

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

January 30, 2012

**HB 2320**  
**RELATING TO HIGHWAY SAFETY**

HOUSE COMMITTEE ON TRANSPORTATION

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 (OVUII). Now that Hawaii is entering the second year of its ignition interlock program, the Task Force's legislative subcommittee created House Bill No. 2320 to address some of those unresolved issues, as well as issues that have emerged since the implementation of the program.

The Department of Transportation strongly supports House Bill No. 2320 as it resolves the issue of drivers with a lifetime OVUII license revocation. The proposed legislation also includes the following amendments:

- Repeat intoxicated drivers arrested after December 31, 2010 are eligible to obtain their motor vehicle registration and number plates back;
- Provides guidelines for those with a lifetime license revocation to be eligible to petition for an ignition interlock instruction permit, ignition interlock permit, and to eventually apply for their driver license; and
- Makes allowances for out-of-state drivers whose driver license would expire within the revocation period.

Additionally, there are housekeeping changes proposed in the bill to be consistent with other provisions of Chapter 291E, Hawaii Revised Statutes.

Thank you for the opportunity to provide testimony.





*The Judiciary, State of Hawaii*

**Testimony to the Twenty-Sixth Legislature, 2012 Regular Session**

**House Committee on Transportation**  
Representative Joseph M. Souki, Chair  
Representative Linda Ichiyama, Vice Chair

Monday, January 30, 2012  
9:00 a.m.  
State Capitol, Conference Room 309

by  
Marie C. Laderta  
Chief Adjudicator  
Administrative Driver's License Revocation Office (ADLRO)

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**Bill No. and Title:** House Bill No. 2320, Relating to Highway Safety.

**Purpose:** To allow repeat intoxicated drivers to install ignition interlock devices in their vehicles by eliminating the revocation of motor vehicle registrations, and to make housekeeping amendments to Chapter 291E, HRS. This bill also provides a process for certain persons currently excluded from the ignition interlock law to petition the district court for an ignition interlock instruction permit and obtain an ignition interlock permit, and allows persons with lifetime administrative revocations to petition the district court for an unrestricted license after a minimum period of five years with an ignition interlock device.

**Judiciary's Position:**

The ADLRO supports portions of this measure which attempt to clarify administrative revocation processes and procedures. The ADLRO recognizes that the clarifications proposed by this measure seek to reconcile inconsistencies within the law. On January 1, 2011, Act 171, SLH, as amended by Act 88, SLH 2009, as further amended by Act 166, SLH 2010, became law. The Acts amend Chapter 291E, HRS, relating to use of intoxicants while operating a motor vehicle to require the use of ignition interlock devices by any person whose driver's license is revoked for operating a vehicle while under the influence of an intoxicant (OVUII).



Act 171 stated that the purpose of the law is to require use of ignition interlock devices so that persons arrested for OVUII (hereinafter referred to as “respondents”) can drive, but are prevented from drinking and driving, during the pendency of the case and the revocation period thereafter. According to the statement of purpose, “the requirement of installation of an ignition interlock device would replace the provisions to take custody of the motor vehicle registration and number plates and to issue conditional license permits.” Emphasis added.

Notwithstanding the foregoing, §291E-41(b) (2), (3) and (4), HRS, of the law which took effect on January 1, 2011, revokes the motor vehicle registration of any vehicle registered to a respondent who has more than one alcohol enforcement contact during certain specified periods of time while §291E-41(b), HRS, requires that except for certain limited classes of respondents, a respondent “shall keep an ignition interlock device installed and operating in any vehicle the respondent operates during the revocation period.” The revocation of the motor vehicle registration of respondents with multiple OVUII revocations effectively forecloses such respondents from driving during the revocation period because they are unable to operate an unregistered vehicle. The only recourse for such respondents is to have an owner of a vehicle agree to the installation of an ignition interlock device in his/her vehicle and allow the respondent to drive that vehicle.

The ADLRO, which administers the driver’s license revocation law, has already encountered problems dealing with respondents who have multiple OVUII revocations and who desire to install an ignition interlock device in their motor vehicle.

The ADLRO has also seen an increase in the number of respondents whose licenses expire during the revocation period, because the new ignition interlock law requires revocation periods ranging from a minimum period of one year up to a maximum period of ten years, depending on the number of prior alcohol or drug enforcement contacts. This measure would allow a respondent, who otherwise qualifies for a permit under §291E-44.5 or 291E-61, to renew an expired license solely for the purpose of obtaining or extending an ignition interlock permit or employee driver’s permit for the period provided in §286-106 or until the end of the revocation period, whichever occurs first. No physical driver license would be issued to the respondent.

This measure also makes housekeeping amendments to Chapter 291E, HRS, for purposes of efficiency and consistency. Of the housekeeping amendments, two may appear to substantively change the law, and therefore, are addressed in this testimony.

Section 5 of the bill amends the definition of “repeat intoxicated driver” to include “drug enforcement contacts” as a factor in defining a person as a repeat intoxicated driver. Under the present definition, only alcohol enforcement contacts are used to determine if a person is a repeat intoxicated driver. However, §291E-41, HRS, which sets forth the periods of license revocation mandated for repeat offenders counts prior drug enforcement contacts, as well as alcohol



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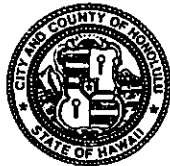
enforcement contacts, to impose longer periods of revocation for repeat offenders. The proposed amendment makes the definition consistent with §291E-41, HRS. The amendment also clarifies that a repeat intoxicated driver is someone who has two contacts during the five years preceding the date of the latest arrest. The present definition states that two contacts during the preceding seven years makes a person a repeat intoxicated driver. Again, the proposed amendment makes the definition consistent with §291E-41, HRS, which uses two contacts within five years, rather than seven years.

