

SB 2924

RELATING TO USE OF INTOXICANTS WHILE OPERATING A
VEHICLE.

Enacts recommendations of the ignition interlock implementation task force. Requires repeat intoxicated drivers to install ignition interlock devices in any vehicle they operate.

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
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FORD N. FUCHIGAMI
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JADINE URASAKI

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

IN REPLY REFER TO:

February 6, 2012

SB 2924
RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE

SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

The Department of Transportation appreciates Senate Bill No. 2924, but prefers and recommends the wording of House Bill No. 2320. The Ignition Interlock Implementation Task Force's legislative subcommittee drafted House Bill No. 2320 to address unresolved issues, as well as issues that have emerged since the implementation of the program. House Bill No. 2320 resolves such issues as:

- Drivers with a lifetime OVUII license revocation
- 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 amendments proposed in the bill so as 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

Senate Committee on Transportation and International Affairs

Senator J. Kalani English, Chair

Senator Will Espero, Vice Chair

Monday, February 6, 2012

1:18 p.m.

State Capitol, Conference Room 224

by

Marie C. Laderta

Chief Adjudicator

Administrative Driver's License Revocation Office (ADLRO)

Bill No. and Title: Senate Bill No. 2924, Relating to Use of Intoxicants While Operating a Vehicle.

Purpose: To allow repeat intoxicated drivers to install ignition interlock devices in their vehicles by eliminating the revocation of the motor vehicle registrations of such drivers. Also makes housekeeping amendments to Chapter 291E, HRS.

Judiciary's Position:

The ADLRO respectfully requests that this measure be held in committee or amended to incorporate provisions of House Bill No. 2320, which seek to further clarify the administrative revocation process.

Senate Bill No. 2924 appears to be a slightly modified version of last year's Senate Bill No. 825, which resulted from the work of the Ignition Interlock Implementation Task Force. Upon dissolution of the Task Force on June 30, 2011, interested and affected stakeholders formed a working group to refine the provisions of the ignition interlock law and to resolve issues that emerged during the first year of the program. House Bill No. 2320 is the result of that on-going effort.



Senate Bill No. 2924, Relating to Use of Intoxicants While Operating a Vehicle
Senate Committee on Transportation and International Affairs
Monday, February 6, 2012
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As an example of the refinement of the law, House Bill No. 2320 deletes sections of Senate Bill No. 825, now contained in Senate Bill No. 2924, which repeal provisions pertaining to special motor vehicle registrations and consent to transfer title. The working group realized that there may be repeat offenders arrested prior to January 1, 2011, who do not qualify to drive with an ignition interlock device. Those repeat offenders may desire to sell their vehicles or allow household members to operate them. Repeal of special motor vehicle registration and consent to transfer title provisions would make it impossible for them to do so.

An issue that became apparent during the past year is the expiration of driver licenses prior to the end of the revocation period of persons who have installed ignition interlock devices in their vehicles. House Bill No. 2320 includes a provision to allow for the renewal of a revoked license solely for the purpose of obtaining or extending an ignition interlock permit or employee driver's permit for the period provided in HRS §286-106 (expiration of licenses) or until the end of the revocation period, whichever occurs first. This addresses the increase in the number of respondents whose licenses expire during the revocation period because of the longer revocation periods imposed by the ignition interlock law. Without this amendment, persons whose licenses prematurely expire will not be able to drive for the remainder of their revocation period. This provision is not provided for in Senate Bill No. 825 or Senate Bill No. 2924.

The ADLRO notes that the description attached to Senate Bill No. 2924 indicates that the measure "establishes procedures for lifetime revoked licenses to be reinstated". The bill contains no such provision, but Section 4 of House Bill No. 2320 does. The ADLRO takes no position on whether or not the ignition interlock law should be expanded to allow lifetime revoked licenses to be reinstated. However, House Bill No. 2320 provides a vehicle for discussion of this issue.

Thank you for the opportunity to testify on Senate Bill No. 2924.

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, 2012

The Honorable J. Kalani English, Chair
and Committee Members
Committee on Transportation and
International Affairs
The Senate
State of Hawaii
State Capitol, Room 205
Honolulu, Hawaii 96813

Dear Chair English and Committee Members:

Subject: S.B. No. 2924, Relating to Use of Intoxicants While Operating A Vehicle

The City and County of Honolulu agrees with the intent of SB. No. 2924 which provides for several amendments to the Ignition Interlock statutes.

However, we recommend that the contents of H.B. No. 2320 replace the contents of S.B. No. 2924. H.B. No. 2320 addresses all operational motor vehicle registration and driver licensing implementation requirements.

Sincerely,

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

Dennis A. Kamimura
Licensing Administrator

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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PETER B. CARLISLE
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LOUIS M. KEALOHA
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MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE KK-LC

February 6, 2012

The Honorable J. Kalani English, Chair
and Members
Committee on Transportation
and International Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair English and Members:

Subject: Senate Bill No. 2924, Relating to Use of Intoxicants While Operating a Vehicle

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of Senate Bill No. 2924, and we would offer suggestions to combine it with the language of House Bill No. 2320, Relating to Highway Safety.

Since the 2011 Legislative Session, the HPD has been working with other partners to correct a flaw in the ignition interlock law regarding the difficulties in repeat OVUII offenders obtaining an interlock device. House Bill No. 2320 also suggests other housekeeping amendments to clarify and strengthen the law.

As such, the HPD supports the passage of Senate Bill No. 2924 but would offer suggestions to include the language contained in House Bill No. 2320, Relating to Highway Safety.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Kendro", is written over the word "Sincerely,".

KURT KENDRO, Major
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa", is written over the name and title below.

LOUIS M. KEALOHA
Chief of Police



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

February 6, 2012

To: Senator J. Kalani English, Chair –Senate Committee on Transportation and International Affairs; Senator Will Espero, Vice Chair and members of the Committee

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

Re: Senate Bill 2924 – Relating to use of intoxicants while operating a vehicle

I am Arkie Koehl, speaking on behalf of the members of Mothers Against Drunk Driving - Hawaii, in support of the intent of Senate Bill 2924. The bill mirrors measures submitted last session in the Senate (SB 825) and House (HB 1435) in response to the need to correct a flaw in the ignition interlock law which went into effect on January 1, 2011. The problem was caused by a conflict between the pre-2011 statutes requiring the revocation of vehicle registration for repeat offenders and the new law under which vehicles being equipped with an interlock device need to be registered. The current bill, SB 2924, remedies the problem in the law by removing all references to the requirement for the vehicle registration to be revoked and permits repeat OVUII offenders to request that their registration be returned in order to obtain an Ignition Interlock permit.

Since last year's bills failed to succeed, however, a group of highway safety stakeholders spent much of 2011 working on amendments to the original SB825/HB1435. These amendments are reflected in current House Bill 2320. This new bill not only corrects the flaw mentioned above, it extends 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. And it recognizes 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 specific criteria including a provisional period of driving with interlock.

MADD Hawaii supports the amendments contained in the House Bill since a year has now passed and the Ignition Interlock program has proved to work well with devices successfully installed on over 1100 vehicles, preventing over 4200 incidents of a driver getting on the road after consuming alcohol. Our organization agrees that it is the right time to expand the program to groups of administrative revocation “respondents” who were not included in the “basic” system that was passed by the legislature and implemented in January, 2011.

We encourage the Committee to amend SB 2924 with the new provisions and language of HB 2320. Thank you for the opportunity to testify.