

Honolulu, Hawaii

MAR 19 2008

RE: H.B. No. 3377

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Transportation and International Affairs
and Judiciary and Labor, to which was referred H.B. No. 3377
entitled:

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

beg leave to report as follows:

The purpose of this measure is to:

- (1) Require installation of an ignition interlock device on the vehicle of a person arrested for driving under the influence, which prevents the person from starting or operating a motor vehicle with more than a minimal alcohol concentration during the period that the person's case is pending and the person's license is revoked pursuant to chapter 291E, Hawaii Revised Statutes;
- (2) Amend various penalties and conditions related to licenses and operating a vehicle under the influence of an intoxicant;
- (3) Provide for certification of devices and vendors and funds installation of devices for the indigent with surcharges on offenders and fees on vendors; and
- (4) Establish the Hawaii Ignition Interlock Implementation Task Force (Task Force) to prepare for implementation and appropriate funds for the task force.



Testimony in support of this measure was received from the Department of the Prosecuting Attorney of the City and County of Honolulu, the Honolulu Police Department, the Mayor and the County Council of the County of Hawai'i, Anheuser-Busch Companies, the Alliance of Automobile Manufacturers, and Mothers Against Drunk Driving - Hawaii. The Judiciary, the Department of the Attorney General, the Department of Budget and Finance, the Department of Health, the Department of Transportation, and the Office of the Public Defender submitted comments.

Your Committees previously heard and amended a companion measure, S.B. No. 3234, S.D.1, which was further amended by the Committee on Ways and Means as S.B. No. 3234, S.D. 2. Your Committees have deleted the content of this measure and replaced it with the content of S.B. No. 3234, S.D. 2.

Specifically, the amendments:

- (1) Amend section 287-20(a), Hawaii Revised Statutes, to reference new sections in 291E-61, Hawaii Revised Statutes;
- (2) Replace the reference to section 321-161, Hawaii Revised Statutes, in the proposed new section 291E-A, Hawaii Revised Statutes, and in the proposed definition of "ignition interlock device" with a reference to the new section 291E-B that is proposed by this measure;
- (3) Add one additional new section, chapter 291E-B, Hawaii Revised Statutes, to establish standards for certification and monitoring of ignition interlock devices, to be administered by the Department of Transportation, and to confer rulemaking authority, pursuant to chapter 91, Hawaii Revised Statutes, on the Director of Transportation for the purposes of this section;
- (4) Delete section 11 of this measure, which amended section 321-161, Hawaii Revised Statutes, to establish standards for certification and monitoring of ignition interlock devices, administered by the Department of Health;
- (5) Correct a reference to the MADD member on the Task Force;



- (6) Clarify that the Task Force shall report to the Legislature on whether any conforming statutory amendments are necessary to make this measure and current law consistent with each other; and
- (7) Make technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committees are aware that some of the amendments in this measure may have additional consequences, such as the amendments made to section 287-20(a) and to section 291E-41(f), Hawaii Revised Statutes, which would extend an exemption currently afforded only first offenders to all offenders. Your Committees understand there are also a number of amendments that may be necessary to conform existing law to the final form the ignition interlock device program will take when it becomes effective in 2010. However, the ignition interlock provisions of this measure are a collaborative effort to protect Hawaii's residents and visitors from the State's extremely high alcohol-related traffic fatality rate, which was fifty-two per cent in 2006 - the highest in the nation. Your Committees believe that, because of its broad membership, the Task Force is well-suited to address the need for further amendments as it works through the details of implementing the program in the next two years.

As affirmed by the records of votes of the members of your Committees on Transportation and International Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 3377, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 3377, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and International Affairs and
Judiciary and Labor,


BRIAN T. TANIGUCHI, Chair


J. KALANI ENGLISH, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:* HB 3377 (HSCR 861-08)	Committee Referral: TIA/JDL, WAM	Date: 3-12-08
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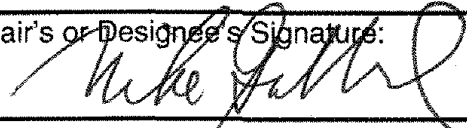
The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)	✓			
ESPERO, Will				✓
HOOSER, Gary L.				✓
INOUE, Lorraine R.	✓			
TSUTSUI, Shan S.				✓
TRIMBLE, Gordon	✓			
TOTAL	4	—	—	3

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes

