



*The Judiciary, State of Hawaii*

**Testimony to the Twenty-Fourth State Legislature, 2008 Session**

House Committee on Judiciary

The Honorable Tommy Waters, Chair

The Honorable Blake K. Oshiro, Vice Chair

Thursday, February 7, 2008, 5:30 p.m.

State Capitol, Conference Room 325

by

Ronald Sakata

Chief Adjudicator

Administrative Driver's License Revocation Office

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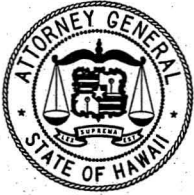
**Bill No. and Title:** House Bill No. 3377, Relating to Highway Safety

**Judiciary's Position:**

The Judiciary takes no position on the substantive amendments proposed by this measure but is analyzing the impact of same on the operation of the Administrative Driver's License Revocation Office for future comment. The Judiciary does support the intent of this measure to establish an ignition interlock implementation task force and will be pleased to participate to assist in the mission and objectives of the task force.

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

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**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FOURTH LEGISLATURE, 2008**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 3377, RELATING TO HIGHWAY SAFETY.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Thursday, February 7, 2008 **TIME:** 5:30 PM

**LOCATION:** State Capitol Room 325  
*Deliver to: committee clerk, Room 302, 5 copies*

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
or Mark K. Miyahira, Deputy Attorney General

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Chair Waters and Members of the Committee:

The Department of the Attorney General appreciates the intent of this measure, but is concerned about certain provisions within the bill.

The purpose of this bill is to require installation of an ignition interlock device on the vehicle of a person arrested for operating a vehicle under the influence of an intoxicant that will prevent the person from starting or operating the 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. This bill will also provide for certification of these devices and vendors and creates an indigent fund to pay for the installation and operation of these devices in vehicles of the indigent. The bill will also establish a task force to plan for the implementation of the ignition interlock device program.

The Department appreciates the intent of this measure to establish an ignition interlock implementation task force and a 2010 effective date. These provisions will permit the task force and the Legislature to resolve a number of outstanding issues prior to the implementation of the ignition interlock device program.

The Department is concerned about certain provisions currently within the bill.

In section 5, on page 9, lines 17-19, the bill amends the revocation period of a respondent, whose records shows three or more prior alcohol or drug enforcement contacts during a ten-year period from a lifetime revocation to a maximum revocation of ten years. The bill also shortens the time period when the prior alcohol or drug enforcement contacts may occur from ten years to five years.

The Department opposes these changes as these individuals pose the greatest risk to the safety of the community. If the three or more prior alcohol or drug enforcement contacts during the five years preceding the notice of the current administrative revocation are the result of three or more convictions for operating under the influence of an intoxicant within a five-year period, this individual would be currently facing a charge of habitually operating a vehicle under the influence of an intoxicant, a class C felony. A person convicted under this felony charge would be facing a mandatory license revocation for a period of not less than one year but not more than five years and would not be permitted to drive during this period of revocation in any vehicle, not even a vehicle equipped with an ignition interlock device. Therefore, this amendment could directly conflict with concurrent criminal sanctions. As such, there seems to be no logical reason to downgrade the administrative penalty for these cases from a lifetime revocation to a maximum ten-year revocation.

In section 7, the bill amends section 291E-61, Hawaii Revised Statutes, to permit an individual to operate a vehicle, equipped with an ignition interlock device, during the period of license revocation. However, the ability to operate a vehicle will, in many cases, be hampered by section 287-20, Hawaii Revised Statutes, which prohibits an individual, whose license has been suspended or revoked pursuant to part III of chapter 291E or upon conviction of any offense pursuant to law, to operate a motor vehicle, unless and

until the person has furnished and thereafter maintains proof of financial responsibility.

Under the current law, section 287-20, does not apply in circumstances where a license is suspended pursuant to section 291E-61(b)(1), which includes a first-time offense, or any offense not preceded within a five-year period by a conviction for an offense of operating a vehicle under the influence of an intoxicant or for an offense under section 291E-4. However, as the proposed amendment would revoke the license of a person convicted pursuant to section 291E-61(b)(1), section 287-20, would be applicable. The amendment would prevent an individual from operating a vehicle, equipped with an ignition interlock device, during the one-year period of revocation, until proof of financial responsibility had been furnished.

