

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE SENATE COMMITTEES ON TRANSPORTATION AND INTERNATIONAL  
AFFAIRS AND JUDICIARY AND LABOR  
ON  
HOUSE BILL NO. 3377

March 12, 2008

RELATING TO HIGHWAY SAFETY

Among other provisions, House Bill No. 3377 creates an ignition interlock special fund to be administered by the Director of Transportation. Moneys in the special fund would be expended by the Director of Transportation to fund the cost of installing and operating ignition interlock devices in the vehicles of persons who are required to install the device but who are indigent. The bill provides a definition of indigent.

The ignition interlock special fund would consist of amounts collected from:

- A surcharge assessed of persons required to install an ignition interlock device.
- A certification fee paid by vendors who sell or install ignition interlock devices.

As a matter of general policy, we are against the creation of any new special fund and revolving fund that does not meet the requirements of Sections 37-52.3 and 37-52.4, HRS. Special and revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. It is unclear if the ignition interlock special fund would be self-sustaining.



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

March 12, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 3377

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS  
COMMITTEE ON JUDICIARY AND LABOR

We support the intent of this bill, as long as the funding for the task force does not adversely impact the priorities of the Executive Supplemental Budget.

There were 79 alcohol-related fatalities in 2007, representing 49.1 percent of Hawaii's traffic fatalities, according to the Fatality Analysis Reporting System. Only three other states have higher percentages than Hawaii. 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 and keep our roads safer.

Last year Hawaii received \$429,000 in Section 410 federal funding, which funds alcohol countermeasures statewide including paying for overtime for county police departments to conduct sobriety checkpoints. The DOT recommends that the following provisions be included in Section 5 of the legislation to ensure we continue to receive this critical federal funding from the National Highway Traffic Safety Administration.

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.

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:

**Senate Committee on Transportation and International Affairs**

**Senate Committee on Judiciary and Labor**

**HB 3377, RELATING TO HIGHWAY SAFETY**

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

**March 12, 2008, 2:00pm**

1 **Department's Position:** The Department of Health defers to the Department of Transportation  
2 regarding the establishment of an ignition interlock program, and provided that this measure does not  
3 adversely impact the spending priorities as set forth in our Executive Supplemental Budget, refers to the  
4 following comments. The Department of Health respectfully requests replacement of section 11 with  
5 the language from SB3234 SD-1 Section 2, §291E-B Certification, which designates the Director of the  
6 Department of Transportation as the lead in establishing and administering a statewide program relating  
7 to the certification and monitoring of ignition interlock devices and installers. This replacement  
8 language allows the vendors of ignition interlock devices to contract with an Underwriters Laboratory  
9 Inc., or an equivalent nationally recognized certification organization, in order to certify interlock  
10 devices. These laboratories have been approved by the United States Department of Transportation and  
11 have the expertise and the infrastructure needed to insure that interlock devices perform and meet  
12 National Highway Traffic Safety Administration guidelines and standards.

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

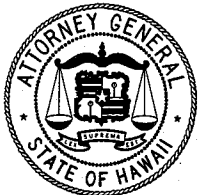
1 **Fiscal Implications:** Appropriates general funds for FY 2008-2009 for the purpose of supporting the  
2 work of an ignition interlock implementation task force staffed by DOT. Also sets up an ignition  
3 interlock special fund administered by the director of DOT for indigents. The special fund is funded by  
4 a surcharge that is assessed when the ignition interlock is installed. All other violators pay for their own  
5 ignition interlock installation and maintenance.

6 **Purpose and Justification:** States that have enacted interlock legislation have shown a 50 to 95 percent  
7 decrease in repeat offenders. Hawaii is one of only 5 states without an ignition interlock law.

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

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

24 Thank you for the opportunity to testify.



## 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:**

SENATE COMMITTEES ON TRANSPORTATION AND INTERNATIONAL AFFAIRS AND  
ON JUDICIARY AND LABOR

**DATE:** Wednesday, March 12, 2008 **TIME:** 2:00 PM

**LOCATION:** State Capitol, Room 224  
*Deliver to: Committee Clerk, Room 205, 1 copy*

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

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Chairs English and Taniguchi and Members of the Committees:

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.

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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, from operating 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.

The Department of the Attorney General would point out that the Senate version of this bill, S.B. No. 3234, S.D. 2, amended section 287-20, Hawaii Revised Statutes, to exempt a person whose license has been suspended pursuant to section 291E-61(b)(1) through (4), from having to furnish and maintain proof of financial responsibility, in order to be able to operate a motor vehicle. This amendment was made in response to concerns raised by the Department of the Attorney General and the Office of the Public Defender that section 287-20 may prevent people from being able to drive their vehicle even after being ordered to install an ignition interlock device into their vehicle. However, the amendment set forth in S.B. No. 3234, S.D. 1, will not solve the problem because it only exempts a person whose license has been suspended pursuant to section 291E-61(b)(1) through (4) when both the Senate and House bills amend section 291E-61 so as to require a revocation of license and privilege to operate a vehicle. Therefore, the amendment set forth in S.B. No. 3234, S.D. 1, will not exempt individuals convicted under section 291E-61(b)(1) through (b)(4) from having to provide financial responsibility pursuant to section 287-20 before being able to operate a motor vehicle.

