

Testimony by:
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Deputy Directors
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ROSS M. HIGASHI
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DARRELL T. YOUNG

IN REPLY REFER TO:

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

March 3, 2016
2:00 PM
State Capitol, Room 325

HB 1747
RELATING TO MOTOR VEHICLES

House Committee on Judiciary

The Department of Transportation (DOT) **supports** H.B. 1747. This bill authorizes a police officer to tow a motor vehicle when the operator is arrested or cited for various traffic offenses, including driving under the influence of an intoxicant (OVUII).

Motor vehicle fatalities involving alcohol continues to be a problem in Hawaii. Police continue to arrest drivers who drink and drive in order to save lives. This bill would allow vehicles to be towed and stored under certain situations. The towing charges and storage charges would be the responsibility of the registered owners or lien holders of the vehicles. These costs, which would be borne by registered owners, would serve as a deterrent to those registered owners who do not seriously consider who they permit to drive their vehicles.

The DOT urges your support in passing H.B. 1747 as it will serve as a deterrent to the registered owners of vehicles who permit other drivers the use of their vehicles and are arrested for OVUII.

Thank you for the opportunity to provide testimony.

MITCHELL D. ROTH
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LATE

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 1747,
WITH CHANGES

A BILL FOR AN ACT RELATING TO MOTOR VEHICLES

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Thursday, March 3, 2016, 2:00 pm

State Capitol, Senate Conference Room 325

Honorable Chair Rhoads, Honorable Vice-Chair San Buenaventura, and Members of the Committee Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1747, with requested changes noted below.

This measure authorizes a police officer to cause to be towed a motor vehicle if the operator is arrested or cited for various traffic offenses, including Driving Under the Influence of an Intoxicant.

We support this bill, as it is in line with "Aliyah's Law," which helped to significantly reduce traffic fatalities in Hawai'i County; however, paragraph (4) should be deleted in its entirety, as this section is unnecessary and confuses the purpose of the caretaking exception.

The Community Caretaking exception is an exception to the warrant requirements under the 4th and 14th Amendments to the U.S. Constitution. This language comes from case law – Cady v. Dombrowski, 413 U.S. 433 (1973).

The following revision is requested:

~~(4) The motor vehicle is engaged in community caretaking at the time of the encounter.~~

~~As used in this paragraph, "community caretaking" means any situation in which a law~~

~~enforcement officer is using the vehicle for a consensual police-citizen encounter that is~~

~~unrelated to the investigation or detection of any criminal activity.~~

The Office of the Prosecuting Attorney, County of Hawai‘i supports the passage of House Bill No. 1747, with the proposed changes. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 4:18 PM
To: JUDtestimony
Cc: dperry@kauai.gov
Subject: Submitted testimony for HB1747 on Mar 3, 2016 14:00PM

HB1747

Submitted on: 2/29/2016

Testimony for JUD on Mar 3, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Chief of Police Darryl Perry	Kauai Police Department	Support	No

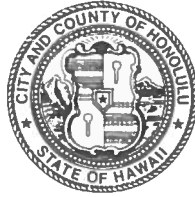
Comments: The Kauai Police Department supports HB1747 as a means to provide an additional tool to protect our community from further harm. By towing and securing vehicles that are/or were used to place others at risk, it would act not only as a deterrent, but an effective preventive measure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

MARIE A. McCAULEY
CARY OKIMOTO
DEPUTY CHIEFS

OUR REFERENCE DI-GR

March 3, 2016

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 1747, Relating to Motor Vehicles

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

The HPD supports the passage of House Bill No. 1747, Relating to Motor Vehicles.

The passage of this bill can help to keep roadways clear, provide safer storage for a violator's vehicle, and may help to deter an immediate reoffense by an impaired driver.

The HPD urges you to support House Bill No. 1747, Relating to Motor Vehicles.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Izumo", written over a horizontal line.

Darren Izumo, Major
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoha", written over a horizontal line.

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
hi.state@madd.org

March 3, 2016

To: Representative Karl Rhoads, Chair — House Committee on Judiciary;
Rep. Joy San Buenaventura, Vice Chair, and members of the Committee

From: Arkie Koehl, Public Policy Committee - MADD Hawaii

Re: House Bill 1747 – Relating to Motor Vehicles

I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of House Bill 1747. Specifically, MADD urges the stiffening of the penalty for driving while license is revoked for OVUII, by authorizing the towing of the offender's vehicle.

The highway safety literature, from AAA to NHTSA, contains studies showing that **vehicle sanctions** such as towing, immobilization, impoundment, forfeiture, etc., can be effective deterrents for the 50-75% of DUI offenders who continue to drive while their license is revoked for OVUII.

MADD encourages the passage of HB 1747, one of whose provisions (#6) directly addresses this group of offenders who threaten the lives and property of Hawaii's residents and visitors.

Thank you for this opportunity to testify.

February 7, 2016

Sunny Chuang
3273 Pahoia Ave
96816
Hawaii

To: Representative Karl Rhoads, Chairman
Representative Joy A. San Buenaventura, Vice Chairman
And members of the Senate Committee on Finance

Re: HB 1747, Relating to Motor Vehicles; Violations; Towing: Driving Under the Influence
Hearing Date and Time: 3/3/2016 2:00 P.M
Hearing Room:

Hello, my name is Sunny Chuang, I am a student at the University of Hawaii at Manoa and this is going to be my first testimony that I ever submitted so please take it easy on me. I am writing to ask that you consider opposing the bill HB 1747 relating to motor Vehicles. This bill will authorize a police officer to cause to be towed a motor vehicle if the operator is arrested or cited for various traffic offenses, including driving influence of an intoxicant. Provides exceptions. Provides notice and hearing requirements. The driver vehicle will be towed if the vehicle is fraudulent use of plates, tags, or emblems, pursuant to section 249-11; driving without a license, pursuant to section 286-102; driving while license is suspended or revoked, pursuant to section 286-132; operating a vehicle under the influence of an intoxicant, pursuant to section 291E-61; habitually operating a vehicle under the influence of an intoxicant, pursuant to section 291E-61.5; operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant, pursuant to section 291E-62. I know this bill was created to control the traffic but we all know it is really expensive to get your car out of the tow yards. DUI penalties cost around \$150 to \$2,500 in Hawaii. It is not necessary to make these people pay more just to get their car out of the tow yards. If they could ask their friends or family to come and pick up the car then we should let them do that. Thank you so much for reading my testimony and I hope this will help you guys on making the decision to pass or not pass this bill.

Sincerely,
Sunny Chuang
2/7/2016