

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**WRITTEN
ONLY**

LORETTA FUDDY, A.C.S.W., M.P.H.
ACTING DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Transportation
HB 1435, RELATING TO HIGHWAY SAFETY
Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health
February 7, 2011 9:00am

Department's Position: The Department of Health supports HB 1435.

Fiscal Implications: None.

Purpose and Justification: HB 1435 addresses the current recommendations from the Ignition Interlock Task Force in 2010. Recommendations include allowing intoxicated drivers with prior convictions of driving while intoxicated to have an interlock device installed, while eliminating the requirement to surrender motor vehicle registration and license plates. This bill makes housekeeping amendments to chapter 291E, which will support continuing the implementation of the current ignition interlock law, Act 166.

There is an annual average of 5,500 DUI arrests in Hawaii. Based on a study conducted in 2005 by the City and County of Honolulu, over one-fourth (28%) of DUI arrestees have been previously arrested for a DUI. The Center for Disease Control (CDC), National Highway Transportation Safety Administration (NHTSA), and Ignition Interlock Task Force conclude, when installed and in use, ignition interlocks are effective for reducing future alcohol-related arrests and crashes.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

H.B. NO. 1435, RELATING TO HIGHWAY SAFETY.

BEFORE THE:

HOUSE COMMITTEE ON TRANSPORTATION

DATE: Monday, February 7, 2011 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): David M. Louie, Attorney General, or
Mark K. Miyahira, Deputy Attorney General

Chair Souki and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to amend the State's ignition interlock law to permit repeat offenders to install an ignition interlock device into their vehicle, to allow repeat operating under the influence of an intoxicant offenders arrested after December 31, 2010 and before the effective date of this measure, to install an ignition interlock device in their vehicle, and to make technical amendments for consistency. This bill represents the consensus of the Ignition Interlock Legislative Task Force.

Over the years, the Legislature has taken numerous steps to address the danger caused by intoxicated drivers to the general public. These included providing increased criminal penalties and enacting an administrative process to quickly revoke the intoxicated driver's license. However, by 2007, the consensus among the law enforcement community and other interested parties was that the traditional method of prosecuting intoxicated drivers was not working. The number of arrests for intoxicated drivers was still high and people were still being killed by intoxicated drivers. The consensus, among the law enforcement community and other interested parties, was that the focus

needed to move from increasing penalties towards ensuring that intoxicated drivers, after being convicted, would not continue to drive while intoxicated.

The intent of Act 171, Session Laws of Hawaii 2008, and subsequent amendments to the State's ignition interlock law, was to require individuals arrested for operating under the influence, including repeat offenders, to install an ignition interlock device into their car that would prevent them from starting and operating their vehicle when there is more than a minimal alcohol concentration in their body. The ignition interlock device will prevent the intoxicated driver from starting and operating their vehicle, thereby protecting the general public. However, an oversight in the drafting of the ignition interlock law, which went into effect on January 1, 2011, requires the Administrative Driver's License Revocation Office to revoke the registration of any motor vehicle registered to a repeat offender for a specified period.

Section 13 of this bill will amend section 291E-41, Hawaii Revised Statutes, by removing the requirement to revoke the vehicle registration of cars owned by repeat offenders. This amendment will permit repeat offenders to install an ignition interlock device into their car which will prevent them from starting and operating their car when there is more than a minimal alcohol concentration in their body.

Section 2 will permit repeat offenders arrested after December 31, 2010 but before the effective date of this bill, to install an ignition interlock device into their motor vehicles.

The bill also amends other statutes in chapter 291E, Hawaii Revised Statutes, for consistency and to correct minor technical mistakes.

This measure will extend the existence of the Ignition Interlock Legislative Task Force until June 30, 2012 in order for it to oversee the first year of the implementation of the ignition interlock law and to submit recommendations to the 2012 Legislature if necessary.

We respectfully request that this bill be passed.



**Office of the Public Defender
State of Hawaii**

**Timothy Ho, Chief Deputy Public Defender
Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Transportation**



February 7, 2011, 9:00 a.m.

RE: H.B. 1435: Relating To Highway Safety

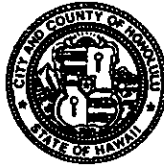
Chair Souki and Members of the Committee:

The ignition interlock law went into effect on January 1, 2011. The law was supposed to require anyone convicted of operating a vehicle under an intoxicant to install an ignition interlock device in their motor vehicle. Without getting into too much detail, the law, in its current state, only allows first-time offenders to legally drive with an ignition interlock device. The proposed amendments to the ignition interlock law will allow repeat offenders to install interlock devices in their vehicles.

The Office of the Public Defender supports H.B. 1435. Thank you for the opportunity to be heard on this measure.

DEPARTMENT OF CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P.O. BOX 30300
HONOLULU, HAWAII 96820-0300

PETER B. CARLISLE
MAYOR



GAIL Y. HARAGUCHI
DIRECTOR

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

February 3, 2011

The Honorable Joseph M. Souki, Chair
and Committee Members
Committee on Transportation
House of Representatives
State of Hawaii
State Capitol, Room 426
Honolulu, Hawaii 96813

Dear Chair Souki and Committee Members:

Subject: H.B. No. 1435, Relating to Highway Safety

The City and County of Honolulu is in favor of H.B. No. 1435 which will provides clarifying amendments to the ignition interlock law, as approved by the interlock implementation task force.

The City and County of Honolulu recommends your favorable action on H.B. No. 1435.

Sincerely,

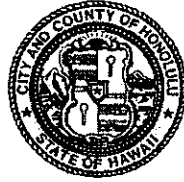
A handwritten signature in black ink, appearing to read "Gail Y. Haraguchi".

Handwritten initials "GJ" in black ink.

Gail Y. Haraguchi
Director

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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PETER B. CARLISLE
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE TTN-LC

February 7, 2011

The Honorable Joseph M Souki, Chair
and Members
Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 1435, Relating to Highway Safety

I am Major Thomas Nitta of the Traffic Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 1435, Relating to Highway Safety, as it is the recommendation of the Interlock Implementation Task Force. The task force is composed of many stakeholders, including the State Department of Transportation, Department of the Prosecuting Attorney, Office of the Public Defender, law enforcement, the Judiciary, Administrative Revocation, parole, driver's licensing, and Mothers Against Drunk Driving.

These amendments to the current law address specific areas to clarify the intent of the interlock law. These recommendations were discussed, and it was the consensus of the task force that these recommendations be submitted for legislative action.

Thank you for this opportunity to testify.

Sincerely,


THOMAS T. NITTA, Major
Traffic Division

APPROVED:


LOUIS M. KEALOHA
Chief of Police

Serving and Protecting With Aloha