In section 7, the bill amends section 291E-61, by increasing the period of license revocation. Therefore, for example, a first time highly intoxicated offender would be facing a six-month to one-year license revocation under the administrative driver's license revocation process but would be facing a two-year license revocation pursuant to a criminal conviction. However, section 291E-61(c)(3), states in part that "No license and privilege suspension or revocation shall be imposed pursuant to this section if the person's license and privilege to operate a vehicle has previously been administratively revoked pursuant to part III for the same act." Therefore, an increase in the period of a license revocation pursuant to 291E-61 will have little effect if the person has already been ordered to serve a shorter administrative revocation.

In section 7, the bill also amends section 291E-61, to authorize a court to place a criminal defendant on probation. However, section 706-624.5(2)(a), Hawaii Revised Statutes, states that as a further condition of a sentence of probation, a defendant may be sentenced to serve "five days in petty misdemeanors cases." Therefore, placing a defendant on probation would clearly conflict

with the sentencing scheme in section 291E-61(b)(4)(C), where a defendant must be sentenced to serve no less than ten days but not more than thirty days of imprisonment. A sentence of probation may also conflict with the sentencing scheme in section 291E-61(b)(3)(B)(ii), where a defendant may be sentenced to serve no less than five days but not more than fourteen days of imprisonment.

In section 9, this bill amends section 804-7.1, Hawaii Revised Statutes, to require the court to order a defendant, as a condition of bail, to install an ignition interlock device within 15 days, on any vehicle that the defendant will operate during the defendant's release on bail. There are two minor issues that should be clarified. The amendment may be read to apply only in cases where the defendant has been released on bail instead of also applying to cases where the defendant was released on recognizance or supervised release. The amendment also authorizes the court to issue a permit that will allow the defendant to drive a vehicle equipped with an ignition interlock device during the "revocation period." This appears to be a mistake as we assume that the author of the bill intended the defendant to be allowed to drive only while the criminal case was pending.

Therefore, the Department recommends that section 9, on page 32, lines 12 through 22, be amended to have subsection (c) of section 804-7.1, Hawaii Revised Statutes, read as follows:

"(c) In addition to the conditions in subsection (b) and except as provided in subsection (d), when the defendant is charged with an offense under section 291E-61, the court shall order as a condition of release on bail, recognizance, or supervised release that, within fifteen days, the defendant install an ignition interlock device, as defined in section 291E-1, on any vehicle that the defendant will operate during the defendant's release on bail, recognizance, or supervised release. Upon proof that the defendant has installed an ignition interlock

device in the defendant's vehicle, the court shall issue an ignition interlock permit that will allow the defendant to drive a vehicle equipped with an ignition interlock device during the period of defendant's release on bail, recognizance, or supervised release."

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA  
INTERIM DIRECTOR

Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

February 7, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 3377

COMMITTEE ON JUDICIARY

We support this bill.

According to the Fatality Analysis Reporting System (FARS), there were 79 alcohol-related fatalities in 2007, representing 49.1 percent of Hawaii's traffic fatalities. Only three other states have higher percentages than Hawaii. Our state's high incidence of individuals who repeatedly drive under the influence, poses a danger to the health and safety of the public.

Our current laws have not been sufficient in preventing the high number of DUI-related injuries and deaths. Hawaii is one of only five states without an ignition interlock statute. The ignition interlock system would provide an economical and technically feasible solution to help reduce alcohol-related injuries and deaths. We believe implementing this ignition interlock system will keep our roads safer, by deterring individuals from driving impaired.

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LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

## House Committee on Judiciary

### HB 3377, RELATING TO HIGHWAY SAFETY

Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health

February 7, 2008, 5:30pm

1 **Department's Position:** The Department of Health supports the intent of this ignition interlock bill  
2 with one recommended amendment. We are particularly concerned about Section 11, subsection (b) and  
3 (c) (page 38 and 39), which designates the DOH as the lead agency to establish standards and  
4 procedures for the certification of interlock devices and for the certification for vendors who install and  
5 maintain ignition interlock devices. We recommend the language in HB 3201 (section 286H-8, page 6)  
6 instead, which requires the ignition interlock system to be certified by the Underwriters Laboratory Inc.  
7 or an equivalent nationally recognized certification organization. These laboratories have been  
8 approved by U.S. Department of Transportation and have the expertise and infrastructure needed and to  
9 insure that the interlock systems perform and meet National Highway Traffic Safety Administration  
10 guidelines and standards. The Department of Health defers to the Department of Transportation as the  
11 lead agency for the implementation of the ignition interlock bill.

