

STAND. COM. REP. NO. 3423

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3377
S.D. 2

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

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 3377, S.D. 1, entitled:

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

begs 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 of an intoxicant in order to prevent the person from starting or operating a motor vehicle with more than a minimal alcohol concentration while 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 driver's licenses and operating a vehicle under the influence of an intoxicant;
- (3) Provide for certification of ignition interlock devices and vendors and fund 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 of



the ignition interlock device requirement and appropriate funds for the task force.

Your Committee received testimony in support of this measure from the Department of Health, the Department of Transportation, the Mayor of the County of Hawaii, the Department of the Prosecuting Attorney of the City and County of Honolulu, AAA Hawaii, the Alliance of Automobile Manufacturers, and Mothers Against Drunk Driving - Hawaii. Testimony in opposition was received from the Hawaii Insurers Council and State Farm Insurance Companies. The Department of the Attorney General, the Department of Budget and Finance, and the Judiciary submitted comments.

Your Committee finds that, pursuant to House Concurrent Resolution No. 28, H.D. 1 (2007), the Department of Transportation convened a working group of government agencies and community stakeholders to study the feasibility of requiring the installation of ignition interlock devices on vehicles of persons driving under the influence offenders, including exploring and recommending procedures for the introduction of ignition interlock technology to Hawaii. The working group met several times in 2007 and identified certain elements that are key to a successful ignition interlock program.

Your Committee notes, however, that there were many other issues that could not be resolved by the working group within the time allotted. While the working group was thus not able to propose legislation, this measure contains most of the key elements identified by the working group. It also identifies many of the issues yet to be resolved and establishes a Task Force to address these issues, and propose any necessary additional legislation, during the two-year implementation period established by the measure.

Your Committee is aware that there are 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 takes effect in 2010. Your Committee previously made some of these amendments to the Senate companion to this measure, S.B. No. 3234, S.D. 2. Other amendments, such as those recommended by the Department of Transportation, can be addressed in Conference Committee proceedings on this measure. Still others, including some previously made to this measure and those suggested by the Judiciary regarding supervision of offenders, should be addressed by the Task Force, which, because of its broad membership, is



well-suited to address these issues as it works through the details of implementing the program in the next two years.

Accordingly, your Committee has amended the measure by:

- (1) Deleting section 2, which would have amended section 287-20, Hawaii Revised Statutes, and by deleting the amendment to section 291E-41(h), Hawaii Revised Statutes, both of which would have exempted even repeat and highly intoxicated drivers from the requirement to post financial responsibility before resuming driving, and renumbering the remaining sections accordingly;
- (2) Further amending section 804-7.1, Hawaii Revised Statutes, to clarify that the ignition interlock device must be installed during the period in which the driver is released on bail, recognizance, or supervised release; and
- (3) Changing the source of funds to be appropriated for Task Force operations from general funds to the driver education and training special fund, since driver education and behavior modification are key objectives of this measure; and
- (4) Making technical nonsubstantive changes for consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3377, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3377, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,




ROSALYN H. BAKER, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB3377, SDI</i>	<i>TIA/JDL, NAM</i>	<i>3/27/08</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani				/
FUKUNAGA, Carol	/			
HOOSER, Gary L.	/			
INOUYE, Lorraine R.	/			
KIM, Donna Mercado	/			
MENOR, Ron	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred	/			
WHALEN, Paul		/		
TOTAL	<i>10</i>	<i>1</i>	<i>0</i>	<i>1</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes