

SB 825

RELATING TO HIGHWAY SAFETY.

Clarifies recommendations of the ignition interlock implementation task force. Allows repeat intoxicated drivers to install ignition interlock devices in any vehicle they operate by eliminating the requirement to surrender motor vehicle registrations and license plates. Makes housekeeping amendments to chapter 291E. Extends the expiration date of the ignition interlock implementation task force to 6/30/12.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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IN REPLY REFER TO:

February 1, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 825

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY
AFFAIRS
&
COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

On behalf of the Ignition Interlock Task Force that was established on 2009 under the aspics of the Department of Transportation to the present, we are in full support of Senate Bill No. 825, relating to highway safety. This bill will enable repeat offenders arrested under Section 291E-61 and 291E-61.5 to receive their vehicle registration back and drive under the requirements of the ignition interlock. The bill also makes some housekeeping changes that were overlooked in the past legislation.

As the interim director of the Department of Transportation, I serve as the chair of the Ignition Interlock Task Force. In past legislations, the requirement of repeat offenders was examined by the task force and labeled as a serious offender and a greater risk on the highways. It was the intent of the ignition interlock to have all drivers arrested to have the interlock installed in their vehicles to prevent them from driving if they had been drinking. However, during the last legislative session, the task force revisited this again in respect to the repeat offender. The task force at that time decided that the vehicle registration of those repeats offenders should be effective to preclude those who refuse to get the interlock but continue to drive. At the same time, it would continue to permit family members to utilize the vehicle.

In this year's legislation, a solution to this problem has been remedied by creating another bill that would cause the repeat offender's vehicle to be immobilized if caught driving without an interlock. By immobilizing their vehicle, we can then remove all references pertaining to the vehicle registration for the repeat offender.

The Ignition Interlock Task Force and the Department of Transportation ask your support in passing Senate Bill No. 825 so the interlock law can be corrected.

Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**WRITTEN
ONLY**

LORETTA FUDDY, ACSW, MPH
ACTING DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
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In reply, please refer to:
File:

**Senate Committee on Transportation and International Affairs and Committee on
Public Safety, Government Operations, and Military Affairs**

SB 825, RELATING TO HIGHWAY SAFETY

**Testimony of Loretta Fuddy, ACSW, MPH
Acting Director of Health**

February 1, 2011 2:45pm

Department's Position: The Department of Health supports SB825.

Fiscal Implications: None.

Purpose and Justification: SB825 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.



The Judiciary, State of Hawaii

Testimony to the Twenty-Sixth Legislature, 2011 Regular Session

Senate Committee on Public Safety, Government Operations, and Military Affairs

Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

Senate Committee on Transportation and International Affairs

Senator J. Kalani English, Chair
Senator Will Espero, Vice Chair

Tuesday, February 1, 2011
2:45 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. 825, Relating to Highway Safety.

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, and extends the life of the ignition interlock implementation task force to June 30, 2012.

Judiciary's Position:

The ADLRO supports the clarifications proposed by this measure which seek to reconcile the 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).



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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 would be unable to operate an unregistered vehicle. The only recourse for such respondents would appear to have the 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 Administrative Driver’s License Revocation Office, 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.

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.

Item 4 in Section 3 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 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.



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The ADLRO will continue to work with the ignition interlock implementation task force to monitor the law and make suggested improvements, if needed.

Thank you for the opportunity to testify on Senate Bill No. 825.

DEPARTMENT OF CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
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PETER B. CARLISLE
MAYOR



GAIL Y. HARAGUCHI
DIRECTOR

DENNIS A KAMIMURA
LICENSING ADMINISTRATOR

January 31, 2011

The Honorable J. Kalani English, Chair
and Committee Members
Committee on Transportation and
International Affairs
The Honorable Will Espero, Chair
and Committee Members
Committee on Public Safety, Government Operations
And Military Affairs
The Senate
State of Hawaii
State Capitol, Room 231
Honolulu, Hawaii 96813



Dear Chair English, Chair Espero and Committee Members:

Subject: S.B. No. 825, Relating to Highway Safety

The City and County of Honolulu is in favor of S.B. No. 825 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 S.B. No. 825.

Sincerely,


for  Gail Y. Haraguchi
Director



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February 1, 2011

To: Senator Will Espero, Chair – Senate Committee on Public Safety, Government Operations and Military Affairs; Senator Michelle Kidani, Vice Chair and members of the Committee

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

From: Carol McNamee—Chairman, Public Policy Committee - MADD Hawaii

Re: Senate Bill 825 – Relating to Highway Safety

I am Carol McNamee, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of SB 825. I am also speaking as Vice Chairman of the Hawaii Ignition Interlock Implementation Task Force. This bill amends Act 166 which, along with previous Acts 171 and 88, established the Ignition Interlock system for the state of Hawaii. This program was recently implemented on January 1st of this year.

This bill clarifies and resolves several language and numbering issues to conform the statutes relating to the interlock program.

An essential purpose of Senate Bill 825 is to correct a problem which was not realized at the time of passage of SB2897 in the last legislative session. In trying to keep sanctions in place for repeat offenders who do not install an interlock device, the provisions for the administrative revocation of vehicle registrations and the impoundment of license plates were reinserted in SB2897 last year. When the Task Force reanalyzed that action a few months ago, it determined that there was a legal conflict between the revocation of vehicle registration and the interlock program that was best resolved by deleting the requirement that “respondents” with prior OVUII enforcement contacts have their vehicles’ registrations revoked and the vehicles’ license plates impounded.

Because of this statutory conflict, at the present time repeat intoxicated drivers are not eligible to install an interlock device and obtain an interlock permit because their vehicle registration has been revoked. The Task Force is eager to correct this situation so that all OVUII drivers with a valid license at the time of arrest can receive an interlock to protect themselves and members of the public who share the road with these individuals. Therefore, SB 825 removes all references to vehicle registration revocation and license plate impoundment for respondents with prior alcohol enforcement contacts. The measure will go into effect on July 1, 2011 and after its effective date, repeat intoxicated drivers will be able to apply for an ignition interlock device to use for the remainder of their revocation periods.

SB 825 includes a provision for the Task Force to be officially extended until June 30, 2012 to provide an official group to oversee the all-important first year of interlock operation in Hawaii. The June date will allow the Task Force to submit and monitor additional interlock legislation in 2012 if it is found to be necessary. There will be no cost to the State for this extension of the Task Force.

MADD Hawaii respectfully urges passage of Senate Bill 825.

Thank you for this opportunity to testify.