With regard to Section 4 of this measure, the ADLRO defers to the wisdom of the legislature to determine if the ignition interlock law should be expanded to include individuals currently excluded from obtaining ignition interlock permits, including persons subject to lifetime administrative revocations, persons arrested prior to the effective date of the ignition interlock law, persons whose licenses were expired, had a learner's permit or instruction permit, or who were otherwise unlicensed at the time of arrest, and persons with out-of-state licenses that are expired or will expire during the revocation period, and if, and under what conditions, a person with a lifetime administrative revocation should be allowed to drive with an unrestricted license.

Thank you for the opportunity to testify on House Bill No. 2320.

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

January 27, 2012

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. 2320, Relating to Highway Safety

The City and County of Honolulu has no objections to H.B. No. 2320 which provides for several amendments to the Ignition Interlock statutes.

If signed into law, the bill addresses all operational motor vehicle registration and driver licensing requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Kamimura".

Dennis A. Kamimura  
Licensing Administrator



Mothers Against Drunk Driving HAWAII  
745 Fort Street, Suite 303  
Honolulu, HI 96813  
Phone (808) 532-6232  
Fax (808) 532-6004  
[www.maddhawaii.com](http://www.maddhawaii.com)

January 30, 2012

To: Representative Joseph M. Souki, Chair –House Committee on Transportation;  
Representative Linda Ichiyama, Vice Chair and members of the Committee

From: Carol McNamee/Arkie Koehl — Co-chairmen, Public Policy Committee -  
MADD Hawaii

Re: House Bill 2320 – Relating to Highway Safety

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I am Carol McNamee, offering testimony on behalf of the Hawaii organization of Mothers Against Drunk Driving in strong support of HB 2320. The major purpose of this bill is to correct a flaw in the current ignition interlock law which creates a barrier for repeat OVUII offenders to install an ignition interlock device in their vehicles, and to extend the opportunity to use an interlock device to other currently excluded categories of offenders. It also makes other housekeeping amendments for clarification of sections of the existing law.

MADD Hawaii supports the principle that the introduction of the in-car breathalyzer justifies reexamining the question of allowing certain multiple OVUII offenders to qualify for the privilege of driving again, provided they satisfy detailed and strict criteria including an extended provisional period of driving with interlock.

Studies have revealed that a disturbing percent 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. MADD believes it is important for 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. This bill will help to achieve that goal. We encourage the committee to pass HB 2320, the result of careful construction and review by a group of highway safety stakeholders.

Thank you for this opportunity to testify.

January 27, 2012

Person Testifying: Hannibal E. Starbuck

To: Committee on Transportation

Re: Hearing on Monday January 30, 2012, 9:00 a.m., Room 309

Subject: House Bill 2320 as it applies to lifetime driver's license revocation

Aloha kākou Chair Souki, Vice Chair Ichiyama, and Members of the Committee,

I am sending this testimony in support of HB 2320 as it applies to persons living with a lifetime driver's license revocation in the State of Hawaii. I am one such person and have been waiting for a fair process to regain my driving privileges. I have followed other bills aiming to accomplish this that have not made it to law and I am glad to see HB 2320 in this year's session. My driver's license was revoked in 1999 and even though I have maintained a life of great quality, it has been and is difficult at times to be without a license.

I have lived on Maui for my entire life of 40 years, except for 2 years on Kaua'i and 4 ½ years on O'ahu. I graduated from H.P. Baldwin High School in 1989. Early occupations I tried were landscaping, roofing, carpentry, and cooking. Ironically, it wasn't until after the 4<sup>th</sup> and final DUI conviction I had in 1999 that I got serious about college and a career. I spent 2 years at Maui Community College and then transferred to UH Mānoa to major in Physics. I received a BS in Physics in 2005 and then a Post Baccalaureate Certificate in Secondary Education in 2006 to become a high school science teacher. While at UH Mānoa I worked for the Physics Department until it was time to do my student teaching, which I did at Aiea and Farrington High Schools. I returned to Maui where I was hired at H.P. Baldwin High School in July 2006 and have been teaching science there ever since. My mother passed away in 2006 as well and I was able to use the money I inherited from the sale of our family house in Huelo to finance a house in Waiehu. I was married in 2009, and in November of that year my wife gave birth to our daughter. Also in the house since the marriage are her 2 other children who attend high school at Kamehameha Maui Campus. In 2010 I received a Masters of Science in Geoscience from Mississippi State University from a mostly online program. At Baldwin I helped start the Baldwin Robotics team which I was a part of for 3 years—I had to quit due to family responsibilities.

My mode of transportation on Maui before I got married, both before and after UH Mānoa, was mainly a bicycle with occasional rides from family and friends. On O'ahu I lived in Mānoa Valley so the bicycle was again my main mode of transportation. When I had to travel further I took the bus or caught a ride with friends. Once I got married my wife has been my ride. I no longer ride a bicycle because she thinks it is too dangerous, but I occasionally ride the Maui Bus. I have been living without a license for over 12 years. While I do get to where I need to be, I know my life and the lives of my wife and daughter would improve if I could get my license back. My wife works nights, and my step children are graduating and probably going off the island for college. My daughter is going to need daycare and by August we hope to get her into a preschool. My having a driver's license would make our lives easier and safer.

While I may have shown that one can get by, and even prosper, without a license I think there should be a process that a person in a position like mine can follow to get a driver's license restored. I hope that the Committee finds House Bill 2320 satisfactory to accomplish what is fair and just for persons deserving a restoration of a revoked driver's license.

Mahalo nui,

Hannibal E. Starbuck

Waiehu, Maui