

Honolulu, Hawaii
Feb 3, 2012

RE: H.B. No. 2320
H.D. 1

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

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2320 entitled:

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

begs leave to report as follows:

The purpose of this measure is to promote safety on Hawaii's roadways by continuing to address some of the unresolved issues of Hawaii's ignition interlock law. Among other things, this measure:

- (1) Allows for renewal of a driver's license that has been revoked for driving under the influence of an intoxicant if certain requirements are met;
- (2) Allows repeat intoxicated drivers to install ignition interlock devices in any vehicle they operate, by eliminating the requirement to surrender motor vehicle registrations and license plates;
- (3) Provides eligibility requirements and guidelines for ignition interlock instruction permits and ignition interlock permits; and
- (4) Makes numerous technical and housekeeping amendments to Hawaii's ignition interlock law to address the new provisions contained in (1) through (3) above.



The Department of Transportation, Department of Customer Services of the City and County of Honolulu, Mothers Against Drunk Driving HAWAII, and a concerned individual testified in support of this measure. A concerned individual testified in support of this measure with amendments. The Administrative Drivers License Revocation Office of the Judiciary provided comments.

Over the past several years, Hawaii has had high incidents 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 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 Operating a Vehicle Under the Influence of an Intoxicant 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, 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 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

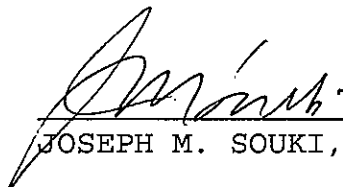


maintain an ignition interlock permit before filing a petition in district court to reinstate the person's license and privilege to operate a vehicle without an ignition interlock device from five years to three years;

- (2) Deleting language allowing the prosecuting attorney to submit a written request for a hearing on the petition requested under (1) above; and
- (3) Deleting provisions requiring the district court to set hearings on the request for a petition under (1) above if the prosecuting attorney requests a hearing on the petition.

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. 2320, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2320, 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



HSCR 71-12

State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 2320	Committee Referral: TRN, JUD, FIN	Date: 1/30/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. OKAMURA, Tom	/			
8. SAIKI, Scott K.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	12			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Linda Ichiyama</u>				
Distribution: Original (White) -- Committee Duplicate (Yellow) -- Chief Clerk's Office Duplicate (Pink) -- HMSO				