



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
March 10, 2008

IN REPLY REFER TO:

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 3234, S.D. 2

COMMITTEE ON TRANSPORTATION

We support this bill, as long as it does not adversely impact the priorities of the Executive Supplemental Budget.

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.



*The Judiciary, State of Hawaii*

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

House Committee on Transportation

The Honorable Joseph M. Souki, Chair

The Honorable Scott Y. Nishimoto, Vice Chair

Monday, March 10, 2008, 10:00 a.m.

State Capitol, Conference Room 309

by

Ronald Sakata

Chief Adjudicator

Administrative Driver's License Revocation Office

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**Bill No. and Title:** Senate Bill No. 3234, S.D. 2, 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.

House of Representatives  
Twenty-Fourth Legislature  
Regular Session of 2008

COMMITTEE ON TRANSPORTATION

Hearing  
Monday, March 10, 2008  
10:00 a.m.

Chairperson Souki  
Vice Chairperson Nishimoto  
and Honored Representatives,

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

**Testimony in favor of SB 3234, SD2 RELATING TO HIGHWAY SAFETY**

On behalf of the Hawai'i County Council, I ask you to pass Senate Bill 3234, SD2. The Hawai'i County Council is in agreement with the purpose and intent of SB 3234 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 SB 3234.

We humbly ask you to pass this Bill.



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March 10, 2008

To: Representative Joseph Souki, , Chair, House Committee on Transportation;  
Representative Scott Nishimoto, Vice Chair; and members of the Committee

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

Re: SB 3234 SD 2 – 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 SB 3234 SD 2, mandating ignition interlock for the vehicles of all drunk driving offenders.

This companion to HB 3377 has been amended in Senate committees for both substantive and technical reasons, in accordance with testimony similar to that put forward in several House hearings. We suggest the adoption of these amendments in whichever of the two bills ultimately emerges.

However, MADD has one concern about an amendment appearing on page 4, line 14 and on page 17, line 3: through (b) (4). This short amendment concerns the need for an SR22, proof of financial responsibility. The words “through (b) (4)” would extend an exemption currently afforded only first offenders to all offenders. The committee report from TIA/JDL indicates that this amendment was part of conforming section 287-20 to the proposed statutory changes but MADD is not sure that the committees intended to exempt all offenders from the SR22 requirement. Therefore, we question the need for this amendment.

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. The Group's findings were submitted to the President of the Senate and the Speaker of the House on Dec. 21<sup>st</sup>. MADD is gratified to note that virtually all the key findings from the Working Group have been incorporated into SB 3234 SD 2 (as well as HB 3377).

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 if the ignition interlock implementation task force."

MADD urges the committee to pass SB 3234, SD2 with the possible deletion of the amendments discussed if it is determined these are not necessary for the conformation of the statutes.

Thank you for the opportunity to testify.

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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March 8, 2008

TO: Representative Joseph M. Souki, Chair  
House Committee on Transportation  
State Capitol, Room 433  
Via E-mail: [TRNtestimony@Capitol.hawaii.gov](mailto:TRNtestimony@Capitol.hawaii.gov)

FROM: Mihoko Ito

RE: S.B. 3234, SD2 - Relating to Highway Safety  
Hearing Date: Monday, March 10, 2008 @ 10:00 a.m., Room 309

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Dear Chair Souki and Members of the Committee on Transportation:

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 S.B. 3234, SD2. 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.