

Honolulu, Hawaii

February 5, 2008

RE: H.B. No. 3377

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 3377 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this bill is to promote safety on Hawaii's roadways by, among other things:

- (1) Requiring the installation of an ignition interlock device (ignition interlock), a device that prevents the starting or operating of the motor vehicle of a person with more than a minimal alcohol concentration, into the motor vehicle of a person who was arrested for driving under the influence of an intoxicant (DUII), while their case is pending and while their license is revoked;
- (2) Requiring the cost of the installation and maintenance of an ignition interlock to be borne by the defendant;
- (3) Establishing the Ignition Interlock Special Fund to be administered by the Department of Transportation (DOT) to fund the costs of installing and operating ignition interlock systems in vehicles of persons who are required to install these devices in their vehicles but who are indigent;



- (4) Changing the revocation period for a person whose record shows three or more prior alcohol enforcement or drug enforcement contacts during the five years preceding the date the notice of administrative revocation was issued, from lifetime revocation to a minimum of five years and a maximum of ten years;
- (5) Stipulating that a driver under the age of 18 who was arrested for DUII shall be subject to an additional penalty of being prohibited from driving during the period preceding the driver's eighteenth birthday, and shall be subject to the ignition interlock requirement until the license revocation is completed;
- (6) Allowing the issuance of permits authorizing the use of vehicles without ignition interlock devices if the operation of a vehicle is required for employment and stipulating when permits shall not be issued;
- (7) Requiring a one-year license revocation and installation of ignition interlock for a first DUII offense;
- (8) Increasing license revocation periods for highly intoxicated drivers and repeat DUII offenders;
- (9) Requiring the Department of Health (DOH) to establish standards and procedures for the certification of ignition interlocks and for vendors who install and maintain them;
- (10) Establishing the Hawaii Ignition Interlock Implementation Task Force (Task Force) to plan for the implementation of ignition interlock provisions contained in this bill and prepare reports and recommendations for the Legislature, including any additional proposed legislation to implement this program; and
- (11) Appropriating funds for the Task Force to carry out its responsibilities.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Mothers Against Drunk Driving HAWAII, Alliance of Automobile Manufacturers, GEICO, Property Casualty Insurers Association of America, Hawaii



Automobile Dealers Association, and Beer Institute testified in support of this bill. DOT supported the measure with an amendment. DOH, the Office of the Public Defender, and Anheuser Busch Companies supported the intent of this bill. The Department of the Attorney General supported the intent of this bill but had a number of legal comments and concerns. The Judiciary submitted comments but supported the intent of ignition interlocks.

Hawaii had the second highest percentage of alcohol-related traffic fatalities in the nation in 2005. Sadly, it appears that this statistic worsened despite efforts to curb this type of behavior because in 2006, Hawaii's alcohol-related traffic fatality rate of 52 percent was the highest in the nation. While enforcement of existing laws governing DUII has had an impact on alcohol-related traffic fatalities, more needs to be done to bring about substantial improvement.

In response to these alarming numbers, H.C.R. No. 28, H.D. 1, was passed during the 2007 Legislative Session, calling for a working group to be formed to study the issue of ignition interlocks and make recommendations leading to legislation. This measure is a result of the initial work of this working group.

Ignition interlock devices, which prohibit a vehicle from being started until the driver of the vehicle passes a breathalyzer test that is connected to the ignition of the vehicle, may be one way to stop alcohol-impaired drivers from getting behind the wheel of their vehicle. Your Committee believes that installation of this device on motor vehicles of individuals arrested for DUII would be one step toward stopping the senseless tragedies of alcohol-related traffic fatalities.

Although this measure takes a comprehensive approach to establishing and implementing an ignition interlock program in Hawaii, your Committee understands that this is a very complex issue that may require additional recodification of statutory language and still leaves many legal concerns and questions unanswered. However, this bill was intended to establish a framework upon which to build. Your Committee finds that the establishment of the Task Force to address many of these issues and concerns in addition to the length of time prior to the actual implementation of this legislation will allow Hawaii to deal with this important issue.



As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3377 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation,

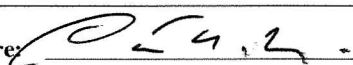
  
\_\_\_\_\_  
JOSEPH M. SOUKI, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCR 121-08

**Record of Votes of the Committee on Transportation**

<b>Bill/Resolution No.:</b> HB 3377	<b>Committee Referral:</b> TRN, JUD, FIN	<b>Date:</b> 30 January 2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>TRN Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. SOUKI, Joseph M. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. EVANS, Cindy	SYN WR	/		
4. HAR, Sharon E.	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. McKELVEY, Angus L.K.				/
8. NAKASONE, Bob	/			
9. SONSON, Alex M.				/
10. TAKAMINE, Dwight Y.	/			
11. TAKUMI, Roy M.	/			
12. MEYER, Colleen Rose				/
13. PINE, Kymberly Marcos	/			
<b>TOTAL (13)</b>	<b>9</b>	<b>1</b>		<b>3</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> 				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office				