

MAR 16 2011

SENATE RESOLUTION

REQUESTING THE CONVENING OF A WORKING GROUP TO STUDY THE
FEASIBILITY OF IMPLEMENTING VEHICULAR IMMOBILIZATION AS A
PENALTY FOR CONVICTION OF OPERATING A VEHICLE UNDER THE
INFLUENCE OF AN INTOXICANT INVOLVING ALCOHOL.

1 WHEREAS, Hawaii has one of the nation's highest rates of
2 alcohol-related traffic fatalities; and

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4 WHEREAS, many offenders convicted of driving under the
5 influence of alcohol continue to drive illegally during their
6 license revocation and suspension periods; and

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8 WHEREAS, those drunk driving offenders who drive illegally
9 present a threat to law abiding drivers; and

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11 WHEREAS, past efforts to sanction drunk drivers with
12 vehicle forfeiture or impoundment, despite gaining support in
13 concept, have failed due to various circumstances; and

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15 WHEREAS, the State Department of Transportation developed
16 the Hawaii Strategic Highway Safety Plan 2007 Thru 2012 to
17 reduce the number and severity of traffic-related injuries and
18 deaths on Hawaii's roadways; and

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20 WHEREAS, vehicle immobilization is a top strategy of the
21 Hawaii Strategic Highway Safety Plan for the offense of driving
22 under the influence of alcohol; and

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24 WHEREAS, vehicle immobilization involves the use of a boot
25 to immobilize an offender's vehicle on the owner's property
26 to eliminate the cost of impounding vehicles; now, therefore,

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28 BE IT RESOLVED by the Senate of the Twenty-sixth
29 Legislature of the State of Hawaii, Regular Session of 2011,
30 that the Department of Transportation is requested to convene a
31 working group to study the feasibility of implementing vehicular
32 immobilization as a penalty during the period of license
33 revocation for conviction of the offense of driving under the
34 influence of an intoxicant involving alcohol; and



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BE IT FURTHER RESOLVED that the Department of Transportation designate as members of the working group the same individuals from federal, state, and county agencies and community entities that met in work groups to develop a list of prioritized strategies in each of the seven emphasis areas of the Hawaii Strategic Highway Safety Plan 2007 Thru 2012; and

BE IT FURTHER RESOLVED that the working group study the following issues concerning vehicle immobilization:

- (1) Types of vehicle immobilization, including physical means of immobilization such as using a club or boot;
- (2) Other jurisdictions' experiences with vehicle immobilization;
- (3) Case law precedents;
- (4) Enforcement procedures;
- (5) Issues of liability and adequate provision for an appeals process;
- (6) Costs and practicalities of implementation; and
- (7) Any other relevant issues; and

BE IT FURTHER RESOLVED that the Department of Transportation is requested to report on the working group's findings and recommendations, including proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2012; and

1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Director of Transportation,
3 Attorney General, Prosecuting Attorney of each county, Police
4 Chief of each county, and Chairperson of the Impaired Driving
5 Emphasis Area of the Hawaii Strategic Highway Safety Plan 2007
6 Thru 2012.

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OFFERED BY:

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Dane [Signature]

