



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

RON MENOR
Council Chair Emeritus &
Council Vice Chair
District 9

Email: rmenor@honolulu.gov
Phone: 808-768-5009
FAX: 808-768-5011

WRITTEN TESTIMONY ONLY
February 20, 2019

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

House Bill 753 HD2
RELATING TO THE IGNITION INTERLOCK PROGRAM.

Chair Luke, Vice Chair Cullen and Members of the House Committee on Finance:

I am testifying in support of House Bill 753 HD2. 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 HD2 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 HD2 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.



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 20, 2019

To: Representative Sylvia Luke, Chair, House Committee on Finance;
Representative Ty J.K. Cullen, 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 continuing deliberations 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 those working on the details of this new system to continue discussions and propose additional 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 advance HB 753, HD2 to strengthen Hawaii's life-saving Ignition Interlock law. Thank you for the opportunity to testify.



900 FORT ST. MALL, SUITE 1620 • HONOLULU, HI 96813
1-800-880-3394 • 808-695-2416 • SMARTSTARTINC.COM
FAX 808-695-2316

February 20, 2019

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

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

Re: House Bill 753, HD2- 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, HD2 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, HD2 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.



The knowledge source for safe driving

February 19, 2019

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
Committee on Finance
Conference Room 308, 415 South Beretania Street
Hawai'i State Capitol Honolulu, HI 96813

RE: HB 753 HD2 improving the drunk driving law

House Committee on Finance on Wednesday, February 20, 2019 @ 4:00 P.M

Ladies and Gentlemen,

The Traffic Injury Research Foundation (TIRF; www.tirf.ca) strongly urges you to support and advance HB 753 HD2, 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 HD2 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 HD2 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 HD2. We sincerely hope that the information we have provided will help to make this decision but remain available, should you require more information.

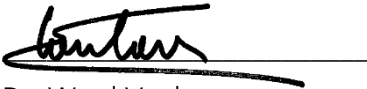
Please do not hesitate to contact us if you have follow-up questions about our letter.

Sincerely,



Robyn Robertson
President and CEO
TIRF

Secretary of the Board
TIRF USA, Inc.



Dr. Ward Vanlaar
COO
TIRF

WRITTEN TESTIMONY
CHAIR OF THE HOUSE COMMITTEE ON FINANCE
HOUSE BILL 753, HD 2
TUESDAY, FEBRUARY 19, 2019 AT 4:00 PM
CONFERENCE ROOM 308, STATE CAPITOL, 415 BERETANIA STREET

Good afternoon Chairwoman Sylvia Luke and distinguished members of the committee, thank you for the opportunity for submitting written testimony in support **House bill 753, HD 2**. My name is Erin Holmes. I am the Director of Traffic Safety at the Foundation for Advancing Alcohol Responsibility (Responsibility.org). Prior to joining the Foundation in September of 2014, I was a Research Scientist at the Traffic Injury Research Foundation (TIRF). During my tenure at TIRF, I published more than 40 reports, evaluations, and articles and delivered in excess of 50 presentations internationally on impaired driving, justice system improvements, alcohol monitoring technologies, risk assessment, and drug policy. Ignition interlocks are my primary area of expertise. I have provided The National Highway Traffic Safety Administration (NHTSA)-funded training and technical assistance to more than 20 states, including Maryland, to improve the delivery of their interlock programs. Moreover, I was involved in the planning and implementation of an international symposia series on interlocks and developed the content for the Alcohol Interlock Curriculum for Practitioners (www.aic.tirf.ca).

The Foundation for Advancing Alcohol Responsibility (Responsibility.org) is a national not-for-profit that leads the fight to eliminate drunk driving and underage drinking and is funded by the following distillers: Bacardi U.S.A., Inc.; Beam Suntory; Brown-Forman; Constellation Brands, Inc.; DIAGEO; Edrington; Mast-Jägermeister US, Inc.; and Pernod Ricard USA. For more than 25 years, Responsibility.org has brought individuals, families, and communities together to guide a lifetime of conversations around alcohol responsibility and offers proven strategies to stop impaired driving. To learn more, visit www.responsibility.org.

Responsibility.org supports the mandatory and effective use of ignition interlocks for all convicted DUI offenders as part of a comprehensive approach to eliminating drunk driving. **House bill 753, HD 2** seeks to strengthen Hawaii's establishing compliance-based removal provisions (180 consecutive days without violations), and defining program violations. Furthermore, HB 753, HD 2 requires that the interlock condition remain on the person's driving record ensuring that they cannot opt out of the interlock requirement if they want to be re-licensed. If passed, this legislation will reduce instances of drunk driving and increase offender accountability. Given the life-saving potential of this technology and the potential of this legislation to align Hawaii with some of the strongest interlock programs in the country, **we urge all legislators to vote yes on HB 753, HD 2.**

Evidence shows interlocks are highly effective in preventing alcohol-impaired driving for both repeat and first-time DUI offenders while they are installed.

