

Honolulu, Hawaii

MAR 23 2012

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

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

Sir:

Your Committees on Transportation and International Affairs and Judiciary and Labor and Public Safety, Government Operations, and Military Affairs, to which was referred H.B. No. 2320, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to make amendments to the State's ignition interlock law recommended by the Ignition Interlock Implementation Task Force pursuant to Act 171, Session Laws of Hawaii 2008. 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- (1) Allows a person whose driver's license was revoked after December 31, 2010, to apply for a driver's license renewal;
- (2) Allows a repeat intoxicated driver arrested after December 31, 2010, 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- (3) Allows a person whose driver's license was revoked for life, among other persons, to petition for ignition interlock instruction permit and sets out procedures to do so;



- (4) Repeals the requirement that the arresting law enforcement officer take possession of the motor vehicle registration and remove the number plates and issue a temporary motor vehicle registration and temporary license plates;
- (5) Repeals the authorization of the Director of Transportation to grant a special motor vehicle registration to a qualified household member or to a co-owner of any motor vehicle owned by the respondent, upon a determination that the person is completely dependent on the motor vehicle for the necessities of life;
- (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 and other conditions are met;
- (7) Requires proof that the respondent has installed an ignition interlock device in any vehicle the respondent operates and has obtained motor vehicle insurance of self-insurance, in order for the Director of Transportation to issue an ignition interlock permit during the 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.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of the Attorney General, the Judiciary, Office of the Public Defender, City and County of Honolulu Department of Customer Services, Honolulu Police Department, Kauai County Police Department, Hawaii County Police Department, Maui County Police Department, MADD Hawaii, and four individuals. Your Committees received testimony in opposition to this measure from the Kauai County Office of the Prosecuting Attorney.

Your Committees find that when the Ignition Interlock Implementation Task Force was first formed in 2008, it agreed upon



a goal of creating a basic framework for an ignition interlock program, and that the program would be a work in progress. The Task Force agreed to address issues outside the original scope, such as persons whose licenses were administratively revoked for their lifetime for operating a vehicle under the influence of an intoxicant. Now that Hawaii is entering the second year of its ignition interlock program, the Task Force's legislative subcommittee recommended this measure to address some of those unresolved issues, as well as issues that have emerged since the implementation of the program.

According to testimony, studies have revealed that a disturbingly high percentage of drivers who have had their licenses revoked continue to operate their vehicles illegally and create a risk to other vehicles, pedestrians, and bicyclists on the road. Your Committees believe that it is important to highway safety to responsibly include as many identified impaired drivers as possible in the effective ignition interlock program in order to reduce this level of risk.

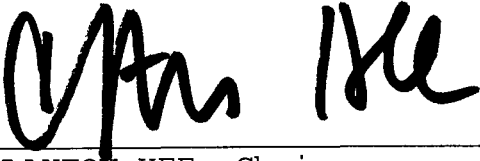
Your Committees have amended this measure by:

- (1) Increasing from three to seven years the minimum period of time that shall have elapsed after issuance of an ignition interlock permit before a petitioner who has had a lifetime revocation may file a petition to reinstate the petitioner's eligibility for a driver's license and privilege to operate a vehicle without an ignition interlock device;
- (2) Changing the effective date to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

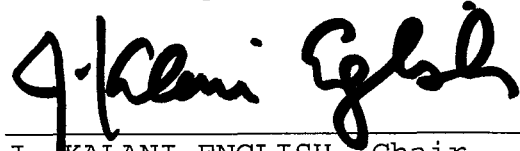
As affirmed by the records of votes of the members of your Committees on Transportation and International Affairs and Judiciary and Labor and Public Safety, Government Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2320, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2320, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.



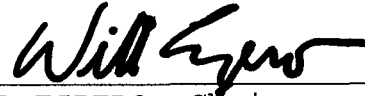
Respectfully submitted on behalf of the members of the Committees on Transportation and International Affairs and Judiciary and Labor and Public Safety, Government Operations, and Military Affairs,



CLAYTON HEE, Chair



J. KALANI ENGLISH, Chair



WILL ESPERO, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Transportation and International Affairs**  
**TIA**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2320, HD2	TIA/JDL/PGM, WAM	3/19/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
ESPERO, Will (VC)	✓			
DELA CRUZ, Donovan M.				✓
GABBARD, Mike	✓			
KAHELE, Gilbert				✓
KOUCHI, Ronald D.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Will Espero</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes



