

STAND. COM. REP. NO. 570

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 1435
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1435, H.D. 1, 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) above to apply for an ignition interlock permit upon return of the motor vehicle registration and number plates;

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- (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 OVUIII repeat offenders to permit these individuals to install an ignition interlock device in their vehicles;
- (6) Deletes provisions allowing the Administrative Director of the Courts 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 that 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) Allows 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;
- (12) Establishes various time-periods required for an ignition interlock device to be installed in the vehicle of an individual under (11) above depending on how long the individual has been without a license to operate a motor vehicle;



- (13) Allows for an individual covered under (11) above to be eligible for relicensing after certain requirements are met and the temporary permit expires;
- (14) 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
- (15) Extends the term of the Task Force for an additional year.

The Department of the Prosecuting Attorney for the City and County of Honolulu and several concerned individuals supported this bill. The Department of the Attorney General supported the intent of this measure. The Department of Transportation, Ignition Interlock Task Force, Department of Health, City and County of Honolulu, Mothers Against Drunk Driving HAWAII, and a concerned individual opposed this bill. The Judiciary provided comments.

Your Committee has amended this bill by:

- (1) Removing provisions that extend the Task Force for an additional year;
- (2) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1435, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 1435, H.D. 2.



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



GILBERT KEITH-AGARAN, Chair



