



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

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

February 1, 2019
10:00 a.m.
State Capitol, Room 423

H.B. 753
RELATING TO IGNITION INTERLOCK PROGRAM.

House Committee on Transportation

The Department of Transportation (DOT) **supports** H.B. 753 with requested amendments.

The DOT agrees with the legislature that the State's ignition interlock program needs to be strengthened to decrease the incidents of persons operating a vehicle under the influence of an intoxicant.

The DOT recommends that:

- Page 12, line 16 be amended to read: "to the person a new driver's license provided that the person has complied with the conditions of subsections (l) and (m) of this section."
- Page 13, line 8 be amended to read: "operated by the person for a continuous period of one hundred eighty days unless the person receives a"
- The conditions as amended in this bill also reflect the same under Section 291E-41, Hawaii Revised Statutes to be applied under the Administrative Driver's Licensing Revocation.

Thank you for the opportunity to provide testimony.

Justin F. Kollar
Prosecuting Attorney



Rebecca Vogt Like
Second Deputy

Jennifer S. Winn
First Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

**THE HONORABLE HENRY J.C. AQUINO, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION
The Thirtieth Legislature
Regular Session of 2019
State of Hawai'i**

January 30, 2019

RE: H.B. 753; RELATING TO THE IGNITION INTERLOCK PROGRAM.

Chair Aquino, Vice-Chair Hashimoto and members of the House Committee on Transportation, the Office of the Prosecuting Attorney of the County of Kaua'i ("Office") supports the intent of H.B. 753 and concurs with the recommendations of the Department of Transportation; specifically that:

- Page 12, line 16 be amended to read: "to the person a new driver's license provided that the person has complied with the conditions of subsections (l) and (m) of this section."
- Page 13, line 8 be amended to read: "operated by the person for a continuous period of one hundred eighty days unless the person receives a"
- The conditions as amended in this bill also reflect the same under Section 291E-41, Hawaii Revised Statutes to be applied under the Administrative Driver's Licensing Revocation.

For all of the foregoing reasons, the Office of the Prosecuting Attorney of the County of Kaua'i supports H.B. 753 with the above recommendations. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



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MAYOR

SUSAN BALLARD
CHIEF

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JONATHON GREMS
DEPUTY CHIEFS

OUR REFERENCE
AP-GR

February 1, 2019

The Honorable Henry J. C. Aquino, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 423
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: House Bill No. 753, Relating to the Ignition Interlock Program

I am Andre Peters, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 753, Relating to Ignition Interlock Program. This bill would strengthen existing ignition interlock rules by requiring a person who wants to be relicensed to provide documentation that in the preceding 180 days he or she did not attempt to start the vehicle with a BrAC of .04 or more, had not failed any random test with a BrAC of .025 or more, had not missed a random test, and had not failed to appear for vendor servicing of the device.

Currently, people whose license was revoked for Operating a Vehicle Under the Influence of an Intoxicant (OVUII) can simply "wait out" their revocation without having to install the ignition interlock device. However, studies have shown that they continue to drive, circumventing one of the penalties of an OVUII conviction/revocation.

The HPD urges you to support House Bill No. 753, Relating to Ignition Interlock Program.

The Honorable Henry J. C. Aquino, Chair
and Members
Page 2
February 1, 2019

Thank you for the opportunity to testify.

Sincerely,


for Andre Peters Acting Captain
Traffic Division

APPROVED:


Susan Ballard
Chief of Police

February 1, 2019

To: Rep. Henry Aquino, Chair, House Committee on Transportation; Rep. Troy Hashimoto, Vice Chair; and members of the Committee

From: JoAnn Hamaji-Oto, Territory Operations Director, Smart LLC, Hawaii Corporate Office

Re: House Bill 753 — Testimony in Strong Support Relating to the Ignition Interlock Program

I am JoAnn Hamaji-Oto, Territory Operations Director for Smart Start LLC, Hawaii Corporate Office. Smart Start is the current vendor contracted by the Hawaii Department of Transportation to install and service alcohol ignition interlocks in the state of Hawaii. I am offering testimony in strong support of House Bill 753 Relating to The Ignition Interlock Program.

