

STAND. COM. REP. NO. 2445

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 3234
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 S.B. No. 3234
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 Judiciary, the Alliance of Automobile Manufacturers, Mothers Against Drunk Driving (MADD), Anheuser Busch Companies, and one individual. The Department of the Attorney General (AG), Department of Health, Department of Transportation, the Office of the Public Defender, and the Honolulu Police Department submitted comments with recommendations for amendments.

Your Committees find that House Concurrent Resolution No. 28, H.D. 1 (2007), requested the Department of Transportation to establish a working group of appropriate governmental and other community agencies to study the feasibility of requiring the installation of vehicle ignition interlock devices on vehicles of convicted drunk driving offenders, including exploring and recommending procedures for the introduction of ignition interlock technology to Hawaii. The working group met several times in 2007 and this measure is the result of their efforts to reduce 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 further find that the ignition interlock provisions of this measure, which take effect July 1, 2010, are a collaborative effort to protect Hawaii's residents and visitors from the devastating effects of drunk drivers.

Your Committees have heard a number of requests for amendments to this measure and have incorporated many of them. Other issues, including the proposal to change the license revocation for a three-time offender from a lifetime revocation to a maximum of ten years, and the five-year "look back period" should be considered further by the Task Force. The AG also raised the issue of amendments to additional sections in the Hawaii Revised Statutes, which may be necessary as a result of the amendments in this measure.

Your Committees have adopted a majority of the recommended amendments, but wish to stress that this measure should be deemed a "work in progress." As it is considered by subsequent committees, further recommendations will arise. In addition, the July 1, 2010, effective date allows the Task Force to consider and resolve these and any other concerns before implementation.

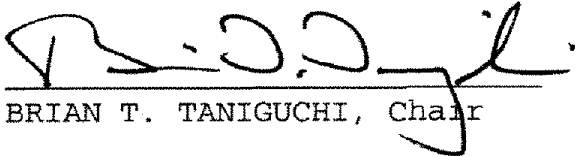
Your Committees have amended this measure by:



- (1) Adding one additional new section to chapter 291E, Hawaii Revised Statutes, to establish standards for certification and monitoring of ignition interlock devices, administered by the Department of Transportation;
- (2) Deleting 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;
- (3) Adding an amendment to section 287-20(a), Hawaii Revised Statutes, to reference new sections in 291E-61, Hawaii Revised Statutes;
- (4) Correcting a reference to the MADD member on the Task Force; and
- (5) Making technical amendments to conform to the preferred drafting style.

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 S.B. No. 3234, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3234, 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



