

STAND. COM. REP. NO.

2167

Honolulu, Hawaii

FEB 10 2010

RE: S.B. No. 2897
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 2897 entitled:

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

begs leave to report as follows:

The purpose of this measure is to enact the recommendations of the Ignition Interlock Implementation Task Force pursuant to Act 171, Session Laws of Hawaii 2008, which include establishing:

- (1) Mandatory sentencing for all convicted impaired driving offenders;
- (2) Penalties for tampering or circumventing interlock devices; and
- (3) Stricter laws and increased enforcement to deter persons who may attempt to avoid mandated ignition interlock installation.

Your Committee received testimony in support of this measure from the Departments of Transportation, Department of Health, Honolulu Police Department, Honolulu Prosecuting Attorney, Mothers Against Drunk Driving HAWAII, and the Injury Prevention Advisory Committee. The State Judiciary expressed concerns. Written testimony presented to the Committee may be reviewed on the Legislature's website.



Your Committee finds that, pursuant to House Concurrent Resolution No. 28, H.D. 1 (2007), the Department of Transportation convened a Hawaii ignition interlock implementation task force comprised of government agencies and community stakeholders to study the feasibility of requiring the installation of ignition interlock devices on vehicles of persons driving under the influence offenders, including exploring and recommending procedures for the introduction of ignition interlock technology to Hawaii. Act 171, Session Laws of Hawaii 2008 and Act 88, Session Laws of Hawaii enacted recommendations of the Hawaii ignition interlock implementation task force which has continued its work through to the present. This measure represents the final installment of legislation to fully implement the program.

Your Committee finds that, while gains have been made in reducing both driving under the influence arrests and the total number of alcohol-related fatalities, today's offender is more likely to have a highly elevated alcohol concentration and, as a whole, Hawaii's rate of alcohol-related fatalities remains unacceptably high. At the same time, people whose licenses have been revoked still need to get to work, to transport their families, and to fulfill other obligations, and there often is no efficient alternative to driving. Just as there is no single cause of this problem, there is no single solution, and Hawaii needs another tool to address it.

Numerous steps have been taken by the Legislature over the past twenty-five years to address the toll exacted from our community by those who operate a motor vehicle under the influence of alcohol or drugs, or both. These include providing increased criminal penalties, from larger fines and longer license suspensions and prison terms to forfeiture of the motor vehicle involved in the crime. New criminal offenses have been created, from causing death with a motor vehicle while under the influence of alcohol or drugs to habitually driving under the influence. Administrative license revocation has been enacted to quickly revoke the driver's license while the courts determine what penalties are appropriate. Special attention has been given to repeat offenders, offenders who are highly intoxicated, youthful offenders, and those who drive under the influence with a child in the vehicle.

Your Committee remains concerned about lifetime driver license revocations that occurred prior to the ignition interlock amendments. Testimony indicated that the Hawaii ignition



interlock implementation task force has moved away from recommending lifetime revocation. However, this still leaves approximately 5,000 drivers whose licenses were revoked prior to Act 171, Session Laws of Hawaii 2008, which repealed the provision for lifetime revocation. Your Committee has been assured that the Honolulu Prosecuting Attorney and the Administrative Driver License Revocation Office are working on statutory changes to be recommended to the Legislature after analyzing the implementation of the recent ignition interlock amendments.

Your Committee has amended this measure by:

- (1) Clarifying a penalty provision, on the recommendation of the Honolulu Prosecuting Attorney;
- (2) Changing the effective date to January 2, 2011, which is one day after January 1, 2011, when previous amendments to the same sections take effect, so as to ensure that all of the amendments take effect as intended; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Transportation, International and Intergovernmental Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2897, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2897, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,
International and
Intergovernmental Affairs,




J. KAMANI ENGLISH, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2897	TIA, JGO	2-8-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312				
<input checked="" type="checkbox"/> Pass, with amendments 2311				
<input type="checkbox"/> Hold 2310				
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	—	—	—
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes