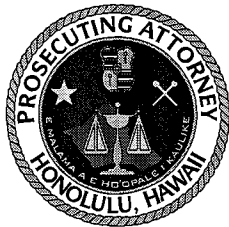


DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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DOUGLAS S. CHIN
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**THE HONORABLE ROSALYN BAKER, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS**

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

February 21, 2008

RE: S.B. 3234, S.D. 1; RELATING TO HIGHWAY SAFETY.

Chair Baker and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 3234, S.D. 1.

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, 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 support the passage of S.B. 3234, S.D. 1. 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.

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**

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** Legal Assistant

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February 19, 2008

TO: Senator Rosalyn H. Baker, Chair
Senate Committee on Ways and Means
Hawaii State Capitol, Room 210
Via E-mail: testimony@Capitol.hawaii.gov

FROM: Gary Slovin

RE: S.B. 3234, SD1 - Relating to Highway Safety

Hearing Date: Thursday, February 21, 2008 @ 9:30 a.m., Room 211

Dear Chair Baker and Members of the Committees on Ways and Means:

I am Gary Slovin 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 S.B. 3234, SD1. The Alliance served as a member of the Ignition Interlock Working Group, which was established pursuant to H.C.R. 28, Regular Session 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 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 Judiciary, State of Hawaii

Testimony to the Twenty-Fourth State Legislature, 2008 Session

Senate Committee on Ways and Means
The Honorable Rosalyn H. Baker, Chair
The Honorable Shan S. Tsutsui, Vice Chair

Thursday, February 21, 2008, 9:30 a.m.
State Capitol, Conference Room 211

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

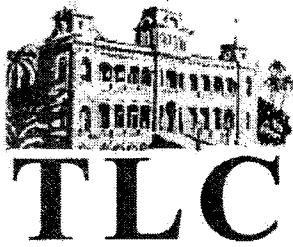
WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 3234, S.D. 1, 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.



THE LEGISLATIVE CENTER

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

February 21, 2008

Testimony To: Senate Committee on Ways and Means
Senator Rosalyn H. Baker, Chair

Presented By: Tim Lyons, Legislative Liaison
Anheuser Busch Companies

Subject: S.B. 3234, SD 1 – RELATING TO HIGHWAY SAFETY.

Chair Baker and Members of the Committee:

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

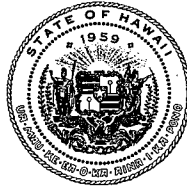
Ignition interlocks are the wave of the future and it is only a matter of time before all cars will have some type of alcohol testing built into the operational aspect of the car. Recently, a system was demonstrated in Japan which has sensors in the headrest which samples the drivers breath and others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

We 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.



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

IN REPLY REFER TO:

February 21, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 3234, S.D. 1

COMMITTEE ON WAYS AND MEANS

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) understands that this measure will allow for a Task Force to address any concerns. We respectfully request that the following proposed legislation be considered as part of this bill or during the discussions by the Task Force:

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.

The above provisions will help 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 including overtime enforcement for county police departments.



Mothers Against Drunk Driving HAWAII
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Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
www.maddhawaii.org

February 21, 2008

To: Senator Rosalyn Baker, Chair, Committee on Ways & Means; Senator Shan Tsutsui, Vice Chair; and members of the Committee

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

Re: SB 3234 SD 1– Relating to Highway Safety

I am Arkie Koehl testifying on behalf of the membership of Mothers Against Drunk Driving – Hawaii, in strong support of SB 3234 SD 1.

A Working Group was established by the Legislature last year 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. The Group’s findings were submitted to the President of the Senate and the Speaker of the House on Dec. 21st. MADD is gratified to note that virtually all the key findings from the Working Group have been incorporated into SB 3234 SD 1.

Since a number of important issues in the implementation of an effective ignition interlock program in Hawaii will require further discussion, SB 3234 SD 1 wisely calls 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.”

As such funding will be required from the time SB 3234 SD 1 becomes law (July 1, 2008), and as no dollar amount is heretofore specified in the body of the bill, MADD and Department of Transportation Highway Safety staff have developed a budget for the 2008/2009 fiscal year. This budget covers estimated costs for: inter-island transportation for neighbor island Task Force members named in the

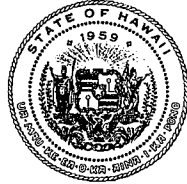
MADD-Hawaii
SB 3234 HD 1 WAM

2

bill; six meetings during the year; subcommittee meetings; and one-day-a-week clerical and support staffing. The estimate totals \$32,000. We urge the Committee to authorize this modest outlay.

Thank you for the opportunity to submit this testimony.

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:

Committee on Ways and Means

SB 3234 SD1, RELATING TO HIGHWAY SAFETY

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

February 21, 2008, 9:30am

1 **Department's Position:** The Department of Health supports this bill. Ignition interlocks are an
2 effective way of increasing the safety of all road users by mechanically preventing convicted drunk
3 drivers from operating a vehicle with alcohol in their system.

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

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

11 Alcohol related traffic fatalities remain tragically high in Hawaii; in 2006, 41 percent (58
12 drivers) of all drivers involved in traffic fatalities tested positive for alcohol. Among drivers involved in
13 fatal crashes, those who tested positive for alcohol were at least 3 times (6% vs. 2%) more likely than
14 other drivers to have had a previous conviction for DUI (Fatal Analysis Reporting System, National
15 Highway Traffic Safety Administration - NHTSA). In 2006 there were over 6,729 DUI arrests in

1 Hawaii. Based on a study conducted in 2005 by the City and County of Honolulu, over one fourth
2 (28%) of DUI arrestees have been previously arrested for a DUI. NHTSA and Center for Disease
3 Control and Prevention (CDC) conclude, when installed and in use, ignition interlocks are effective for
4 reducing alcohol related arrests and crashes.

5 SB 3234 SD1 addresses the key recommendations that were made by the Interlock Working
6 Group which was established after the legislature passed resolution HCR 28, H.D.1 in 2007 requesting
7 the Department of Transportation study the feasibility of requiring vehicle ignition interlock devices for
8 convicted drunk driving offenders. Recommendations from that working group include creating
9 interlock laws with mandatory sentencing for all convicted impaired driving offenders, a varying
10 sentence length dependant on the offender's compliance and establishing penalties for tampering and
11 circumvention of interlock devices.

12 Thank you for the 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

FAX

MUFI HANNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
MICHAEL D. TUCKER
DEPUTY CHIEFS

OUR REFERENCE RL-LC

February 21, 2008

The Honorable Rosalyn H. Baker, Chair
and Members
Committee on Ways and Means
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Baker and Members:

Subject: Senate Bill No. 3234, S.D. 1, 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 Senate Bill No. 3234, S.D. 1, 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 Senate Draft 1 begins to address the issues of the working group. The implementation date will give the necessary time for the agencies involved to complete their rules and procedures for a better implementation.

The HPD strongly urges your committee to pass Senate Bill No. 3234, S.D. 1, 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,

Handwritten signature of Susan Dowsett.

SUSAN DOWSETT, Major
Traffic Division

APPROVED:

Handwritten signature of Boisse P. Correa.

For: BOISSE P. CORREA
Chief of Police