



TESTIMONY BY:

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

February 12, 2019
4:00 p.m.
State Capitol, Room 325



H.B. 753, H.D. 1
RELATING TO THE IGNITION INTERLOCK PROGRAM.

House Committee on Judiciary

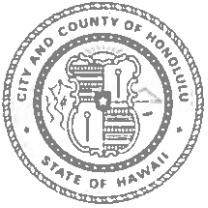
The Department of Transportation (DOT) **supports** H.B. 753, H.D. 1 with requested amendments.

H.B. 753 H.D.1 amended 291E-61, Hawaii Revised Statutes (HRS). However, the proposed bill needs to now amend 291E-41 HRS, for clarity and consistency between the two sections.

Therefore, DOT recommends the following amendments for clarity and consistency:

- Section 2, Page 2, line 8 to read: "subsection 291E-61 (l) and (m) are satisfied. The periods of "
- Section 2, Page 5, add a new subsection (7) beginning on line 6, to read as follows: Notwithstanding any other law to the contrary, whenever the director revokes a person's driver's license pursuant to this section, the examiner of drivers shall not grant to the person a new driver's license until the expiration of the period of revocation determined by the director or as extended pursuant to subsection 291E-61(l). After the period of revocation is completed, the person may apply for and the examiner of drivers may grant to the person a new driver's license

Thank you for the opportunity to provide testimony.



CITY COUNCIL
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WRITTEN TESTIMONY ONLY
February 12, 2019

TESTIMONY OF
COUNCIL CHAIR EMERITUS & VICE CHAIR RON MENOR
COUNCIL DISTRICT 9
CITY AND COUNTY OF HONOLULU

House Bill 753 HD1
RELATING TO THE IGNITION INTERLOCK PROGRAM.

Chair Lee, Vice Chair San Buenaventura and Members of the House Committee on Judiciary:

I am testifying in support of House Bill 753 HD1. I am submitting this testimony not on behalf of the Honolulu City Council, but as an individual Councilmember.

With Hawaii's existing interlock law, Hawaii's drunk driving deaths have decreased by two percent since 2010, compared to an increase of over seven percent nationally.

HB 753 HD1 requires interlock users to prove compliance with ignition interlock requirements prior to removing the device. 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.

HB 753 HD1 ensures that drivers who are ordered to use an interlock actually use the device before obtaining an unrestricted license. The interlock costs approximately \$3 a day to the offender, and current law allows for a reduced rate for the indigent.

The CDC finds that 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 with a suspended license. License revocation with an interlock requirement is the best option for stopping repeat drunk driving.

Mahalo for the opportunity to testify in support of this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE **AP-GR**

February 12, 2019

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 753, H.D. 1, 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, H.D. 1, Relating to the 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 were revoked for Operating a Vehicle Under the Influence of an Intoxicant (OVUII) can simply "wait out" their revocation period 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, H.D. 1, Relating to the Ignition Interlock Program.

The Honorable Chris Lee, Chair
and Members

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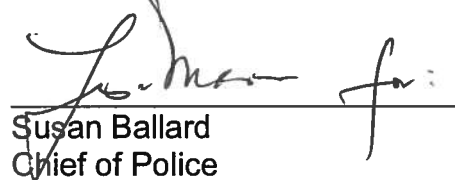
Thank you for the opportunity to testify.

Sincerely,

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

Andre Peters, Acting Captain
Traffic Division

APPROVED:

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

Susan Ballard
Chief of Police



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February 12, 2019

To: Rep. Chris Lee, Chair, House Committee on Judiciary; Rep. Joy A. San Buenaventura, Vice Chair; and members of the Committee

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

Re: House Bill 753, HD1- 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, HD1 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, HD1 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 DUI offenders continue to drive on suspended licensees.

In conclusion, we strongly urge you to pass HB 753, HD1 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.



Subject: Support HB753 HD-1

Dear Chair Chris Lee, Vice Chair Joy A. San Buenaventura, and members of the House Committee on Judiciary,

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>



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February 12, 2019

To: Representative Chris Lee, Chair, House Committee on Judiciary;
Representative Joy A. San Buenaventura, Vice Chair; and members of the
committee

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

Re: House Bill 753, HD 1 – 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, HD1, Relating to the Ignition Interlock Program.

HB 753 HD 1 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, although current law allows for a reduced rate for eligible indigent interlock users.

Hawaii has unique situations which will require some deliberation and editing of this measure to make the compliance based system function effectively in our state. MADD asks that this measure be passed out of this committee to enable members of the Impaired Driving Task Force to continue discussions 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, HD1 to strengthen Hawaii's life-saving Ignition Interlock law. Thank you for the opportunity to testify.

HB-753-HD-1

Submitted on: 2/11/2019 4:02:44 PM

Testimony for JUD on 2/12/2019 4:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert McPherson	HACDL	Oppose	Yes

Comments:

The Hawaii Association of Criminal Defense Attorneys oppose the bill as amended. The bill does not define the powers to be given to the Department of Transportation and does not adequately address the costs associated with the implementation and operation as it pertains to the Judiciary. Also, indigent defendants or respondents may receive free or low cost interlocks and this bill does not calculate the costs to the taxpayers for those devices issued. There is nothing in the bill that reports what the affect this bill would have on curbing OUVII offenses. There are better means to effectuate the change sought by the legislature to curb drunk driving offenses.