

Honolulu, Hawaii

Feb 12, 2010

RE: H.B. No. 2752  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2752, H.D. 1, 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 for installation of ignition interlock devices, and funding for the cost of installing and operating ignition interlock devices in the vehicles of persons who are indigent.

DOT, Department of Health, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, and Mothers Against Drunk Driving Hawaii testified in support of this bill. The Office of the Public Defender opposed this measure. The Judiciary offered comments.



Your Committee has amended this bill by:

- (1) Deleting language that provides penalties for a second offense of assisting or abetting the circumvention of, or tampering with, an ignition interlock device;
- (2) Deleting language that establishes a person's refusal to submit to a breath, blood, or urine test to determine the alcohol concentration or drug content in the person, as a petty misdemeanor;
- (3) Removing the prohibition on issuing a conditional license permit to a respondent who is a highly-intoxicated driver;
- (4) Deleting language that repeals the establishment of an Ignition Interlock Special Fund, surcharges for installation of ignition interlock devices, and funding for the cost of installing and operating ignition interlock devices in the vehicles of persons who are indigent; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2752, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2752, H.D. 2.

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

  
JON RIKI KARAMATSU, Chair



