

Honolulu, Hawaii

Feb 26, 2010

RE: H.B. No. 2752
H.D. 3

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

Sir:

Your Committee on Finance, to which was referred H.B. No. 2752, H.D. 2, 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), and authorizes the Director of DOT to require the vendor to pay for all or part of the costs incurred in conducting the audit;
- (7) Requires a respondent to keep an ignition interlock device installed and operating in any vehicle the respondent operates during a revocation period if the respondent had a valid driver's license at the time of the arrest;
- (8) Requires a respondent to obtain an ignition interlock permit to operate a vehicle during the revocation period if the respondent had a valid license at the time of arrest;
- (9) Provides for notice of the date by which 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; and
- (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.

DOT and the Honolulu Police Department supported this bill. The Judiciary, Department of Health, Prosecuting Attorney of the City and County of Honolulu, and Mothers Against Drunk Driving HAWAII provided comments on this measure.




Your Committee has amended this bill by:

- (1) Including language that requires the Director of DOT to contract with the selected interlock vendor to provide partial financial relief to certain offenders for installation and periodic calibration charges;
- (2) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2752, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2752, H.D. 3.

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


MARCUS R. OSHIRO, Chair