12 Ignition interlocks are an effective way of increasing the safety of all road users by mechanically  
13 preventing convicted drunk drivers from operating a vehicle with alcohol in their system.

14 **Fiscal Implications:** Appropriates general funds for FY 2008-2009 for the purpose of supporting the  
15 work of an ignition interlock implementation task force staffed by DOT. Also sets up an ignition

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1 interlock special fund administered by the director of DOT for indigents. The special fund is funded by  
2 a surcharge that is assessed when the ignition interlock is installed. All other violators pay for their own  
3 ignition interlock installation and maintenance.

4 **Purpose and Justification:** States that have enacted interlock legislation have shown a drop in  
5 recidivism rates by 50 to 95 percent. Hawaii is one of only 5 states without an ignition interlock law.

6 Alcohol related traffic fatalities remain tragically high in Hawaii; in 2006, 41 percent (58  
7 drivers) of all drivers involved in traffic fatalities tested positive for alcohol. Among drivers involved in  
8 fatal crashes, those who tested positive for alcohol were at least 3 times (6% vs. 2%) more likely than  
9 other drivers to have had a previous conviction for DUI (Fatal Analysis Reporting System, National  
10 Highway Traffic Safety Administration - NHTSA). In 2006 there were over 6,729 DUI arrests in  
11 Hawaii. Based on a study conducted in 2005 by the City and County of Honolulu, over one fourth  
12 (28%) of DUI arrestees have been previously arrested for a DUI. NHTSA and Center for Disease  
13 Control and Prevention (CDC) conclude, when installed and in use, ignition interlocks are effective for  
14 reducing alcohol related arrests and crashes.

15 HB 3377 addresses the key recommendations that were made by the Interlock Working Group  
16 which was established after the legislature passed resolution HCR 28, H.D.1 in 2007 requesting the  
17 Department of Transportation study the feasibility of requiring vehicle ignition interlock devices for  
18 convicted drunk driving offenders. Recommendations from that working group include creating  
19 interlock laws with mandatory sentencing for all convicted impaired driving offenders, a varying  
20 sentence length dependant on the offender's compliance and establishing penalties for tampering and  
21 circumvention of interlock devises.

22 Thank you for the opportunity to testify.

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**Office of the Public Defender  
State of Hawaii  
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Judiciary**

February 7, 2008, 5:30 p.m.

H.B. No. 3377: RELATING TO HIGHWAY SAFETY

Chair Waters and Members of the Committee:

The Office of the Public Defender supports the intent of this measure, but has objections and concerns about specific portions of this bill.

The installation of an ignition interlock device would allow a person charged with operating a vehicle under the influence of an intoxicant to immediately regain his or her driving privileges and rather than suffer from a license suspension or revocation. The ignition interlock device would “force” this person to change his or her behavior by requiring the driver to either be sober or utilize a designated driver (friend, relative, taxicab or public transportation). The requirement of a digital camera would also protect against using a sober “proxy” blowing into the device for an intoxicated driver, and protect an innocent driver from being blamed for being “locked out” by another person who blew into his device.

We object to the across the board increase of the minimum license revocation from ninety (90) days to a year for a first-time arrest and from a year to two (2) years for a second time arrest. It seems suspicious that the beneficiary of an increase in the license revocation period will be the ignition interlock vender. The vender will quadruple their income from first-time offenders, and double their income for second-time offenders, with an increase of the revocation period. Not every person charged with OVUII will be choose or be able to install an ignition interlock device. The increase in the license revocation will hurt these individuals even more than those who were able to install the interlock device.

We also object to the requirement that all OVUII offenders be placed on at least one year probation. This requirement will require a complete overhaul of the district court probation system. With approximately five thousand (5,000) OVUII cases a year, the current district court system would not be able to handle the increase in probation revocation hearings, proof of compliance hearings and probation appointments. Be prepared to fund an additional judge, two (2) public defenders, and approximately twenty (20) additional probation officers. The district court staff, already overburdened by the requirement of JIMS will also have to be increased.

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Potential vendors must be carefully scrutinized. When ACS, the company that sold us the van cam technology and the ill fated JIMS computer program, briefed the judiciary and legislature, we were equally impressed with their slick sales job and lofty promises. Needless to say, the van cam project was shelved after a few months, and the Judiciary has cancelled its contract with the JIMS vendor.

