



LATE TESTIMONY

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

IN REPLY REFER TO:

February 7, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 3377

COMMITTEE ON JUDICIARY

We support this bill with amendments.

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.

The Department of Transportation (DOT) respectfully requests that the proposed legislation include the following provisions:

1. For a **first offender**, suspend all driving privileges for a period of not less than 15 days followed immediately by a period of not less than 75 days of a restricted, provisional or conditional license, if such license restricts the offender to operating only vehicles equipped with an ignition interlock. A restricted, provisional or conditional license may be issued only to permit the offender to operate a motor vehicle to and from employment, school, an alcohol treatment program or an interlock service facility; **AND**
2. For a **repeat offender**, suspend or revoke all driving privileges for a period of not less than one year, or not less than 45 days followed immediately by a period of not less than 320 days of a restricted, provisional or conditional license, if such license restricts that offender to operating only vehicles equipped with an ignition interlock. A restricted, provisional or conditional license may be issued only to permit the offender to operate a motor vehicle to and from employment, school, an alcohol treatment program or an interlock service facility; **AND**
3. For **first offenders** and **repeat offenders**, the suspension and revocation shall take effect not later than 30 days after the date on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol.

We urge the Committee to include the above provisions to ensure that the DOT continues to receive Section 410 federal funding (Alcohol-Impaired Driving Countermeasures Incentive Grant) from the National Highway Traffic Safety Administration. Last year Hawaii received \$429,000 to fund alcohol countermeasures statewide, which included funding for overtime enforcement for county police departments.

**Ralph S. Blackman**  
President & CEO



## Board of Directors

Bacardi U.S.A., Inc.  
Brown-Forman  
Constellation Brands, Inc.  
DIAGEO  
Future Brands LLC  
Hood River Distillers, Inc  
Sidney Frank Importing Co. Inc.

## Advisory Board

Patrick B. Harr, M. D.  
*Former Chairman of the Board of Directors, American Academy of Family Physicians*

The Honorable Heidi Heitkamp  
*Former North Dakota Attorney General*

Lisa Graham Keegan, CEO  
*Western Academy of Virtual Education  
Former Superintendent of Public Instruction, State of Arizona*

Robert L. King  
*President & CEO, Arizona Community Foundation  
Former Chancellor, The State University of New York*

Edmund J. Schmidt  
*Chairman, National Alcohol Beverage Control Association (NABCA)*

The Honorable Togo D. West, Jr.  
*Former Secretary of the Army*

Colonel Lonnie J. Westphal  
*Chief (Ret.) Colorado State Patrol  
Former Vice President of IACP*

Anthony E. Wolf, PhD.  
*Clinical Psychologist and Best Selling Author*

February 5, 2008

The Honorable Sharon E. Har  
Hawaii State Capitol, Room 313  
415 South Beretania Street  
Honolulu, HI 96813

**LATE TESTIMONY**

Dear Representative Har:

The Century Council was founded in 1991 and is an independent, national not-for-profit organization headquartered in Washington, D.C. Funded by America's leading distillers (Bacardi U.S.A., Inc., Brown-Forman, Constellation Brands, Inc., DIAGEO, Future Brands, LLC, Hood River Distillers, Inc., and Sidney Frank Importing Co. Inc), the Council is dedicated to developing and implementing programs that fight drunk driving and underage drinking. To date, we have hosted nearly 2,200 community events to launch our programs across the nation bringing them to millions of parents, youth, educators, law enforcement officials and traffic safety professionals.

Through the years, The Century Council has worked extensively throughout the nation on anti-drunk driving and underage drinking efforts. Responding to a growing body of research that points to repeat offenders and hardcore drunk drivers as the source of a large and disproportionate share of highway crashes, in 1997 the Council created The National Hardcore Drunk Driver Project. The Project serves as a single, comprehensive resource to assist state legislators as well as highway safety officials, law enforcement officers, judges, prosecutors, community activists and treatment professionals in developing programs to reduce hardcore drunk driving.

At the national level, The Century Council supports MADD's *Campaign to Eliminate Drunk Driving* and the Council along with AAA and the National Transportation Safety Board have formed *The Coalition to Fight Hardcore Drunk Driving* to support state legislative proposals to enact comprehensive and effective solutions to the hardcore drunk driving problem.

Hardcore drunk drivers are those who drive with a high blood alcohol concentration (BAC) of .15 or above, who do so repeatedly, as demonstrated by having more than one drunk driving arrest, and who are highly resistant to changing their behavior despite previous sanctions, treatment or education efforts.

Hardcore drunk drivers are involved in the majority of alcohol-related traffic fatalities. Crash data shows that drivers with a BAC of .15 are 385 times more likely to be involved in a crash than a non-drinking driver. In Hawaii, 54.5 percent of drivers with known BAC levels who were involved in alcohol-related traffic fatalities in 2006 had BAC levels of .15 and above according to the National Highway Traffic Safety Administration.

The Century Council strongly supports the sanction of ignition interlock devices for hardcore offenders and for offenders who continually refuse to submit to a BAC test. The Council also favors tiered systems that allow for more severe penalties, treatment, and aftercare for hardcore drunk drivers.

We defer to judicial discretion for first-time/ non-hardcore offenders, and for that reason we take no position on the following legislation which mandates the use of ignition interlock devices for all first offenders regardless of BAC level: HB 2528, HB 2639, HB 3377, HB 3450, SB 2139, SB 2947, SB 3234, and SB 3261.

Based on our research, we believe that strong laws enabling swift identification, certain punishment and effective treatment are critical fundamental elements necessary to reduce the incidence of hardcore drunk driving and believe that these elements must be coordinated into a statewide system to be effective.

Should you have any questions, please feel free to contact Brandy Nannini, Vice President of Government Relations at [nanninib@centurycouncil.org](mailto:nanninib@centurycouncil.org) or 202-637-0077.

Sincerely,



Ralph Blackman  
President & CEO