



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Thursday, February 20, 2020, 11:00 a.m.
State Capitol, Conference Room 308

by
Karilee Harada
Chief Adjudicator
Administrative Driver’s License Revocation Office

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2174, HD2, Relating to Operating a Vehicle Under the Influence of an Intoxicant.

Purpose: Defines "highly intoxicated driver." Provides the evidentiary standard for establishing that a person was a "highly intoxicated driver." Requires that ignition interlock devices be installed and maintained on one or more vehicles registered to and all vehicles operated by anyone convicted of operating a vehicle under the influence of an intoxicant, during the applicable period of license revocation. (HD2)

Judiciary's Position:

The Judiciary’s Administrative Driver’s License Revocation Office (ADLRO) takes no position on the merits of this bill, but offers the following comments.

Based on the experience of the ADLRO, public safety would be promoted where the requirement of installing and operating an ignition interlock device (IID) in one or more vehicles registered to respondent does not apply in cases where a respondent chooses not to drive a vehicle during the period of revocation. If respondents elect not to drive during the revocation period, these respondents should not be required to install an IID in any vehicle registered to them. Currently, the law allows respondents to install IIDs in any vehicle they operate; the vehicle does not have to be registered to the respondents. Provided that respondents submit proof of current registration and vehicle insurance, respondents are issued an Ignition Interlock

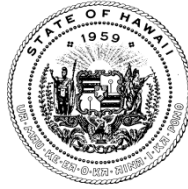


House Bill No. 2174, HD2, Relating to Operating a Vehicle
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Permit and can drive legally with the IID. This encourages use of and installation of IIDs, which in turn promote public safety.

To this end, **omitting** revisions in lines 5 through 11 of page 6 of the current H.D. 2 of House Bill No. 2174, would encourage use of and installation of IIDs, which in turn promote public safety.

Thank you for the opportunity to submit testimony on House Bill No. 2174, H.D.2.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 20, 2020
11:00 A.M.
State Capitol, Room 308

H.B. 2174, H.D. 2
RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN
INTOXICANT

House Committee on Finance

The Department of Transportation (DOT) **supports** H.B. 2174, H.D. 2, Relating to Operating a Vehicle Under the Influence of an Intoxicant (OVUII). This bill defines “highly intoxicated drivers” and enhances the penalties.

H.B. 2174, H.D. 1 evolved last year out of concern for Hawaii’s increasing number of traffic fatalities involving alcohol and drugs. It represents a collaborative effort that included input from DOT’s Hawaii Drug and Alcohol Intoxicated Driving Working Group (comprised of county police and prosecutors, MADD, Hawaii State Department of Health, etc.), Hawaii Association of Criminal Defense Lawyers and the Office of the Public Defender.

The habitual “highly intoxicated driver,” someone who has been arrested and convicted many times over, poses a substantial risk to others on the road. Despite their repeated arrests and convictions, these drivers continue to drink and drive. DOT’s concern is that eventually these drivers will become involved in a collision and kill someone.

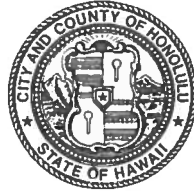
During the past five years (2015-2019), police arrested an average of 6,030 drivers for OVUII per year. An average 1,664 of those 6,030 drivers who were arrested and tested, had blood alcohol concentration (BAC) results of 0.150 and higher. In addition, the average BAC during 2015-2019 was 0.162. Existing legislation needs to be strengthened to address the habitual offender, especially those who are continually arrested for violating the law.

The DOT urges you to pass H.B. 2174, H.D. 2, which the Hawaii Drug and Alcohol Intoxicated Driving Working Group recommends since it will enhance the penalties against those drivers who continue to drink and drive, as well as address drivers who continue to be arrested of OVUII many times.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE CT-LS

February 20, 2020

The Honorable Sylvia Luke, Chair
and Members
Committee on Finance
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 308
Honolulu, Hawaii 96813

Dear Chair Luke and Members:

SUBJECT: House Bill No. 2174, H.D. 2, Relating to Operating a Vehicle Under the Influence of an Intoxicant

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

The HPD supports House Bill No. 2174, H.D. 2, Relating to Operating a Vehicle Under the Influence of an Intoxicant.

