

Honolulu, Hawaii

MAR 17 2006

RE: H.B. No. 2639
H.D. 2
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Transportation and Government Operations,
to which was referred H.B. No. 2639, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE
OPERATING A MOTOR VEHICLE,"

begs leave to report as follows:

The purpose of this measure is to create a category of
"highly intoxicated driver" for a person with a 0.15 or more grams
of blood or breath alcohol reading for the purpose of enhanced
penalties under driving while intoxicated law.

This measure would provide an administrative penalty of a
six-month revocation of license and of motor vehicle registration
for highly intoxicated drivers.

Your Committee received testimony in support of this measure
from the Department of Transportation; the Department of Health;
Honolulu Police Department, and Mothers Against Drunk Driving.
Testimony in opposition was received from the Public Defender.
Comments were received from the Judiciary.

Your Committee finds that persons who are highly intoxicated
are an enhanced danger while driving and deserve enhanced
penalties. According to the National Transportation Safety Board,
drivers with a high blood alcohol content pose an increased risk
of crashes, injuries, and fatalities.



According to the Department of Transportation, a person with a 0.15 percent blood alcohol level is 380 times more likely to be involved in a fatal crash than a non-drinking driver. Presently, thirty-two states and the District of Columbia have high blood alcohol laws that adopt the 0.15 standard. The most frequently recorded blood alcohol level among drinking drivers involved in fatal crashes was 0.18 percent. Fatality Analysis Reporting System data showed that in Hawaii from 2000 to 2004, there were 184 alcohol related fatal crashes that involved 196 drivers with positive blood alcohol readings. Of those 184 alcohol related fatal crashes, 85 crashes involved drivers who had blood alcohol readings of 0.15 percent or higher.

This measure adopts the national Mothers Against Drunk Driving recommendations by making sanctions for driving with a high blood alcohol concentration similar to laws for repeat offenders. Upon the recommendation of Mothers Against Drunk Driving, your Committee has amended this measure by providing for a six month driver's license revocation and plate impoundment for an administrative revocation.

Your Committee has amended this measure upon the recommendation of the Driver's License Revocation Office and Mothers Against Drunk Driving, to:

- (1) Clarify the definition of "highly intoxicated driver";
- (2) Authorize the administrative revocation hearings officer to impose up to the maximum license revocation period as specified by current law, as a housekeeping measure to comply with court rulings;
- (3) Prohibit a highly intoxicated driver from holding a conditional license permit;
- (4) Impose an absolute prohibition from operating a motor vehicle for six months as part of court sentencing;
- (5) Delete a redundant amendment to court sentencing provisions; and
- (6) Change the effective date to July 1, 2007.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Operations that is



attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2639, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2639, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Government Operations,


LORRAINE R. INOUÉ, Chair



