

STAND. COM. REP. NO.

2860

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 3234
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 S.B. No. 3234, 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 the Prosecuting Attorney of the City and County of Honolulu, the Honolulu Police Department, Anheuser-Busch Companies, the Alliance of Automobile Manufacturers, and Mothers Against Drunk Driving - Hawaii. The Judiciary and the Department of Transportation 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 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 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 Committee believes 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.

Accordingly, your Committee has amended the measure as follows:

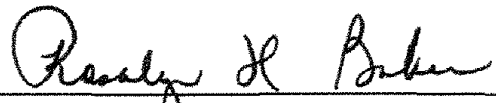


- (1) Placing the amendments to section 287-20, Hawaii Revised Statutes, currently in section 9 of the measure, in section 2 and renumbering sections 2 through 8 to be consistent with the practice of placing new and amended statutory sections in ascending numerical order;
- (2) Substituting a reference 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 new section 291E-B that is proposed by this measure. Section 321-161, Hawaii Revised Statutes, grants the Department of Health authority to administer the program pursuant to which drivers arrested for driving under the influence are tested for alcohol and other intoxicants. The proposed section 291E-B confers that authority on the Department of Transportation for the purposes of the ignition interlock device program and is, therefore, the appropriate reference;
- (3) Amending the new section 291E-B by conferring rulemaking authority, pursuant to chapter 91, Hawaii Revised Statutes, on the Department of Transportation so that it can fulfill its responsibilities with regard to the ignition interlock device program to the same extent that the Department of Health now uses its rulemaking authority to fulfill its responsibilities under section 321-161, Hawaii Revised Statutes;
- (4) Deleting a reference to the National Highway Traffic Safety Administration in the proposed section 291E-B(b)(6) that is redundant of a reference in proposed section 291E-B(b)(1);
- (5) Clarifying 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
- (6) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.



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 S.B. No. 3234, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3234, S.D. 2.

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



ROSALYN H. BAKER, Chair



