

Honolulu, Hawaii

March 19, 2010

RE: S.B. No. 2897  
S.D. 2  
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 S.B. No. 2897, S.D. 2, 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 Hawaii 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, from knowingly circumventing or tampering 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;
- (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) Establishes the financial conditions that must be met to receive assistance for the installation and the periodic calibration charges for ignition interlock devices.



The Task Force, DOT, Department of the Attorney General, Department of Health, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and Mothers Against Drunk Driving HAWAII testified in support of this bill. The Office of the Public Defender supported the intent of this bill. The Administrative Driver's License Revocation Office of the Judiciary provided comments.

Your Committee understands that to criminalize refusal to submit to a breath, blood, or urine test infringes upon important personal rights that in the past the Legislature has protected. Your Committee is mindful that such a law can result in a situation where the arrestee is convicted of refusal when the test results would have indicated that the arrestee was not guilty of intoxicated driving. However, your Committee finds that discussion on this matter should not impede the legislative progress of this important measure. Your Committee wishes to move the bill along to leave the discussion open.

Your Committee has amended this bill by:

- (1) Specifying that the director of DOT shall contract with the selected ignition interlock vendor to provide partial financial relief for the installation and the periodic calibration charges to offenders who apply for assistance for the installation and the periodic calibration charges for ignition interlock devices;
- (2) Correcting a statutory reference in the bill to reference section 291E-41(g); 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2897, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2897, S.D. 2, H.D. 2.



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

  
JOE RIKI KARAMATSU, Chair



