

Honolulu, Hawaii

March 4, 2016

RE: H.B. No. 1747  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1747 entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,"

begs leave to report as follows:

The purpose of this measure is to increase traffic safety by, among other things, allowing a police officer to have a motor vehicle towed and impounded if the operator of the motor vehicle is arrested or cited for various traffic offenses, including driving under the influence of an intoxicant, with certain exceptions.

The Department of Transportation, County of Hawaii Office of the Prosecuting Attorney, Kauai Police Department, Honolulu Police Department, and Mothers Against Drunk Driving HAWAII testified in support of this measure. An individual testified in opposition to this measure.

Your Committee finds that traffic safety is a serious issue. Numerous drivers are cited for operating a vehicle under the influence of an intoxicant, and some of those drivers continue to operate their motor vehicle after receiving these citations. Your Committee finds that allowing police officers to tow and impound a motor vehicle if the operator of that motor vehicle is arrested or cited for certain serious intoxicant related traffic offenses may deter this type of activity and make Hawaii's roadways safer.



Your Committee has amended this measure by:

- (1) Limiting the traffic offenses that may trigger the authorization of a police officer to tow and impound a motor vehicle to the following intoxicant related offenses:
  - (A) Operating a vehicle under the influence of an intoxicant, pursuant to section 291E-61, Hawaii Revised Statutes; and
  - (B) Operating a vehicle after consuming a measurable amount of alcohol for persons under the age of 21, pursuant to section 291E-64, Hawaii Revised Statutes; and
- (2) Specifying that the police officer must also reasonably believe the arrested person is likely to return to the vehicle and continue to drive under the influence of an intoxicant after being released from custody.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1747, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1747, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



