



The Judiciary, State of Hawaii

Testimony to the Twenty –Fourth State Legislature, 2008 Session
Senate Committee on Transportation and International Affairs
The Honorable J. Kalani English, Chair
The Honorable Mike Gabbard, Vice Chair

Monday, March 10, 2008, 1:30 p.m.
State Capitol, Conference Room 224

by
Ronald Sakata
Chief Adjudicator
Administrative Driver's License Revocation Office

Bill No. and Title: House Bill No. 3011, H.D. 1, Relating to Motor Vehicle Registration

Judiciary's Position:

This measure would reduce the purposefully high objective standard, "completely dependent on the motor vehicle for the necessities of life," to a diluted and unspecified standard more akin to "inconvenience," particularly in families with multiple vehicles. We question whether this contravenes the original intent of the draftors, reflecting the seriousness of the offense of operating a vehicle under the influence of an intoxicant. Will deleting "completely," give rise to the assumption that the consequences of these acts now cause a less compelling demonstration of need for the use of these constructively impounded vehicles? Will it become less compelling, indicating it could be of some use for any needs of the family?

Presently, we do not know precisely what effects this diminution of the requirements would have on the number of requests for special motor vehicle registrations. However, it is likely that there would be a significant rise and, accordingly, a need for staff and resource reallocation and/or an additional position and funding.

Finally, the impacts of refusing a special motor vehicle request are already a part of the deliberation process so this amendment appears to be redundant.

Thank you for the opportunity to provide our comments on this measure.

english3 - Sharon

From: Torano Harris [reptakaistaff@gmail.com]
Sent: Monday, March 10, 2008 8:44 AM
To: english3 - Sharon
Subject: Fwd: COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS: Testimony for HB3011, 3/10/2008

----- Forwarded message -----

From: **Norma Ebisu** <nebisu@hawaii.edu>
Date: Mar 9, 2008 10:54 AM
Subject: COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS: Testimony for HB3011, 3/10/2008
To: testimony@capitol.hawaii.gov
Cc: Torano Harris <reptakaistaff@gmail.com>

Submitted to: COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Re: HB3011

Testimony submitted by: Norma Ebisu, private citizen, House District 34

Date of hearing: 3/10/2008, 1:30 pm

Regarding the Hawaii Law restricting the Director of the Administrative Driver's License Revocation Office from granting a Special Motor Vehicle Registration to a co-owner of a vehicle when one of the registrants is accused of a DUI.

In my opinion, the law governing the approval of a Special Motor Vehicle Registration is too strict and rigid. The rights of the co-owner/registrant of a vehicle involved in a DUI case are not taken into account. I am a co-registrant/owner such a vehicle. When we purchased the car in question, I put my daughter's name on the registration just so she could have 'pride of ownership', which, in light of subsequent events, proved to be unwise. After her license was suspended by the ADLRO, we were informed that the registration was also being revoked. However, believing that my constitutional rights were intact, I thought that i could just transfer the ownership totally to me and thus regain the use of the car. I paid off the lien on the car, and then went to the DMV with the intent of transferring the title to me totally. The DMV informed me that the ADLRO put a stop on the vehicle, and an application would need to be filed to get it lifted. Upon doing so, my request for a 'Special Motor Vehicle Registration' was denied by the ADLRO, following the logic that having a third car was deemed not a '*necessity of life*'. The rescinding of the registration for our vehicle has resulted in it being an inanimate object in our garage - although I own this vehicle, I can't use it. I was not cognizant of the policies of the Administrative Driver's License Revocation Office and the long reaching ramifications of a DUI arrest on persons other than the offender – I am now. Much to my dismay, it seems that my rights are of no

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consequence in this matter.

In actuality, we, the family of the accused drunk driver, are being penalized also. While not exactly a 'necessity of life' it greatly inconveniences our family. Our family consists of 5 drivers, forced to handle all our transportation with 2 cars. The Director of the ADLRO stated that '*inconvenience*' does not come under the classification of '*necessities of life*'. While he may be right about that in the literal sense, I take exception to his conclusion that my inconvenience should not be considered. Why should I have to be inconvenienced? It's my daughter who allegedly broke the law – not me or anyone in our family.

He refused to budge in his judgment, insisting that in our situation, we were not completely dependent on the vehicle for the 'necessities of life'. He stuck to this even after I signed a statement swearing that I would take the appropriate measures to prevent my daughter access to the vehicle in question. He claimed that he was just administrating the law '*as written*' and he would not exercise whatever discretionary powers he had for my case. He went on to state that it was 'not his job' to offer me advice when I asked him what my options were. He reiterated that I could have avoided this if I didn't put my daughter's name on the registration when we purchased the car (if I was precognizant I would not have). Bottom line: he wasn't very helpful (again, which he claimed was not his job).

I'm so perturbed by all of this - I feel it's unjust. What recourse does the average law abiding citizen have when the interpretation of the law is so inflexible? Is our only option to quietly 'take our licks' and stick it out for 6 months? To be penalized along with the offender just by association? Granted, DUI is a very serious offense, but the ramifications of said offense should not impact the family of the offender. I hope, with this written testimony, HB3011 will pass. In my opinion, my constitutional rights to the use of my property were denied. While passage of this bill may not be in time to remedy my situation, it may prevent this from happening to other families of accused DUI offenders.

I apologize for the possible redundancy of this testimony. I previously submitted testimony to the House Transportation Committee and the Judiciary Committee. I feel so strongly about this measure that I wanted to make sure that my views were conveyed to the Senate Transportation Committee also.

Respectfully submitted,

Norma N. Ebisu

Private Citizen of House District 34

CC: Torano Harris, Office of Representative K. Mark Takai

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