The SR-22 requirement for second, third and felony OVUII offenders should be revisited. What is the sense of requiring an offender to install an ignition interlock device if they are subject to the three (3) year license suspension requirement of SR-22? The SR-22 law requires an offender to post proof of financial responsibility (\$25,000) with the City Department of Financial Responsibility, or be subject to a three year license suspension. If this measure passes, there should be an accompanying waiver of the SR-22 law.

We should not pass this measure merely because Hawaii is one of the few states without an ignition interlock device law. While many states have enacted similar legislation, only a few states are currently utilizing ignition interlock devices. Ignition interlock devices may help to reduce drunk driving fatalities, but it will not eliminate them entirely. Thank you for the opportunity to testify on this measure.

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DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

ALII PLACE  
1060 RICHARDS STREET, HONOLULU, HAWAII 96813  
AREA CODE 808 • 527-6494



PETER B. CARLISLE  
PROSECUTING ATTORNEY

DOUGLAS S. CHIN  
FIRST DEPUTY  
PROSECUTING ATTORNEY

THE HONORABLE TOMMY WATERS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

February 7, 2008

**RE: H.B. 3377; RELATING TO HIGHWAY SAFETY.**

Chair Waters and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of the intent of H.B. 3377.

The purpose of this bill is to create a statutory framework for the imposition of an ignition interlock device upon vehicles owned or driven by person arrested for impaired driving.

We are in strong support of the use of ignition interlock devices which prevent a person from operating a vehicle when the person has measurable amounts of alcohol in their system. While community education, increased enforcement and stiffer sanctions for impaired driving have made some impact, Hawaii still has an unacceptably high number of alcohol related fatal crashes. We believe that technologies which would prevent people from driving drunk need to be examined and tried in order to reduce traffic fatalities.

Although we have concerns with some aspects of this bill, such as the elimination of an administrative lifetime revocation of license for persons with three or more prior alcohol or drug enforcement contacts and the reduction of the period of time the prior enforcement contacts must occur from the present offense, we understand this bill to be a framework or starting point for further discussions. So if further opportunities are offered to discuss these issues as well as fix, amend or fine tune the bill prior to the 2010 effective date, we will support the passage of

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H.B. 3377. We fully support the portion of the bill which establishes the Hawaii ignition interlock task force which brings the various stakeholders and constituencies together for further discussion and to address specific issues relating to the implementation of an ignition interlock program and we are willing to sit on the task force and assist the work of the task force.

In closing, we would like to thank the legislature for the opportunity to sit on the Ignition Interlock Working Group established by H.C.R. 28, H.D. 1 of 2007. The Working Group was able to identify and reach consensus on several major features that an ignition interlock law should have as well as identifying issues which required further discussion.

Thank you for this opportunity to testify.

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LLD

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

MUFI HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
MICHAEL D. TUCKER  
DEPUTY CHIEFS

OUR REFERENCE EC-LC

February 7, 2008

The Honorable Tommy Waters, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Waters and Members:

Subject: House Bill No. 3377, Relating to Highway Safety

I am Captain Evan Ching of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 3377, relating to highway safety. This bill introduces the ignition interlock to be installed in vehicles of drivers convicted of driving under the influence of an intoxicant.

The HPD believes that the interlock device will prevent drinkers from driving and thus reduce the risks of deaths or injuries. It addresses most of the issues that will make this bill a success. The implementation date will give the necessary time for the agencies involved to complete their rules and procedures for a better implementation.

The HPD urges your committee to pass House Bill No. 3377, as it will help the drinking driver to remain off of the roadways and reduce the risks to other drivers.

Thank you for the opportunity to testify.

Sincerely,

  
EVAN CHING, Captain  
Traffic Division

APPROVED:

  
for: BOISSE P. CORREA  
Chief of Police

Serving and Protecting With Aloha

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# THE LEGISLATIVE CENTER

820 MILILANI STREET, SUITE 810  
HONOLULU, HAWAII 96813-2938  
PHONE: (808) 537-4308 • FAX: (808)533-2739

February 7, 2008

Testimony To: House Committee on Judiciary  
Representative Tommy Waters, Chair

Presented By: Tim Lyons, Legislative Liaison  
Anheuser Busch Companies

Subject: H.B. 3377 – RELATING TO HIGHWAY SAFETY.

Chair Waters and Members of the Committee:

I am Tim Lyons, Legislative Liaison for Anheuser Busch Companies and we generally support this bill.

