

STAND. COM. REP. NO.

46

Honolulu, Hawaii

Feb 6, 2009

RE: H.B. No. 981

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 981 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this bill is to continue to promote highway safety by statutorily establishing several recommendations of the Ignition Interlock Implementation Task Force established by Act 171, Session Laws of Hawaii 2008. Among other things, this bill:

- (1) Requires ignition interlock systems to be installed on the vehicles of all offenders of Hawaii's driving under the influence laws;
- (2) Establishes a "hybrid" system of administrative oversight of the ignition interlock program, including an administrative system operated by the Administrative Drivers' License Revocation Office and a judicial system operated through the state district courts;
- (3) Establishes the maximum jail terms for first, second, and third offenses of operating a vehicle under the influence of an intoxicant at 30 days;
- (4) Establishes various time periods for the installation of ignition interlock devices;



- (5) Requires periodic and random testing via the ignition interlock device after the vehicle has initially been allowed to be operated;
- (6) Changes the sentencing from lifetime revocation to a revocation of 5 to 10 years for a person with four or more alcohol enforcement contacts;
- (7) Requires drivers who refuse to take a chemical test to determine blood alcohol content to install an ignition interlock device on their vehicles for a time period that is twice as long as that required for a driver who takes the chemical test and fails the test; and
- (8) Changes the "look back period", or history of a driver to determine whether a driver has had a prior law enforcement contact for an alcohol-related incident from 5 years to 10 years.

The Department of Transportation, Department of Health, Hawaii Ignition Interlock Implementation Task Force, and Mothers Against Drunk Driving HAWAII testified in support of this bill. The Office of the Public Defender and Department of the Prosecuting Attorney of the City and County of Honolulu supported the intent of this measure. The Department of the Attorney General and Judiciary submitted comments.

Hawaii has experienced an alarmingly high number of alcohol-related traffic fatalities over the past several years. While enforcement of existing laws governing the operation of a vehicle while under the influence of an intoxicant (OVUII) has had an impact on alcohol-related traffic fatalities, it appeared that more needed to be done to bring about substantial improvement.

In response to these alarming numbers, H.C.R. No. 28, H.D. 1, was passed during the 2007 legislative session, calling for a working group to be formed to study the issue of ignition interlocks and make recommendations leading to legislation. In 2008, legislation was recommended that established an ignition interlock device program in Hawaii and was enacted as Act 171, Session Laws of Hawaii 2008 (Act 171). The program established under Act 171 would require the installation of ignition interlock devices, which prohibit a vehicle from being started until the driver of the vehicle passes a breathalyzer test that is connected to the ignition of the vehicle, on vehicles of those convicted of OVUII under certain conditions.

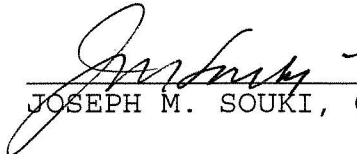


While Act 171 served as a framework from which to build the ignition interlock program, the complex nature of establishing the ignition interlock program in Hawaii necessitated the establishment of the task force to address numerous issues before the actual implementation of the program. The initial recommendations of the Hawaii Ignition Interlock Implementation Task Force are contained in this measure.

Although your Committee understands that work still needs to be completed to address additional legal issues and concerns with this program, this legislation is an important step in addressing an important health and safety issue affecting all of the residents of Hawaii.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 981 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,




JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 981	Committee Referral: TRN, JUD, FIN	Date: 2/2/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	✓			
2. AWANA, Karen Leinani (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HANOHANO, Faye P.	✓			
5. KEITH-AGARAN, Gilbert S.C.	✓			
6. LEE, Marilyn B.	✓			
7. NAKASHIMA, Mark M.	✓			
8. RHOADS, Karl	✓			
9. SAIKI, Scott K.	✓			
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos	✓			
TOTAL (12)	12			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				