

Honolulu, Hawaii

Feb 10 , 2011

RE: H.B. No. 1435
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1435 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 amendments to Hawaii's Ignition Interlock Law (Interlock Law) as recommended by the Hawaii Ignition Interlock Implementation Task Force (Task Force) established under Act 171, Session Laws of Hawaii 2008. Among other things, this bill:

- (1) Retroactively allows persons arrested for a repeated violation of the offense of operating a vehicle under the influence of an intoxicant (OVUII repeat offender) after December 31, 2010, to request the return of any motor vehicle registration and number plates required to be surrendered;
- (2) Requires return of the motor vehicle registration and number plates to individuals covered by (1) above making such a request, with certain exceptions;
- (3) Allows the OVUII repeat offender covered by (1) to apply for an ignition interlock permit upon return of the motor vehicle registration and number plates;



- (4) Repeals the definitions of "qualified household member," "temporary number plates," and "temporary vehicle registration" from the Interlock Law as these definitions are no longer necessary;
- (5) Removes motor vehicle registration revocation and surrender of number plates requirements for cars owned by OVUII repeat offenders to permit these individuals to install an ignition interlock device in their vehicles;
- (6) Deletes provisions allowing the Director to grant a special motor vehicle registration to certain individuals upon the determination that the individual is completely dependent on the motor vehicle for the necessities of life as this language is no longer necessary;
- (7) Removes language stipulating certain specific costs for which the \$30 fee for an administrative hearing would be used to pay for;
- (8) Repeals language requiring the revocation of a motor vehicle registration under the Interlock Law be electronically entered into the motor vehicle registration file;
- (9) Deletes language providing criteria for re-registration of a motor vehicle whose registration was administratively revoked under the Interlock Law;
- (10) Prohibits ignition interlock permits to be issued to any defendant who holds a learner's permit;
- (11) Repeals unnecessary statutory provisions relating to special series number plates, failure to surrender number plates, special motor vehicle registration, and prohibitions governing the transfer of title to, or ownership of interest in, a motor vehicle; and
- (12) Extends the term of the Task Force for an additional year.

The Department of the Attorney General, Department of Health, Task Force, Department of Transportation, City and County of Honolulu, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Mothers Against



Drunk Driving HAWAII, Office of the Public Defender, and Administrative Driver's License Revocation Office of the Judiciary testified in support of this bill. A concerned individual testified in support of the intent of this measure.

Over the past several years, Hawaii has had high incidents of alcohol-related traffic fatalities. In 2005, Hawaii had the second highest percentage of alcohol-related traffic fatalities in the nation. In 2006, Hawaii's alcohol-related traffic fatality rate of 52 percent was the highest in the nation. Sadly, this trend appears to be continuing despite efforts to curb this type of behavior since, in 2008, 43 percent of drivers involved in traffic fatalities tested positive for alcohol. While enforcement of existing laws governing the operation of a vehicle under the influence of an intoxicant has had an impact on alcohol-related traffic fatalities, the Legislature determined that more needed to be done to substantially reduce the number of fatalities.

In response to alarming numbers, H.C.R. No. 28, H.D. 1, was passed during the 2007 legislative session, calling for a working group to be formed to study the issue of ignition interlock devices and make recommendations leading to legislation. As a result, the Task Force was formed and presented its initial recommendations to the Legislature during the Regular Session of 2009 and made additional recommendations to the Legislature during the Regular Session of 2010. The culmination of the Task Force recommendations was the enactment of the Interlock Law in January of 2011.

The installation of ignition interlock devices, which prohibit a vehicle from being started until the driver of the vehicle passes a breathalyzer test that is connected to the ignition of the vehicle, has been shown to be an effective method of stopping alcohol-impaired drivers from getting behind the wheel of their vehicles. With an annual average of 5,500 OVUII arrests in Hawaii each year, enactment of the Interlock Law was viewed as another step toward stopping the senseless tragedies of alcohol-related traffic fatalities. However, since the implementation of the Interlock Law in January of 2011, it was discovered that there were statutory conflicts that would prohibit repeat OVUII offenders from the ability to participate in the ignition interlock program. This measure corrects this oversight.



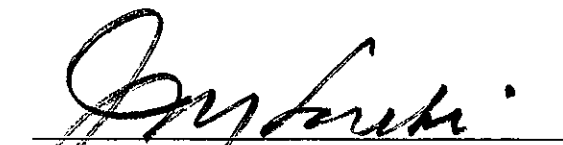
While repeat offenders are being allowed to take part in the ignition interlock program under this measure, individuals who have had their licenses administratively revoked for life as a result of multiple OVUII convictions are not eligible to participate in this program, even if they remained alcohol free and performed meritorious service for over a decade. Your Committee finds that every individual can be reformed and deserves a second chance. Accordingly, your Committee has amended this measure by:

- (1) Allowing an individual who has had their license to operate a motor vehicle revoked for life to be eligible for a temporary permit to drive if certain conditions are met, including the installation of an ignition interlock device on their vehicle;
- (2) Establishing various time-periods required for an ignition interlock device to be installed in the vehicle of an individual under (1) above depending on how long the individual has been without a license to operate a motor vehicle; and
- (3) Allowing for an individual covered under (1) above to be eligible for relicensing after certain requirements are met and the temporary permit expires.

Technical, nonsubstantive amendments have also been made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1435, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1435, H.D. 1, and be referred to the Committee on Judiciary.

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



JOSEPH M. SOUKI, Chair