The HPD supports this proposal, which establishes penalties for and defines a "highly intoxicated operator." Increases of related penalties could be a deterrent for the would-be violators. Any measure that could potentially keep impaired drivers off of our roads should be considered or implemented.

The HPD urges you to support House Bill No. 2174, H.D. 2, Relating to Operating a Vehicle Under the Influence of an Intoxicant.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in cursive script that reads "Susan Ballard".

Susan Ballard
Chief of Police

Sincerely,

A handwritten signature in cursive script that reads "Calvin Tong".

Calvin Tong, Major
Traffic Division



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February 20, 2020

To: Representative Sylvia Luke, Chair, House Committee on Finance, Representative Ty Cullen, Vice Chair, and members of the committee

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

Re: House Bill 2174, HD2 - Relating to Operating a Vehicle Under the Influence of an Intoxicant
Testimony in Support

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 support of House Bill 2174, HD2 Relating to Operating a Vehicle Under the Influence of an Intoxicant. We commend the legislature for its efforts to strengthen Hawaii's impaired driving laws.

This bill would, among other provisions, establish penalties for and define "highly intoxicated operator." It increases license revocation periods and lookback periods for offenses of operating a vehicle under the influence of an intoxicant. We believe that this bill is an important policy step forward.

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. 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.

We believe that HB 2174, HD2 is an effort to broadly address and strengthen the existing law and support its intent. Thank you for the opportunity to provide testimony in support of this important bill.

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i

February 20, 2020

RE: H.B. 2174, H.D. 2; RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT.

Chair Luke, Vice-Chair Cullen and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of H.B. 2174, H.D. 2.

The Department greatly appreciates the bill's overall goal of strengthening Hawaii's laws regarding operating a vehicle under the influence of an intoxicant ("OVUII"). As stated in the description, the aim of this bill is to: establish penalties and a definition for "highly intoxicated operator"; increase license revocation periods and lookback periods; and increase penalties for repeat offenders, habitual offenders, and persons driving on a suspended or revoked license (for OVUII) while also under the influence of an intoxicant.

From April 2019 through December 2019, our Department was part of a highly dedicated working group—coordinated and facilitated by the Department of Transportation, Highway Safety Division ("DOT")—which convened nearly every two weeks for five months, and spent numerous working hours outside of that, including meeting with the Public Defender and a representative from the defense bar. We believe that H.B. 2174, H.D. 2 is reflective of that effort, and further believe it will strengthen Hawaii's OVUII laws.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 2174, H.D. 2. Thank you for the opportunity to testify on this matter.



LATE

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February 20, 2020

To: Representative Sylvia Luke, Chair, House Committee on Finance;
Representative Ty J.K. Cullen, Vice Chair; and members of the
Committee

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

Re: House Bill 2174, HD1 – Relating to Operating a Vehicle Under the
Influence of an Intoxicant

I am Carol McNamee testifying on behalf of MADD Hawaii in support of House Bill 2174, HD1, relating to Operating a Vehicle Under the Influence of an Intoxicant.

This omnibus bill has been carefully crafted by a small group of prosecutors who were tasked with studying and improving Hawaii's OVUII statutes with special attention to the drivers found to have a high blood or breath alcohol level.

MADD supports the concept of increasing penalties for individuals who are arrested and found to be driving with a BAC of .15 or higher. These individuals fall into the category of "high risk drivers" who, along with repeat offenders and test refusers, pose an increased danger to other highway users, meaning vehicle drivers and passengers, bicyclists and pedestrians. Hawaii statutes reflected increased penalties for these high-risk drivers in its statutes before 2011 when the highly intoxicated driver section was removed for reasons unrelated to its effectiveness. This bill establishes the revocation periods for the high BAC driver – from 18 months for a first offender up to 6 years for drivers who have two or more prior alcohol or drug enforcement contacts.

MADD supports other changes that have been proposed in this bill, including increasing the "look back" period which defines who is a repeat offender and therefore how long a revocation period will be imposed on the person arrested. This measure also adds a mandatory interlock requirement for Habitual Offenders and a number of other added sanctions for the repeat Habitual Offender.

This is an important measure for strengthening Hawaii's OVUII statutes to remove the most dangerous drivers from the road and increase the deterrent value of the statutes by increasing the penalties for the high BAC drivers. MADD encourages this committee to pass HB 2174, HD1 and strengthen Hawaii's OVUII statutes.

Thank you for this opportunity to testify.