Furthermore, the Department would like to point out that an amendment to section 287-20, exempting all individuals convicted under section 291E-61(b)(1) through (4) from having to provide financial responsibility, may have serious ramifications on the auto insurance

industry. As this issue has not been addressed, the Ignition Interlock Implementation Task Force should be required to review this issue.

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."



*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

Senate Committee on Judiciary and Labor

The Honorable Brian T. Taniguchi, Chair

The Honorable Clayton Hee, Vice Chair

Wednesday, March 12, 2008, 2:00 p.m.

State Capitol, Conference Room 224

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

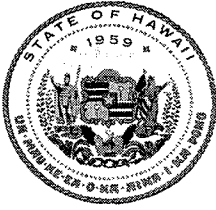
**Judiciary's Position:**

The Judiciary takes no position on the substantive amendments proposed by this measure but offers the following concern and comments.

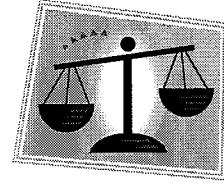
The Judiciary is very concerned with the provision in this bill which authorizes the court to place a criminal defendant on probation. This provision would require the supervision of an estimated 3,000 additional adult offenders, which would strain the court's already overburdened personnel and resources, necessitating an increase in staff and funding.

The Judiciary supports 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. We are currently analyzing the impact of this measure on the operation of the Administrative Driver's License Revocation Office for future comment.

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



**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 Senate Committee on Judiciary and Labor**

March 12, 2008, 2:00 p.m.

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

Chair Taniguchi and Members of the Committee:

The Office of the Public Defender supports the intent of this measure, but has 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 oppose 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 oppose 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.

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.

**Harry Kim**  
Mayor



**Dixie Kaatsu**  
Managing Director

**Barbara J. Kossow**  
Deputy Managing Director

## County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553  
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawai'i 96740  
(808) 329-5226 • Fax (808) 326-5663

March 10, 2008

The Honorable Kalani English  
Chair, Committee on Transportation  
and International Affairs  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

The Honorable Brian Taniguchi  
Chair, Committee on Judiciary  
and Labor  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Chair English, Chair Taniguchi, and Committee Members:

Re: HB 3377

I would like to express my support for HB 3377, which would require the installation of Ignition interlock devices on vehicles of people who are arrested for driving under the influence.

The idea of Ignition interlocks is not new. In the past, the Legislature has been reluctant to go down this road, primarily because the Ignition Interlock systems were not considered entirely reliable. My understanding is that, now, the technology has advanced to the point where the systems are dependable. Given the carnage on our roads that can result from people driving under the influence, I hope you will agree that it is time to use these devices as a way of saving lives and preventing tragedies.

I hope you will approve HB 3377.

Aloha,

A handwritten signature in black ink, appearing to read "Harry Kim".

4 Harry Kim  
MAYOR

The Senate  
Twenty-Fourth Legislature  
Regular Session of 2008

COMMITTEE ON TRANSPORTATION and INTERNATIONAL AFFAIRS  
COMMITTEE ON JUDICIARY and LABOR

Hearing  
Wednesday, March 12, 2008  
2:00 p.m.

Chairperson English and Vice Chairperson Gabbard  
Chairperson Taniguchi and Vice Chairperson Hee  
and Honored Senators

Testimony by: Ralph C. Boyea, Legislative Advocate, Hawai'i County Council

**Testimony in favor of HB 3377 RELATING TO HIGHWAY SAFETY**

On behalf of the Hawai'i County Council, I ask you to pass House Bill 3377. The Hawai'i County Council is in agreement with the purpose and intent of HB 3377 which would require the installation of an ignition interlock device on the vehicle of a person arrested for driving under the influence. The interlock device would prevent the person from starting or operating the motor vehicle if the person shows an alcohol concentration above the minimum allowed by law. The interlock device would be used while the person has a DUI case pending or subsequent to license revocation pursuant to chapter 291E of the Hawaii Revised Statutes.

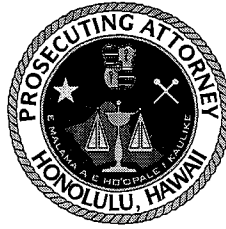
Hawai'i has the highest alcohol related driving fatality rate in the nation, 52%. The Legislature established a working group in 2007 to address this issue. The Hawai'i County Council supports the efforts of this working group and they support the recommendation for the installation of interlock devices as prescribed by this Bill.