The only way to stop a drunk driver from reoffending is to install an ignition interlock on the vehicle that a person operates during a license revocation period. Unlike other alcohol monitoring technologies or programs, an interlock is the only technology and the single most effective tool available to physically separate drinking from driving and to enhance public safety. A consequence for trying to drive drunk on an interlock is not incarceration, but rather a parked vehicle that will not start until the driver sobers up. As you are most likely aware, ignition interlocks prevent a drunk driver from operating a motor vehicle if their breath alcohol concentration (BrAC) exceeds a set point (typically .020). Drivers must provide a breath sample by blowing into an ignition interlock device before starting their car. If the driver's BrAC is over the set point, the vehicle will not start. HB 753 will make interlock users prove compliance and demonstrate they are able to drive sober before removing the device. For drunk drivers using an interlock, they must have a certain period of no recordable violations before removal, known as compliance-based removal and is law in 28 states. Interlock compliance- based removal laws are important in teaching sober driving behavior.

According to the American Association of Motor Vehicle Administrators (AAMVA) Ignition Interlock Best Practice Guide for Ignition Interlocks called on states to have compliance-based removal for people on an ignition interlock. Currently, OVUII offenders in Hawaii merely have their interlock removed when it is time for end of program, whether they have proved sobriety to drive or not. This legislation will boost interlock implementation. One of the biggest challenges facing Hawaii's interlock program is eligible OVUII offenders wait out the revocation period and do not install an interlock, many choosing to drive unlicensed and not interlocked.

Since the implementation of Hawaii's Ignition Interlock law in 2011, we have prevented more than 100,000 drunk driving attempts in the state of Hawaii. The interlock did what it was supposed to do, it directly prevented drunk driving and the injuries and deaths it causes. OVUII offenders should be made to comply with the requirements to install an interlock device before their driving privileges are restored. They should not be given the choice of waiting out the revocation period without ever installing an interlock. This is a dangerous situation as research provides that suspending licenses by itself is not a deterrent, 50 – 75% of OVUII offenders continue to drive on suspended licenses.

In conclusion, we strongly urge you to pass HB 753 as it will help strengthen Hawaii's Ignition Interlock laws which is critically important to help save lives and keep Hawaii roads safe.

Thank you for the opportunity to provide testimony in support of this important bill.

HB-753

Submitted on: 1/29/2019 9:56:33 PM

Testimony for TRN on 2/1/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Individual	Support	No

Comments:



The knowledge source for safe driving

January 31, 2019

The Honorable Henry J.C. Aquino
Chairman, House Transportation Committee
Rep. Troy Hashimoto, Vice Chair
Conference Room 423
Hawai'i State Capitol Honolulu, HI 96813

RE: HB 753 improving the drunk driving law

Dear Chairman Aquino and House Transportation Committee Members,

The Traffic Injury Research Foundation (TIRF; www.tirf.ca) strongly urges you to support and advance HB 753 by Representative Aquino, which closes loopholes in the drunk driving law and improves compliance with the state's lifesaving ignition interlock law.

TIRF is an independent, scientific research institute, based in Canada, with a separate US office. We operate as a registered charity in Canada, and our US office is a registered 501(c)3. We receive funding from governments through research project contracts as well as from associations and industry. We have consulted with governments around the world (including the Netherlands, Australia, United Kingdom, Belgium, Norway and France in addition to the US and Canada) about drunk driving and alcohol ignition interlock programs. The Association of Ignition Interlock Program Administrators (AIIPA) in the US hires TIRF to provide strategic advice to AIIPA. During the past ten years, we have delivered technical assistance to improve the implementation and delivery of interlock programs and other drunk driving countermeasures in more than 40 states in the US with funding from the National Highway Traffic Safety Administration (NHTSA) through a cooperative agreement.

As part of this technical assistance, TIRF reviewed Hawaii's Alcohol Interlock Program in May 2014 and concluded with a written report. The report identified some of Hawaii's biggest challenges and offered suggested solutions. Challenges included:

- > Offenders who are eligible for the interlock program often choose to wait out the hard revocation instead of enrolling in the interlock program;
- > There is a lack of agency authority to hold offenders accountable for non-compliance with interlock program rules; and,
- > Offenders in the interlock program who continue unsafe driving behaviors can not necessarily be kept in the program, thereby reducing possibilities to prevent future offending.

Traffic Injury
Research Foundation
171 Nepean St., Suite 200
Ottawa, Ontario
Canada K2P 0B4

www.tirf.ca
T: 613-238-5235
F: 613-238-5292
Toll free: 877-238-5235

Registered Charity No. 10813 5641 RR0001

We believe that HB 753 would effectively address these identified challenges by the following stipulations contained in it:

- > No longer allowing offenders to wait out the hard revocation period, but rather ensuring that drivers ordered to use an interlock have no other choice but to actually install the device before they can obtain an unrestricted license;
- > Provide the authority for the Department of Transportation to adopt and promulgate rules, notably in relation to non-compliance; and,
- > Implement a compliance-based removal system whereby offenders must prove compliance with ignition interlock program rules before their device will be removed. This approach requires that drunk drivers using an interlock must have a certain period of no recordable violations before the device is removed. This system is already law in 28 states and has become an effective way to teach sober driving.

