

NEIL ABERCROMBIE
GOVERNOR



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IN REPLY REFER TO:

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

March 21, 2012

**HOUSE RESOLUTION NO. 95
&
HOUSE CONCURRENT RESOLUTION NO. 124**

**REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY
OF VEHICLE IMMOBILIZATION AS A SANCTION FOR OPERATING A MOTOR
VEHICLE WITH A LICENSE REVOKED OR SUSPENDED FOR OPERATING A
VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT**

HOUSE COMMITTEE ON TRANSPORTATION

The Department of Transportation supports this House Resolution with concerns requesting the department to conduct a study on vehicle immobilization. DOT's concerns involve funding for this resolution. Monetary resources are needed to coordinate and conduct the study. There is a need for neighbor island transportation safety partners to meet on Oahu at a central location to meet as necessary. Thus, we are requesting that a budget of \$50,000 be appropriated to DOT for this resolution.

Thank you for the opportunity to provide testimony.



WRITTEN
ONLY

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
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

HCR124, REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF VEHICLE IMMOBILIZATION AS A SANCTION FOR OPERATING A MOTOR VEHICLE WITH A LICENSE REVOKED OR SUSPENDED FOR OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT.

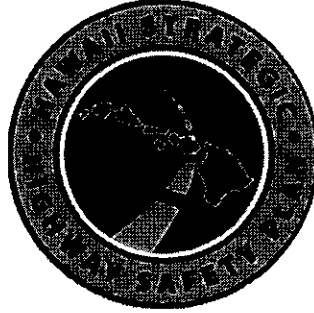
Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

Wednesday, March 21, 2012, 9:00a.m.

- 1 **Department's Position:** The Department of Health supports the intent of HCR124. A study of vehicle
2 immobilization as a sanction against operating a vehicle under the influence of an intoxicant (OVUII)
3 offenders is an appropriate next step in determining the implications of such a sanction on involved
4 agencies and its intended effect on OVUII offenders.
- 5 **Fiscal Implications:** None.
- 6 **Purpose and Justification:** It is important to study the implications of this law because Hawaii recently
7 passed Act 166, the most recent Ignition Interlock law. Vehicle immobilization would strengthen
8 Hawaii's Interlock law by addressing non-compliant OVUII offenders. The Department of Health
9 defers to the Department of Transportation on convening a working group as specified by HCR124.
10 Vehicle immobilization as a sanction is considered reasonable and fair for those who do not comply with
11 current OVUII criminal and civil sentencing. A vehicle immobilization sanction would ultimately
12 require an offender of section 291-E62 to have a "boot" or "club" placed upon their vehicle on the

1 offender's property. This sanction would deter and prevent the offender from driving when they are at
2 risk to themselves and others.

3 Thank you for the opportunity to testify on this measure.



March 21, 2012

To: Representative Joe Souki, Chair, House Committee on Transportation; Representative Linda Ichiyama, Vice Chair; and members of the Committee

From: Arkie Koehl, Chair, Impaired Driving Emphasis Area, Hawaii Strategic Highway Safety Plan

Re: HR 95/HCR 124 – Vehicle Immobilization Working Group

I am Arkie Koehl, testifying in support of resolutions HR 95 and HCR 124, in my capacity as chair of the Impaired Driving Emphasis Area of the Hawaii Strategic Highway Safety Plan.

Developing ways to use vehicle immobilization is a top priority identified in the Safety Plan. Its objective is to reduce risks to Hawaii residents and visitors by strengthening the penalties for violating section 291E-62, which criminalizes driving while under license revocation or suspension for OVUII. We believe that temporary loss of the use of a vehicle being driven by such a violator may represent a significant additional deterrent to this criminal behavior, which already carries jail time.

The introduction (“Whereas”) to the resolutions cites multiple statistics and other background in support of the need to study ways to provide further protection to our islands’ residents and visitors. As an additional but important note, I would like to underscore our belief that immobilization will increase compliance with the successful ignition interlock law by discouraging some OVUII offenders from claiming that they have no vehicle in which to install the in-car breathalyzer; and serve as a warning to anyone tempted to lend their vehicle to someone they know to be unlicensed because of drunk driving.

It should be clearly understood by members of the Committee that the working group will carefully consider safeguards against inappropriate immobilization, and will contain an appeals process. It will also accommodate financial aid for indigent offenders. The working group will be made aware of the desirability of a “self-paying” program — like ignition interlock — at no cost to the taxpayer.

Thank you for the opportunity to testify.



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March 21, 2012

To: Representative Joe Souki, Chair, House Committee on Transportation; Representative Linda Ichiyama, Vice Chair; and members of the Committee

From: Carol McNamee, Co-Chair– Public Policy Committee, MADD-Hawaii

Re: HR 95/HCR 124 – Requesting the Department of Transportation to conduct a study of Vehicle Immobilization as a sanction for operating a vehicle with a license revoked or suspended for operating a vehicle under the influence of an intoxicant

I am Carol McNamee, speaking in support of HR 95/HCR 124 on behalf of the membership of MADD-Hawaii.

MADD Hawaii strongly supports the concept of immobilization of a vehicle for the crime of “driving while a license is revoked”. Individuals who are arrested for driving on a suspended or revoked license when the suspension or revocation was the result of an alcohol or drug related law enforcement contact - fall into a high risk category of drivers. Highway safety research and advocacy groups recommend that penalties for these drivers include vehicle sanctions. It is obvious, for this group of drivers, the license revocation penalty has been disregarded, jail time is usually too short to be an effective sanction, and fines may also be postponed or also disregarded. Immobilizing the vehicle is a sanction that is relatively simple and avoids the challenges and costs associated with impoundment or forfeiture.

The purpose of this resolution is to form a working group which can spend time to establish a well thought-out program to use vehicle immobilization to deter individuals from driving illegally when their licenses have been suspended or revoked. The threat of immobilization for those apprehended for driving without a license could encourage more OVUII drivers facing license revocation to install an ignition interlock device in their vehicles rather than chance driving illegally. For those not eligible for an interlock device, the possibility of vehicle immobilization should discourage individuals from taking the chance of driving illegally without a valid license. Ultimately, there should be fewer crashes caused by high-risk drivers.

MADD understands that although we and others in the highway safety community favor the concept of vehicle immobilization to reduce illegal road use by high risk drivers, there are questions and issues regarding establishment of a statewide immobilization program and these need time and a broad representation of stake-holders to address. We believe that a working group, as outlined in this resolution, will be able to study, analyze, and develop solutions to problems and issues associated with immobilization and bring an improved measure back to the 2013 legislature for its consideration.

MADD Hawaii encourages the committee to pass HR 95/ HCR 124.

Thank you for the opportunity to testify.