Ignition interlocks are the wave of the future and it is only a matter of time before all cars will have some type of alcohol testing built into the operational aspect of the car. Recently, a system was demonstrated in Japan which has sensors in the headrest which samples the drivers breath and others have included a mechanism in the seatbelt buckle that test for alcohol.

We also do not believe that ignition interlocks should be provided for first time offenders but rather for repeat offenders and for those who test at abusive levels such as .15.

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For the Committee's information, as of late 2007, there are only four (4) states out of approximately forty (40) that mandate ignition interlock systems for first time offenders and we feel this is because other states are going with this technology but they are going with it cautiously. While we realize that there are individuals that need to be caught, there are also a good number of individuals that do get caught, have caused no accidents or other problems, and as a result of the process, never drive drunk again. We think that it is important to remember that it is not illegal to have a drink; it is illegal to drink too much and drive.

Based on the above, we support this bill but would like to see it redirected in the area we mentioned above.

Thank you.

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GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

GOVERNMENT RELATIONS TEAM:

GARY M. SLOVIN, ESQ.  
CHRISTOPHER G. PABLO, ESQ.  
ANNE T. HORIUCHI, ESQ.  
MIHOKO E. ITO, ESQ.  
JOANNA J. H. MARKLE\*  
LISA K. KAKAZU\*\*

\* Government Relations Specialist

\*\* Legal Assistant

ALII PLACE, SUITE 1800 • 1099 ALAKEA STREET  
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196  
HONOLULU, HAWAII 96801

TELEPHONE (808) 547-5600 • FAX (808) 547-5880

info@goodsill.com • www.goodsill.com

INTERNET:

gslovin@goodsill.com  
cpablo@goodsill.com  
ahoriuchi@goodsill.com  
meito@goodsill.com  
jmarkle@goodsill.com  
lkakazu@goodsill.com

February 6, 2008

TO: Representative Tommy Waters  
Chair, House Committee on Judiciary  
Hawaii State Capitol, Room 302  
Via E-mail: [JUDtestimony@Capitol.hawaii.gov](mailto:JUDtestimony@Capitol.hawaii.gov)

FROM: Joanna Markle

RE: H.B 3377 - Relating Highway Safety

Hearing Date: Thursday, February 7, 2008 @ 5:30 p.m., Room 325

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Dear Chair Waters and Members of the Committee on Judiciary:

I am Joanna Markle testifying on behalf of the Alliance of Automobile Manufacturers. The Alliance of Automobile Manufacturers ("Alliance") is a trade association of 10 car and light truck manufacturers, including BMW Group, Chrysler LLC, Ford Motor Company, General Motors, Mazda, Mercedes Benz USA, Mitsubishi Motors, Porsche, Toyota and Volkswagen.

The Alliance supports H.B. 3377. The Alliance served as a member of the Ignition Interlock Working Group, which was established pursuant to H.C.R. 28, Session Laws of 2007, and we are pleased that this bill includes many of the working group's recommendations. Ignition interlock has proven effective in battling drunk driving such as in New Mexico, West Virginia, and Ohio where the recidivism rates have decreased 50 to 90 percent. We urge you to support this bill.

Thank you very much for this opportunity to submit testimony.

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Mothers Against Drunk Driving HAWAII  
700 Bishop Street, Suite 1111  
Honolulu, HI 96813  
Phone (808) 532-6232  
Fax (808) 532-6004  
[www.maddhawaii.org](http://www.maddhawaii.org)

February 7, 2008

To: Representative Tommy Waters, Chair, House Committee on Judiciary;  
Representative Blake Oshiro, Vice Chair; and members of the Committee

From: Arkie Koehl – Public Policy Chair, MADD-Hawaii

Re: HB 3377 – Relating to Highway Safety

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I am Arkie Koehl testifying on behalf of the membership of Mothers Against Drunk Driving – Hawaii, in strong support of HB 3377.

Last year's HCR 28 HD 1 called for the Department of Transportation, together with MADD, to form a Working Group to study ignition interlock and make recommendations leading to legislation. This measure was in response to our state's increasingly alarming alcohol-related traffic fatality rate: 52% in 2006, the highest in the nation. It also recognized the need to look at innovative preventive measures beyond those traditionally in use. Finally, it acknowledged that other states are now using ignition interlock to save lives.

