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IN REPLY REFER TO:

February 1, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2797

COMMITTEE ON TRANSPORTATION

The Department of Transportation opposes this bill.

We believe that House Bill 2752, the final proposal for ignition interlock from the task force, should be adopted as submitted, and that HB 2797 would conflict with some of the provisions, for example, requiring the impoundment of the vehicle used by the defendant for highly intoxicated drivers and repeat offenders.

We understand, but cannot support this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE JOSEPH SOUKI, CHAIR
HOUSE TRANSPORTATION COMMITTEE
Twenty-fifth State Legislature
Regular Session of 2010
State of Hawai'i**

February 1, 2010

RE: H.B. 2797; RELATING TO OPERATING A VEHICLE WHILE INTOXICATED.

Chair Souki and members of the House Committee on Transportation, the Department of the Prosecuting Attorney submits the following comments on H.B. 2797.

The purpose of this bill is to provide for: 1) liquor license suspensions for selling or serving liquor to persons who are under the influence of liquor; 2) the impoundment of vehicles used by highly intoxicated drivers and repeat impaired drivers; 3) a mandatory one year term of imprisonment for conviction for a third conviction of impaired driving within five years; 4) mandatory enrollment and completion of a substance abuse treatment program; and 5) funding to the counties for sobriety checkpoints.

We recognize that this bill is intended to strengthen the sanctions against persons who drive drunk and others who facilitate drunken driving offenses and we support that intent. However, we do note that the provisions for vehicle impoundment would be inconsistent with the state's ignition interlock program which is slated to go into effect on Jan. 1, 2011. Under the ignition interlock program, it is contemplated that the drunk driver will keep his or her vehicle, but will be prevented from operating that vehicle if he or she has a measurable amount of blood alcohol. At this point, given the logistics that would need to be worked out to make

impoundments workable, we would prefer the implementation of the ignition interlock program.

Thank you for this opportunity to testify.



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February 1, 2010

To: Representative Joseph M. Souki, Chair – House Committee on Transportation;
Representative Karen Leinani Awana, Vice Chair; and members of the committee

From: Arkie Koehl — Chairman, Operations Council, MADD Hawaii

Re: House Bill 2797 – Relating to Operating a Vehicle while Intoxicated

I am Arkie Koehl, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of the intent of HB 2797. This bill amends the penalties for OVUII with vehicle impoundment and imprisonment sanctions; sets criteria for suspending the license of establishments where alcohol is served; mandates treatment programs for repeat OVUII offenders; and appropriates funds to increase the number of sobriety checkpoints conducted in each county.

This legislative measure has been inspired by Mr. Wayne Braden of Kona who is to be commended for his interest in stopping impaired driving in the state and for his willingness to become involved in the legislative process. Mr. Braden's baby daughter was killed by an alleged intoxicated driver in May of 2009. His wife sustained very serious injuries. Members of MADD Hawaii have had contact with Mr. Braden in the months since the tragic Big Island crash.

MADD's goals are similar to Mr. Braden's - to remove dangerous drivers from the roads by effective laws; to prevent intoxicated driving by sanctioning establishments which over-serve customers; to see that offenders receive treatment for their alcohol abuse or dependency problem; and to conduct as many sobriety checkpoints as funds will allow because of their extremely high deterrent value.

Sanctions for OVUII

For the past 25 years, MADD Hawaii has been researching methods of reducing impaired driving and the crashes it causes. The organization has supported various measures geared to reduce Hawaii's alcohol and drug related fatality rates. For the past three years MADD has served on the Ignition Interlock Task Force and therefore most of our efforts have centered around designing an effective interlock program for Hawaii. At the present time, MADD believes that this technology offers the best and most cost effective method of reducing impaired driving and alcohol related crashes and preventing death and injury. An interlock is much less expensive than incarceration and keeps the offender productive and able to help his family as long as he or she is sober when starting the vehicle.

MADD feels impoundment would be useful in certain circumstances such as driving while license is suspended or revoked or for those who tamper with or circumvent the interlock system. However, MADD's past experience has shown that impoundment is difficult to implement in the state. An impoundment bill for third offenders was finally passed several years ago but it has been rarely, if ever, implemented. MADD is interested in investigating ways in which impoundment could be made possible in the situations mentioned and we intend to research the issue this year.

Alcohol serving practices

MADD supports stronger policies for establishments serving alcohol and in that regard MADD will be introducing a resolution in this legislative session to form a task force to study server training and research the best server training practices and policies for our state. Once servers are trained, if over-serving occurs or if establishments serve alcohol to minors, MADD supports the loss of the establishment's liquor license for a second offense.

Checkpoints

MADD locally and nationally is a very strong supporter of sobriety checkpoints because of their deterrent value. We support any possible increase in funding of this valuable preventive method.

MADD would be happy to work with the authors of this bill and with Mr. Braden to merge his goals with current best practices and MADD's national and local public policy positions.

Thank you for this opportunity to testify on House Bill 2797.

GOODSILL ANDERSON QUINN & STIFEL

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3MEMORANDUM

TO: Representative Joseph M. Souki
Chair, Committee on Transportation
Via email: TRNtestimony@Capitol.hawaii.gov

FROM: Anne T. Horiuchi

DATE: January 30, 2010

RE: H.B. 2797 – Relating to Operating a Vehicle While Intoxicated
Hearing: Monday, February 1, 2010 at 9:00 a.m., Room 309

Dear Chair Souki and Members of the House Committee on Transportation:

I am Anne Horiuchi, testifying on behalf of EAN Holdings, LLC, operating Enterprise Rent-A-Car, Alamo Rent A Car and National Car Rental in Hawaii (collectively referred to as “Enterprise”). Our clients are members of Catrala-Hawaii.

H.B. 2797 requires the impoundment of the vehicle used by the defendant for highly intoxicated drivers and repeat offenders. It institutes a one-year mandatory prison sentence for offenders who have two prior convictions for DUI and requires alcohol treatment for repeat offenders. While Enterprise is supportive of the intent of this measure, Enterprise has concerns regarding the impoundment provisions, to the extent that it could result in the impoundment of rental motor vehicles.

Enterprise respectfully requests amendments to H.B. 2797 relating to rental motor vehicles used in the commission of the offense:

- 1) A vehicle removed and seized pursuant to an ordinance adopted pursuant to this section shall be released to a rental car agency prior to the end of the impoundment period if the agency is either the legal owner or registered owner of the vehicle and the agency pays all towing and

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storage fees related to the seizure and impoundment of the vehicle.

(2) The owner of a rental vehicle that was seized under an ordinance adopted pursuant to this section may continue to rent the vehicle upon recovery of the vehicle.

However, the rental car agency shall not rent another vehicle to the driver of the vehicle that was seized until the impoundment period has expired.

(3) The rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges related to the seizure and impoundment.

We appreciate your consideration of this proposed amendment. Thank you for the opportunity to testify on this matter.