We thank you for your efforts to improve the safety of our highways and we thank you for considering HB 3377.

We humbly ask you to pass this Bill.

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 KALANI ENGLISH, CHAIR  
SENATE COMMITTEE ON TRANSPORTATION  
AND INTERNATIONAL AFFAIRS  
THE HONORABLE BRIAN TANIGUCHI, CHAIR  
SENATE COMMITTEE ON JUDICIARY AND LABOR**

Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

March 12, 2008

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

Chair English and members of the Senate Committee on Transportation and International Affairs, Chair Taniguchi and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support 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 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.

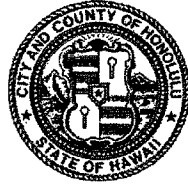
Thank you for this opportunity to testify.



POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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

MUFI HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
MICHAEL D. TUCKER  
DEPUTY CHIEFS

OUR REFERENCE RL-LC

March 12, 2008

The Honorable J. Kalani English, Chair  
and Members  
Committee on Transportation and  
International Affairs  
The Honorable Brian T. Taniguchi, Chair  
and Members  
Committee on Judiciary and Labor  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs English and Taniguchi and Members:

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

I am Major Susan Dowsett of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly 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. We submit for your consideration that this bill be passed without amendments so that the task force may work on the needed amendments for the next legislative session.

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.

APPROVED:

*Boisse P. Correa*  
For BOISSE P. CORREA  
Chief of Police

Sincerely,

*Susan Dowsett*  
SUSAN DOWSETT, Major  
Traffic Division



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)

March 12, 2008

To: Senator J. Kalani English, Chair – Senate Committee on Transportation and International Affairs; Senator Mike Gabbard, Vice Chair;  
Senator Brian T. Taniguchi, Chair – Senate Committee on Judiciary and Labor;  
Senator Clayton Hee, Vice Chair; and members of the committees

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

Re: House Bill 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, requiring ignition interlock for the vehicles of all drunk driving (OVUII) offenders.

HB 3377 is unamended. Although certain amendments were made to its companion measure - SB 3234 - by these committees last month, MADD suggests that it might be more practical to have the proposed Task Force address all issues and necessary changes relating to Hawaii's interlock system rather than make piecemeal amendments now. One amendment necessary to make at this time is a technical one (the correct name of MADD Hawaii's governing body) in Section 12 which goes into effect July 1<sup>st</sup> of this year.

*(Proposed amendment: page 41, lines 9 – 11; Section 12, (11) The executive director and a member of the [board of directors]\* Council of Mothers Against Drunk Driving, Hawaii Chapter.)*

\*MADD has only one national board of directors for the entire organization.

In 2007, a Working Group was constituted in HCR 28, introduced by the Chair of the House Committee on Transportation, 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 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 these committees, representatives of the Governor and Lieutenant Governor, and other community groups.

The Working Group met several times during 2007, reaching consensus on a score of key provisions deemed crucial for effective interlock legislation. In December, the Group's findings were submitted as an official report to the Legislature. MADD is gratified to note that virtually all the key findings from the Working Group have been incorporated into HB 3377 (as well as SB 3234).

Since a number of important issues in the implementation of an effective ignition interlock program in Hawaii will require further discussion, the bills wisely call for the establishment of a Task Force to present recommendations for additional legislation prior to the 2009 session. The bill specifies the composition of the Task Force, and calls for state funding "for the purpose of supporting the work of the ignition interlock implementation task force."

MADD urges the committee to pass HB 3377.

Thank you for the opportunity to testify.

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

March 10, 2008

TO: **The Honorable J. Kalani English, Chair**  
Senate Committee on Transportation and International Affairs  
State Capitol, Room 205  
Honolulu, Hawaii 96813

Via Email: [testimony@Capitol.hawaii.gov](mailto:testimony@Capitol.hawaii.gov)

FROM: Mihoko Ito

RE: **H.B 3377 - Relating to Highway Safety**  
**Hearing Date: Wednesday, March 12, 2008 @ 2:00 p.m., Room 224**

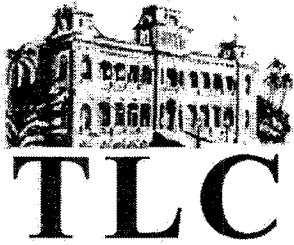
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Dear Chair English and Members of the Committee on Transportation and International Affairs:

I am Mihoko Ito 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.



# THE LEGISLATIVE CENTER

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

March 12, 2008

Testimony To: Senate Committee on Transportation and International Affairs  
Senator J. Kalani English, Chair

Senate Committee on Judiciary and Labor  
Senator Brian T. Taniguchi, Chair

Presented By: Tim Lyons, Legislative Liaison  
Anheuser Busch Companies

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

Chair English, Chair Taniguchi and Members of the Joint Committees:

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 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.

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.