The Working Group which took shape under HCR 28 comprised many stakeholders in addition to the Department of Transportation and MADD: representatives of the insurance industry, the auto industry, the Department of Health, the Judiciary, the Department of the Attorney General, county prosecutors, county police departments, the Public Defender, several members of the Legislature including members of this committee, representatives of the Governor and Lieutenant Governor, and other community groups. MADD is not testifying on behalf of the Working Group but certain Working Group consensus items will be mentioned in our testimony.

The Working Group met several times during 2007, reaching consensus on a score of key provisions deemed crucial for effective interlock legislation. The Group's findings were submitted to the Speaker of the House and the President of the Senate on Dec. 21<sup>st</sup> and are available here this evening to members who wish copies — as are copies of several other informative pieces on ignition interlock.

The most important of these provisions appear in the report's Executive Summary and can be characterized as follows:

1. All convicted DUI offenders, not just repeat offenders, must be sentenced to have interlock devices. Even the first time offender is a serious danger to the public. By the time someone has been arrested for his first DUI, he has driven drunk on an average of 87

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previous occasions. New Mexico has found that interlocks are as effective with first offenders (approximately 60% reduction in recidivism when on the vehicle) as they are for multiple offenders.

2. Interlock must be mandatory. In states where it is a sentencing option, it has not been used in large enough numbers to get any significant number of impaired drivers off the road. And interlock companies may be unwilling to set up a system in Hawaii if projected usage volumes are too low.
3. Interlock sentence length should vary: shorter for first offenders, longer for high risk drivers, second offenders, etc. Incentives for compliance, and penalties for non-compliance or cheating, are important. For example, consecutive months with no attempt to start the vehicle with a breath alcohol level, would result in early removal of the device. Conversely, repeated failed attempts to start, indicating that the offender still attempts to drink and drive, would result in extending the period of the original sentence.
4. An "ignition interlock driver's license" would be mandated. Holders would only be permitted to drive interlock-equipped vehicles. There would be provisions for an offender who was required to drive a company-owned vehicle as part of his employment..
5. As is common with interlock devices everywhere, "rolling retests" must be required — randomly timed warnings for the offender to pull off the road and again blow into the device. This is to prevent someone else from starting the car and the offender then taking the wheel impaired.
6. A digital camera synchronized with the test blow is available from some manufacturers and should be required as part of the anti-circumvention and anti-tampering tools built into most systems.
7. Circumvention and tampering should be treated as new crimes.
8. Since it is proposed that the cost of the device and system be borne by the offender, an indigent fund should be established for those with proven inability to meet the costs.
9. A period of 18 months to 2 years following passage of legislation should be allowed before the law takes effect during which time a Task Force would be authorized to address the parts of the system that are not defined in this bill and to plan for the implementation of the interlock program in Hawaii.

MADD believes that the following additional issues should be also be addressed by the Task Force established under Section 12:

- Interlocks required for Habitual Offenders?
- Assurance that all eligible offenders are required to install interlock devices when the statutes are conformed.
- Assurance that the revocation (and interlock) periods for offenders refusing the chemical test at the time of arrest are longer than the revocation periods for offenders failing the test. (In order to encourage arrestees to take the breath or blood test.)
- Determination of whether individuals arrested for driving on a suspended or revoked

license should be eligible for an interlock device.

- Determination of whether commercial drivers with a category 4 drivers license should be eligible for an interlock for their personal vehicle by receiving a category 3 interlock-ordered license.

MADD proposes the following amendments to this bill:

- In order to standardize the time periods for which a respondent's or offender's driving record is checked for prior alcohol-related law enforcement contacts, HB3377 sets 5 years as the "look back period." Instead of decreasing the period to 5 years, MADD strongly recommends that the look back period be a standard 10 years in conformance with recommendations of NTSB (National Traffic Safety Board). It is possible and quite likely that a number of years would elapse between arrests since the average person drives impaired at least 87 times before being arrested. (NHTSA) There are a number of places in this bill where *10 years* should be substituted for 5 years.
- Page 42, lines 10-11, change "board of directors of Mothers Against Drunk Driving, Hawaii Chapter" to: Council of Mothers Against Drunk Driving Hawaii to reflect the official name of our local governing body.

MADD is extremely gratified to note that HB 3377, either in the text of the bill or in the list of issues to be discussed by the Task Force, incorporates virtually all of the suggestions of the many community stakeholders in the Working Group. We urge the passage of this bill with the suggested amendments.

Thank you for the opportunity to testify.

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