities are drivers and passengers inside striking motor vehicles. While the overall concern is that drivers are approaching too fast and close to people and objects on highways, it remains clear those outside vehicles are most vulnerable to serious injury and fatal outcomes when struck by fast moving cars and trucks.

Hawai'i is in the bottom half of the nation without SDMO protections for all stopped vehicles. Since 2011, 29 states plus the District of Columbia have enacted laws requiring motorists to move over a lane and/or slow to a specified speed when approaching disabled or stationary vehicles displaying warning signals. And more states are considering such an enhancement this year. Most states changed their

laws following a 2021 report that hundreds of people are killed and thousands injured each year in crashes involving stopped or disabled vehicles. That report also showed the annual societal cost of those crashes (2016 to 2018) totaled around \$8.8 billion in medical payments, lost wages, and the less easily quantified costs of death or disability.ⁱ As Hawai'i continues to prioritize highway safety, comprehensive legislation is essential to ensure meaningful protection for all vulnerable road users.



Slow Down to Specified Speed Limits

As amended, SB 2026_SD1 requires drivers passing emergency or stationary vehicles stopped in any location in emergency situations to pass a no more than 20 mph below the maximum speed limit on roadways with a speed limit greater than or equal to 30 mph; and no more than 5 mph when the posted speed limit is less than 30 mph. According to a recent AAFTS report about factors that influence driver compliance with SDMO laws, at least 13 states have already adopted this approach. Focus group responses indicated this approach could provide some practical guidance.ⁱⁱ

Comprehensive Approach

AAA recognizes SDMO laws alone will not eliminate all roadside collisions and, more importantly, every driver has a role in keeping our roads safe. However, SDMO laws like SB 2026_SD1 provide an important tool in encouraging drivers to keep a safe distance and speed when approaching other road users. AAA is committed to a comprehensive approach in reducing roadside collisions nationwide. Our education, research, and advocacy priorities are focused on preventing associated dangerous behaviors (like impaired, drowsy, and distracted driving), increasing awareness of SDMO laws, supporting law enforcement, and exploring greater use of vehicle technology (like advance warning systems).

There are nearly 1 million licensed drivers in Hawai'i navigating road conditions that can easily leave them stranded on roadsides. While flat tires, empty fuel tanks or batteries, car collisions, and mechanical problems are common occurrences, life-threatening experiences should not be. In these and similar conditions, we believe a law requiring motorists to move over or slow down for stranded vehicles, and pedestrians standing on the side of highways, should be a basic part of our traffic laws. We strongly encourage a YES vote on SB 2026_SD1.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Marianne Kim". The signature is fluid and cursive, with the first name "Marianne" written in a larger, more prominent script than the last name "Kim".

Marianne Kim
Senior Public Policy Specialist

ⁱ Spicer, et al. "[Frequency and cost of crashes, fatalities, and injuries involving disabled vehicles](#)". Journal of Accident Analysis & Prevention (March 2021)

ⁱⁱ Benedick, A., De Leonardis, D., , Levi, S., Hickerson, K., Moscoso, R., Sadabadi, K. & Jacobs, T. (2025). [Slow Down, Move Over Laws: Investigating Factors Influencing Drivers' Behavior and Compliance](#) (Technical Report). Washington, D.C.: AAA Foundation for Traffic Safety.



Testimony of the Oahu Metropolitan Planning Organization

Senate Committee on Judiciary

02/26/26 10:00 AM
CR 016 & Videoconference

SB2026 SD1 RELATING TO TRAFFIC SAFETY

Dear Chair Rhoads Vice Chair Gabbard, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB2026 SD1** which requires drivers of vehicles approaching stationary motor vehicles stopped in any location on the roadway, shoulder, or roadside to slow down and make a lane change if necessary.

This bill supports our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities in Hawaii increased over twenty (20) percent between 2024 and 2025; most alarming, Oahu saw an increase of over sixty (60) percent in fatalities in the same period. A 2011 study conducted by [AAA Foundation for Traffic Safety](#) found that the average risk of death for a pedestrian reaches 50% at an impact speed of 42 MPH, 75% at 50 MPH, and 90% at an impact speed of 58 MPH. This has put our first responders and individuals stopped on shoulders or roadside at tremendous risk when addressing traffic collisions, vehicle maintenance, or mechanical issues.

