

MITCHELL D. ROTH  
PROSECUTING ATTORNEY

DALE A. ROSS  
FIRST DEPUTY  
PROSECUTING ATTORNEY



**LATE**

655 KĪLAUEA AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908  
(808) 934-3403  
(808) 934-3503

WEST HAWAII UNIT  
81-980 HALEKĪ'I ST, SUITE 150  
KEALAKEKUA, HAWAII 96750  
PH: (808) 322-2552  
FAX: (808) 322-6584

## OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 1334 WITH  
CHANGES TO BILL LANGUAGE

A BILL FOR AN ACT RELATING TO OPERATING A  
VEHICLE WHILE INTOXICATED

COMMITTEE ON TRANSPORTATION

Sen. Clarence K. Nishihara, Chair  
Sen. Breene Harimoto, Vice Chair

COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Will Espero, Chair  
Sen. Rosalyn H. Baker, Vice Chair

Thursday, February 12, 2015, 2:45 p.m.  
State Capitol, Conference Room 229

Honorable Chairs Nishihara and Espero, Vice-Chairs Harimoto and Baker, and Members of the Committee on Transportation and the Committee on Public Safety, Intergovernmental and Military Affairs, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 1334 with changes to the Bill language.

This measure allows law enforcement officers to seize and tow a motor vehicle if operator is arrested or cited for various alcohol-related traffic offenses.

We request the following changes be made to the language:

§ 291E-\_\_\_ ~~(a) When a law enforcement officer arrests, or issues a summons or citation to, an operator of a motor vehicle for:~~

**(a) Any police officer citing or arresting any driver for the following traffic violations may have the motor vehicle towed to a private tow yard at the registered owner's expense pursuant to Hawai'i Revised Statutes ("HRS") 291C-165.5(a):**

**(1) Driving without a license pursuant to HRS 286-102;**

- (2) Driving while license is suspended or revoked pursuant to HRS 286-132;**
- (3) Operating a vehicle under the influence of an intoxicant pursuant to HRS 291E-61;**
- (4) Habitually operating a vehicle under the influence of an intoxicant pursuant to HRS 219E-61.5;**
- (5) Operating a vehicle after license and privilege has been suspended or revoked for operating a vehicle under the influence of an intoxicant pursuant to HRS 291E-62;**
- (6) Operating a vehicle after consuming a measurable amount of alcohol; persons under the age of twenty-one pursuant to HRS 291E-64; or**
- (7) Fraudulent use of plates, tags, or emblems pursuant to HRS 249-11;**

~~(b) Law enforcement officers shall not seize or tow any motor vehicle under this section~~

~~if:~~ **Community caretaking considerations: Vehicles are not to be towed and/or impounded under the authority of this section under any of the following circumstances:**

The Office of the Prosecuting Attorney, County of Hawai‘i supports the passage of Senate Bill No. 1334 with the above changes to the language included. Thank you for the opportunity to testify on this matter.