In conclusion, we believe that HB 753 addresses existing challenges in the current drunk driving law. The new law proposes proven best practices to overcome these challenges. We therefore urge you to support and advance HB 753. We sincerely hope that the information we have provided will help to make this decision but remain available, should you require more information.

Please do not hesitate to contact us if you have follow-up questions about our letter.

Sincerely,



Robyn Robertson
President and CEO
TIRF

Secretary of the Board
TIRF USA, Inc.



Dr. Ward Vanlaar
COO
TIRF



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

February 1, 2019

To: Representative Henry J.C. Aquino, Chair, House Committee on Transportation; Rep. Troy M. Hashimoto, Vice Chair; and members of the Committee

From: Carol McNamee and Arkie Koehl, Public Policy Committee - MADD Hawaii

Re: House Bill 753 – Relating to the Ignition Interlock Program

I am Carol McNamee, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of the intent of House Bill 753, Relating to the Ignition Interlock Program.

Due in part to the existing Interlock law, Hawaii is bucking national trends as drunk driving deaths are slightly down by over two percent since 2010, while nationally drunk driving deaths have increased by over seven percent.

HB 753 makes interlock users prove compliance with ignition interlock requirements before removing the device. For drunk drivers using an interlock, they must have a certain period of no recordable violations before removing the device--known as compliance based removal which is law in 28 states. Compliance based removal laws are important in teaching sober driving behavior.

HB 753 will also ensure that people who are ordered to use an interlock actually use the device before obtaining an unrestricted license. An interlock costs around \$3 a day to the offender, however current law allows for a reduced rate for eligible indigent interlock users. However, Hawaii has some unique situations which will require some discussion and editing to make the compliance based system function effectively. MADD asks that this measure be passed out of committee to enable members of the Impaired Driving Task Force to discuss and propose amendments.

According to the CDC, interlocks reduce repeat drunk driving offenses by 67 percent. An ignition interlock is more effective than license suspension or revocation alone, as up to 75 percent of convicted drunk drivers continue to drive on a suspended license. License revocation with the use of an interlock is our best hope for stopping repeat drunk driving.

MADD urges you to pass out HB 753 to strengthen Hawaii's life-saving Ignition Interlock law. Thank you for the opportunity to testify.

HB-753

Submitted on: 1/31/2019 7:28:23 AM

Testimony for TRN on 2/1/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Dohm	Individual	Support	No

Comments:

I support HB753 and I urge you to support HB753 too.

We cannot allow impaired driving offenders to be violating the ignition interlock system. If someone has already gone through the legal system as a drunk driving violator, then we must do whatever we can to keep these people from driving when they are impaired again.

Drunk driving is never ok. We need stronger policies to keep people from driving while under the influence. Strengthening the existing rules for the ignition interlock system is necessary to save lives and prevent tragedies.



LATE

Subject: Support HB753

Dear Chair Henry J.C. Aquino, Vice Chair Troy Hashimoto, and members of the House Committee on Transportation,

My name is Kari Benes and I am the Chair of the Hawaii Strategic Highway Safety Plan (SHSP). The Strategic Highway Safety Plan Core Committee has identified “enhancing the ignition interlock program” a priority for 2019.

2008-2017 FARS data reveals Hawaii as being above the national average for alcohol-impaired driving fatalities for the entire decade. We currently rank the 5th worst in the nation for the percentage of alcohol-impaired driving fatalities.¹ It’s important that Hawaii treats impaired driving seriously, by enhancing a system shown to separate problem drinking behavior from our roadways.

HB753 applies what 28 states across the US do with their ignition interlock programs, which is to have a compliance-based removal as a condition of their program.

The Hawaii Strategic Highway Safety Plan's vision is that all of Hawaii's road users arrive safely at their destinations. You can help us achieve our goal of reducing yearly fatalities, by supporting this measure.

To view the Strategic Highway Safety Plan go to www.hawaiishsp.com

Strategic Highway Safety Plan Mission

Save lives and reduce injuries on Hawaii’s roadways through strategic partnerships and implementation of the Strategic Highway Safety Plan.

¹ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>