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 IN SUPPORT OF SB 2026 SB1

Senate Committee on Judiciary Hearing: February 26, 2026

Position: SUPPORT

To Chair Karl Rhoads, Vice Chair Mike Gabbard, and distinguished members:

The Keiki Injury Prevention Coalition Keiki to Kupuna Program, in partnership with Walk Wise Hawaii, educates the public on pedestrian and bicycle safety as well as driver awareness.

We submit this testimony in support of SB 2026 SD1, which requires drivers of vehicles approaching stationary motor vehicles stopped in any location on the roadway, shoulder, or roadside to slow down and, if necessary, make a lane change.

We appreciate the bill addressing the need to expand protections to all motorists stopped on the roadway. This bill will help encourage drivers to be aware and keep safe distances and speeds when approaching those stopped on the roadway while in distress. This bill aligns with state goals of reducing traffic fatalities, especially for our most vulnerable road users.

Thank you for the opportunity to provide testimony on this measure.

Sincerely,

Lisa Dau, RN

Injury Prevention Coordinator

Keiki Injury Prevention Coalition

SB-2026-SD-1

Submitted on: 2/24/2026 10:38:47 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad K Taniguchi	Individual	Support	Written Testimony Only

Comments:

Senator Rhoads and members of the Judiciary Committee. Please amend, improve, and pass this bill in memory of the two Honolulu Police Officers killed on our freeways in separate crashes in 2011--Officers Garrett Davis and Eric Fontes. <https://www.honolulupd.org/information/motor-vehicle-safety/>

The two objectives for this bill are to **require** other vehicles to MOVE OVER WHEN SAFE TO DO SO for freeways and roads with 2+ lanes in each direction. IF THERE ARE NOT TWO LANES IN EACH DIRECTION, THEN IT REQUIRES VEHICLES TO SLOW DOWN.

The current law as amended in SB2026sd1 could be improved by **requiring** the vehicle to MOVE OVER ONE LANE WHEN IT IS POSSIBLE (more than one lane in each direction) AND SAFE TO DO SO. Current law with language to move over "IF NECESSARY" leaves too much discretion to the driver and **does not** require MOVE OVER WHEN POSSIBLE AND SAFE.

IF THERE IS ONLY ONE LANE IN EACH DIRECTION, THEN THE VEHICLE IS REQUIRED TO SLOW DOWN TO SPECIFIED SAFE SPEED LIMITS.

Please consider the language of [Florida - Chapter 316. 126 \(1\)\(b\)1 & 2](#) as a possible model.

(b) If an authorized emergency vehicle displaying any visual signals is parked on the roadside, a sanitation vehicle is performing a task related to the provision of sanitation services on the roadside, a utility service vehicle is performing a task related to the provision of utility services on the roadside, a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, a road and bridge maintenance or construction vehicle displaying warning lights is on the roadside without advance signs and channelizing devices, or a disabled motor vehicle is stopped and is displaying warning lights or hazard lights; is stopped and is using emergency flares or posting emergency signage; or is stopped and one or more persons are visibly present, the driver of every other vehicle, as soon as it is safe:

1. Shall vacate the lane closest to the emergency vehicle, sanitation vehicle, utility service vehicle, wrecker, road and bridge maintenance or construction vehicle, or disabled motor vehicle when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle, sanitation vehicle, utility service vehicle, wrecker, road and bridge maintenance or construction vehicle, or disabled motor vehicle except when

otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed as provided in subparagraph 2.

2. Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

(c) The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Move Over Act. The department shall provide information about the Move Over Act in all newly printed driver license educational materials.

The question has been raised whether using specific (safe) speed limits will be difficult to enforce because it would require an officer with a speed gun at the time of citation. Perhaps inquiry can be made of prosecutors in FL on their success in such prosecutions.

It may be, however, that the primary benefit of the law is public awareness and education vs enforcement. If PSAs and driving tests can educate about the law --MOVE OVER WHEN POSSIBLE AND SAFE, OR SLOW DOWN TO SAFE SPEEDS WHEN NOT POSSIBLE TO MOVE OVER--that may be the main point. The potential difficulty of enforcement may be secondary to having clear speed limits delineated for education purposes.

Thank you very much.