

Honolulu, Hawaii

Feb 3, 2010

RE: H.B. No. 2752
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2752 entitled:

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

begs leave to report as follows:

The purpose of this bill is to promote safety on Hawaii's roadways by enacting the recommendations of the Ignition Interlock Implementation Task Force (Task Force) established under Act 171, Session Laws of Hawaii 2008. Among other things, this bill:

- (1) Prohibits an individual who has been restricted to operating a vehicle with an ignition interlock device to knowingly circumvent or tamper with the device to operate the vehicle and provides for penalties for such a violation;
- (2) Prohibits individuals from knowingly assisting or abetting the circumvention or tampering of an ignition interlock device and provides penalties for such actions;
- (3) Provides for a definition of "valid license" and repeals the definition of "highly intoxicated driver";
- (4) Repeals evidence of intoxication parameters for highly intoxicated drivers;



- (5) Specifies that ignition interlock devices be certified by an independent laboratory to meet or exceed the guidelines published by the National Highway Traffic Safety Administration;
- (6) Provides for the annual auditing of the vendor selected for the installation and maintenance of ignition interlock devices by the Department of Transportation (DOT);
- (7) Allows the Director of DOT to require the vendor to pay for all or part of the costs incurred in conducting the audit;
- (8) Requires a respondent to obtain an ignition interlock permit to operate a vehicle during a revocation period if the respondent had a valid driver's license at the time of the arrest;
- (9) Provides for notice of when outstanding motor vehicle number plates must be surrendered and that failure to surrender the plates as required is a misdemeanor offense;
- (10) Eliminates probationary provisions for convicted second and third offenders and provides for the existing practice of "proof of compliance" to be used for all convicted offenders;
- (11) Provides for the loss of the privilege to operate a motor vehicle equipped with an ignition interlock device upon conviction of operating a vehicle after a license has been suspended or revoked for operating a vehicle under the influence of an intoxicant; and
- (12) Repeals the provisions establishing an ignition interlock special fund, surcharges, and funding for the cost of installing and operating ignition interlock devices in the vehicles of persons who are indigent.

The Task Force, DOT, Department of the Prosecuting Attorney, Honolulu Police Department, Mothers Against Drunk Driving HAWAII, and Injury Prevention Advisory Committee testified in support of this bill. The Administrative Driver's License Revocation Office of the Judiciary provided comments.



Over the past several years, Hawaii has had high incidents of alcohol-related traffic fatalities. In 2005, Hawaii had the second highest percentage of alcohol-related traffic fatalities in the nation. In 2006, Hawaii's alcohol-related traffic fatality rate of 52 percent was the highest in the nation. Sadly, this trend appears to be continuing despite efforts to curb this type of behavior since, in 2008, 43 percent of drivers involved in traffic fatalities tested positive for alcohol. While enforcement of existing laws governing the operation of a vehicle under the influence of an intoxicant has had an impact on alcohol-related traffic fatalities, the Legislature determined that more needed to be done to substantially reduce the number of fatalities.

In response to 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 interlock devices and make recommendations leading to legislation. As a result, the Task Force was formed and presented its initial recommendations to the Legislature during the Regular Session of 2009. This measure is a continuation of the work of the Task Force for final implementation of the recommendations regarding the ignition interlock device programs.

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, may be one way to stop alcohol-impaired drivers from getting behind the wheel of their vehicles and would be another step toward stopping the senseless tragedies of alcohol-related traffic fatalities.

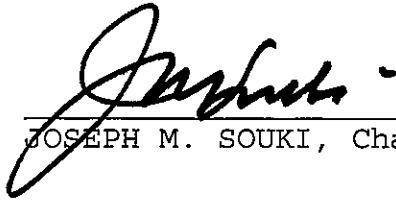
Your Committee has amended this bill by:

- (1) Inserting language that provides penalties for a second offense of assisting or abetting the circumvention of, or tampering with, an ignition interlock device; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2752, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2752, H.D. 1, 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

HSCR 59-10

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 2752	Committee Referral: TRN, JUD, FIN	Date: 2/01/2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				