

Honolulu, Hawaii

March 14, 2008

RE: S.B. No. 3234
S.D. 2
H.D. 1

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 S.B. No. 3234, S.D. 2, 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) on the vehicle of a person arrested for driving under the influence of an intoxicant during the period that the person's license is revoked, pursuant to Chapter 291E, Hawaii Revised Statutes, to prevent the person from starting or operating a motor vehicle with more than a minimal breath alcohol concentration;
- (2) Allowing the person to be issued a permit to operate a vehicle equipped with an ignition interlock during the revocation period;
- (3) Amending various penalties and conditions related to driver's licenses and operating a vehicle under the influence of an intoxicant;



- (4) Providing for the certification of ignition interlocks and vendors, and funding the installation of devices for the indigent by surcharges on offenders and fees on vendors;
- (5) Establishing ignition interlock minimum standards; and
- (6) Establishing the Hawaii Ignition Interlock Implementation Task Force (Task Force) to prepare for the implementation of the ignition interlock device requirement and appropriating funds for the Task Force.

The Hawai'i County Council, Department of the Prosecuting Attorney of the City and County of Honolulu, Mothers Against Drunk Driving HAWAII (MADD), and Alliance of Automobile Manufacturers supported this bill. The Department of Health (DOH) and the Department of Transportation (DOT), supported the intent of this measure. The Department of the Attorney General and Judiciary offered comments on this bill.

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 driving under the influence of an intoxicant (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 the establishment of a working group to study the issue of ignition interlocks and make recommendations leading to legislation. This measure is a result of the initial work of the working group.

Ignition interlock devices prohibit a vehicle from being started until the driver passes a breathalyzer test, and 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.



However, this is a very complex issue that needs to be further discussed. Your Committee finds that the prior version of this bill which was previously passed by the House and sent to the Senate for further consideration addressed some of the concerns expressed by those supporting this measure. As such, your Committee has amended this bill by deleting its contents and replacing its language with the language contained in H.B. No. 3377. As amended this measure, among other things:

- (1) Requires the installation of an ignition interlock on the vehicle of a person arrested for driving under the influence of an intoxicant during the period that the person's license is revoked, pursuant to Chapter 291E, Hawaii Revised Statutes, to prevent the person from starting or operating a motor vehicle with more than a minimal breath alcohol concentration;
- (2) Allows the person to be issued a permit to operate a vehicle equipped with an ignition interlock during the revocation period;
- (3) Requires the cost of the installation and maintenance of an ignition interlock to be borne by the person arrested for DUII;
- (4) Establishes the Ignition Interlock Special Fund to be administered by 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;
- (5) Changes the administrative revocation period from lifetime revocation to a minimum of five years and a maximum of ten years 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;
- (6) Stipulates 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 thereafter be subject to the ignition interlock requirement until the license revocation is completed;



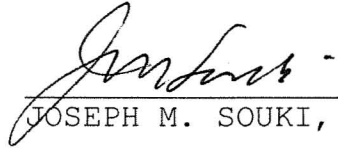
- (7) Allows the issuance of permits authorizing the use of vehicles without ignition interlock devices if the operation of a vehicle is required for employment and stipulating when permits shall not be issued;
- (8) Requires a one-year license revocation and installation of ignition interlock for a first DUII conviction in criminal court;
- (9) Increases license revocation periods for highly intoxicated drivers and repeat DUII offenders;
- (10) Requires DOH to establish standards and procedures for the certification of ignition interlocks and for vendors who install and maintain them;
- (11) Establishes the Task Force to plan for the implementation of ignition interlock provisions contained in this bill and prepare reports and recommendations to be submitted to the Legislature, including any additional proposed legislation to implement this program;
- (12) Correctly references the MADD Hawaii representative on the Task Force; and
- (13) Appropriates an unspecified amount of funds for the Task Force to carry out its responsibilities.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

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 S.B. No. 3234, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3234, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.



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



JOSEPH M. SOUKI, Chair



