

Honolulu, Hawaii

Ag: 11 , 2010

RE: S.B. No. 2897
S.D. 2
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 S.B. No. 2897, S.D. 2, 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 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) Makes refusal to submit to a breath, blood, or urine test a petty misdemeanor;



- (4) Provides for a definition of "valid license" and repeals the definition of "highly intoxicated driver";
- (5) Repeals evidence of intoxication parameters for highly intoxicated drivers;
- (6) Specifies that the Director of Transportation 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;
- (7) 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;
- (8) 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;
- (9) Requires a notice of administrative revocation to notify a respondent that the respondent must obtain and 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;
- (10) 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;
- (11) Provides for the revocation of the registration of a motor vehicle registered to the respondent as part of an administrative revocation;
- (12) 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



- (13) 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.

The Department of Transportation on behalf of the Hawaii Ignition Interlock Implementation Task Force, Department of Health, Department of the Prosecuting Attorney and Honolulu Police Department of the City and County of Honolulu, and Mothers Against Drunk Driving Hawaii testified in support of this bill.

Your Committee has amended this bill by 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 S.B. No. 2897, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2897, S.D. 2, H.D. 3.

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


MARCUS R. OSHIRO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 1223-10

Record of Votes of the Committee on Finance

Bill/Resolution No.: SB 2897 SD2, HD2	Committee Referral: TRN, JUD, FIN	Date: 3/26/10		
<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)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	✓			
2. LEE, Marilyn B. (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. AWANA, Karen Leinani	✓			
5. BROWER, Tom	✓			
6. CHOY, Isaac W.	✓			
7. COFFMAN, Denny	✓			
8. HAR, Sharon E.	✓			
9. KEITH-AGARAN, Gilbert S.C.	✓			
10. LEE, Chris	✓			
11. NISHIMOTO, Scott Y.	✓			
12. SAGUM, Roland D., III				✓
13. TOKIOKA, James Kunane				✓
14. WOOLEY, Jessica	✓			
15. YAMASHITA, Kyle T.	✓			
16. FINNEGAN, Lynn	✓			
17. WARD, Gene	✓			
TOTAL (17)	15	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Marilyn B. Lee</u>				
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