

Honolulu, Hawaii

April 27, 2012

RE: H.B. No. 2320
H.D. 2
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2320, H.D. 2, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to implement the recommended amendments of the Ignition Interlock Implementation Task Force to the ignition interlock law. Specifically, this measure, among other things:

- (1) Allows a person whose driver's license was revoked after December 31, 2010, to apply for a driver's license renewal, subject to the requirements of the ignition interlock law;
- (2) Enables a repeat intoxicated driver who is arrested after December 31, 2010, and is otherwise eligible to operate a



motor vehicle with an ignition interlock system to obtain a motor vehicle registration and number plates, by requiring the Director of Transportation to remove any stopper imposed on the motor vehicle registration files;

- (3) Allows a person whose driver's license was revoked for life for multiple convictions for operating a vehicle under the influence of an intoxicant, among other persons, to petition for an ignition interlock instruction permit and establishes procedures to do so;
- (4) Repeals the requirement that the law enforcement officer making an arrest for operating a vehicle under the influence of an intoxicant take possession of the motor vehicle registration of a repeat intoxicated driver, remove the number plates, and issue a temporary motor vehicle registration and temporary license plates;
- (5) Repeals the requirement that notice of administration revocation of a license shall include a statement that the Director of Transportation may grant a special motor vehicle registration to a qualified household member or to a co-owner of any motor vehicle owned by the respondent under certain circumstances;
- (6) Repeals the requirement that the Director of Transportation administratively revoke the registration of any vehicle owned or registered to the respondent, and take custody of any number plates issued to the respondent, if the Director determines that the respondent is a repeat intoxicated driver;
- (7) Requires proof that the respondent has installed an ignition interlock device in any vehicle the respondent operates and has obtained motor vehicle insurance or self-insurance, before the Director of Transportation issues an ignition interlock permit during the license revocation period; and
- (8) Prohibits the issuance of an ignition interlock permit to a respondent who holds a license that is a learner's permit or instruction permit.

Over the past several years, Hawaii has had a high incidence of alcohol-related traffic fatalities. 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 Ignition Interlock Implementation Task Force (Task Force) was formed in 2008, 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 Ignition 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 arrests for operating a vehicle under the influence of an intoxicant in Hawaii each year, enactment of the Ignition Interlock Law was viewed as another step toward stopping the senseless tragedies of alcohol-related traffic fatalities. However, since the implementation of the Ignition Interlock Law in January of 2011, there remain several unresolved issues regarding this law, particularly with regard to repeat offenders and those with lifetime license revocations. This measure attempts to address these issues.

Your Committee on Conference has amended this measure by:

- (1) Changing the minimum period of time a person subject to a lifetime license revocation for operating a motor vehicle under the influence of an intoxicant needs to maintain an ignition interlock permit before filing a petition in district court to reinstate the person's license and privilege to operate a vehicle without an ignition interlock device from seven years to five years;
- (2) Conforming the requirements for the contents of a petition to reinstate eligibility for a license and privilege to operate a motor vehicle without an interlock device to reflect the five-year minimum period required between issuance of the device and petition to remove the device;



- (3) Requiring the district court to consider whether certain requirements are met in determining whether the petitioner may be granted an ignition interlock instruction permit;
- (4) Allowing the district court to consider any other factors, including but not limited to the petitioner's criminal and traffic record after receiving a lifetime license revocation, in determining whether the petitioner may be granted an ignition interlock instruction permit;
- (5) Requiring the district court to determine whether an order allowing the petitioner to apply for an ignition interlock instruction permit and requiring the removal of any stopper placed on the petitioner's motor vehicle registration files shall be issued;
- (6) Requiring a copy of the petition for reinstatement of a person's eligibility for license and privilege to operate a vehicle without an ignition interlock device to be served on the prosecuting attorney in the county in which the petition is filed;
- (7) Establishing additional information required to be included in the petition for reinstatement of a person's eligibility for license and privilege to operate a vehicle without an ignition interlock device including things such as:
 - (A) A certificate of service demonstrating the place, time, and manner of service of the petition on the prosecuting attorney;
 - (B) A certified record from the Hawaii Criminal Justice Information System that shows the petitioner's current criminal history record;
 - (C) A statement from the petitioner establishing where the petitioner has resided since the ignition interlock permit was issued; and
 - (D) A statement from the petitioner as to whether the petitioner has undergone substance abuse assessment and treatment and the outcome of this assessment and treatment;



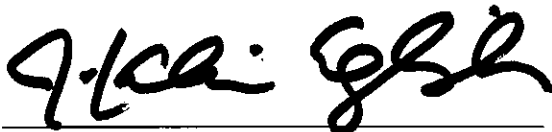
- (8) Inserting language allowing the prosecuting attorney to submit a written request for a hearing on the petition for reinstatement of a person's eligibility for license and privilege to operate a vehicle without an ignition interlock device;
- (9) Inserting language regarding the conduct and disposition of hearings on the request for a petition under (8) above if the prosecuting attorney requests a hearing on the petition;
- (10) Stipulating that provisions allowing a petition to be filed for reinstatement of a driver's license and removal of the ignition interlock requirement shall not be interpreted to allow repeat intoxicated driving to be treated as a first time offense for purposes of relicensing;
- (11) Ensuring that the authority of the Child Support Enforcement Agency to request a license suspension for individuals not paying child support is not undermined;
- (12) Changing its effective date to July 1, 2012; and
- (13) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2320, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2320, H.D. 2, S.D. 2, C.D. 1.

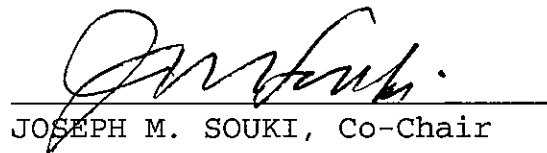
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

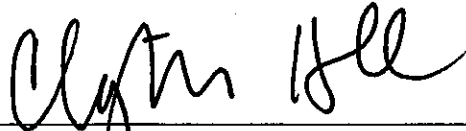


J. KALANI ENGLISH, Chair



JOSEPH M. SOUKI, Co-Chair





CLAYTON HEE, Co-Chair



WILL ESPERO, Co-Chair



GILBERT KEITH-AGAFAN, Co-Chair



LINDA ICHIYAMA, Co-Chair



Hawaii State Legislature

CCR 56-12

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB/2320, HD 2, SD 2	Date/Time: <i>26 April 2012 4:47pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
ENGLISH, J. Kalani, Chr.	✓				SOUKI, Joseph M., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
ESPERO, Will, Co-Chr.	✓				ICHIYAMA, Linda, Co-Chr.	✓			
					HAR, Sharon E.	✓			
					FONTAINE, George R.	✓			
TOTAL	3				TOTAL	5			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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