- More than 10 evaluations of interlock programs have reported reductions in recidivism ranging from 35-90% with an average reduction of 64% (Willis et al., 2004).
- A study commissioned by the Centers for Disease Control and Prevention (CDC) that involved a systematic review of 15 peer-reviewed studies revealed that, while interlocks were installed, the re-arrest rate of offenders decreased by a median of 67% compared to groups who never had an interlock installed (Elder et al., 2011).
- A study of New Mexico's interlock program (Marques et al., 2010) examined the recidivism rate of first offenders arrested for aggravated DUI. This research found that offenders who participated in the program had a 61% lower recidivism rate while the device was installed and a 39% lower recidivism rate following the removal of the interlock when compared to offenders who never installed the device.

Simply put, the passage of interlock laws saves lives. A study by Kaufman and Wiebe (2016) examined the impact that the passage of all offender interlock laws have on alcohol-involved crashes (defined as any crash involving at least one driver who had a blood alcohol concentration above .00) in 18 states. The authors found that requiring all drivers convicted of DUI to install an interlock was associated with a 15% reduction in the rate of alcohol-involved crash deaths; this translates into an **estimated 915 lives saved**. A more recent examination of the effects of state interlock laws on alcohol-involved fatal crashes in the U.S. found that interlocks may reduce the occurrence of these crashes (McGinty et al., 2017). State laws that require interlocks for all DUI offenders were associated with a 7% decrease in the rate of fatal crashes involving a driver above the legal limit (.08) and an 8% decrease in the rate of fatal crashes involving a high-BAC (.15+) driver. This translates into an **estimated 1,250 prevented fatal crashes** involving a drunk driver.

This strong convergence of scientific evidence has led to substantial growth in interlock programs within the last decade, along with a shift toward mandatory interlock laws for all DUI offenders. At present, all 50 states have passed some form of interlock legislation and achieved different degrees of program implementation. A total of 32 states and the District of Columbia have passed all offender interlock laws; 28 of these jurisdictions require mandatory installation.

Interlock programs however, should not exist in isolation. This technology is most effective when utilized in conjunction with assessment, treatment, and supervision. It is essential that effective screening for alcohol, drugs, and mental health issues be conducted with DUI offenders in tandem with an interlock sanction to identify those offenders who have issues that must be treated. Research shows that repeat DUI offenders often suffer from multiple disorders. In one study, in addition to a lifetime alcohol disorder, 41% of the participants had a drug-related disorder and 45% had a major mental health disorder that was not alcohol or drug-related (Shaffer et al., 2007). Absent the identification and treatment of substance use and co-occurring disorders, long-term behavior change is unlikely for these offenders. In order to prevent future instances of drunk driving, and subsequently, save lives, the underlying causes of DUI offending (such as substance misuse or mental health issues) must be addressed. The addition of a strong treatment component to Hawaii's program has the potential to change the behavior of impaired drivers in the long-term.

One option that treatment providers might consider is a new screening/assessment instrument. Responsibility.org and the Division on Addiction at Cambridge Health Alliance, a teaching affiliate of Harvard Medical School, launched the [Computerized Assessment and Referral System](#), (CARS). This revolutionary screening and assessment instrument generates immediate diagnostic reports that contain information about an offender's mental health and substance use issues, a summary of risk factors, and provides referrals to nearby treatment services. CARS is available for **free** download at <http://www.carstrainingcenter.org>. We hope this resource will help states better identify, sentence, supervise, and treat high-risk impaired drivers.

In conclusion, Responsibility.org believes that strong laws enabling swift identification, certain punishment, and effective treatment are fundamental elements necessary to reduce the incidence of drunk driving. Responsibility.org further believes that these elements must be coordinated into a statewide system in order to be effective. If there is anything that Responsibility.org can do to strengthen your efforts, please contact Erin Holmes, Director of Traffic Safety at (202) 445-0334 or erin.holmes@responsibility.org.

Thank you.



February 18, 2019

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
Committee on Finance
Conference Room 308, 415 South Beretania Street
Hawai'i State Capitol Honolulu, HI 96813

Re: House Bill 753/ HD2- improving the drunk driving law House Committee on Finance on Wednesday,
February 20, 2019 @ 4:00 P.M

Dear Chairman Luke and Vice Chair Cullen,

My name is Tara Casanova Powell. I am the Principal of Casanova Powell Consulting (CPC). I am providing testimony as a research expert in the field of impaired driving to strongly urge your support of House Bill 753/HD2.

I am the Principal of Casanova Powell Consulting, an independent traffic safety research consulting firm. With over 20 years of experience in the field of road safety and conducting research regarding the impaired driving population, I am considered a national expert in this regard. I have led several national and state projects involving alcohol and drug impaired driving, including a national evaluation of 28 state's ignition interlock programs, two Washington State ignition interlock offender behavior and recidivism projects, Minnesota and Colorado interlock program evaluations, an Annual National Survey of Ignition Interlocks, and a Continuous Alcohol Monitoring Recidivism study in Nebraska and Wisconsin. I have been asked to present at several state, national and international conferences including the 2017 National Conference of State Legislatures (NCSL) State Transportation Leaders Symposium in Denver, Colorado where I discussed refining ignition interlock laws and programs. I am a founding member of the Connecticut Statewide Impaired Driving Task Force, a faculty staff member for the National Center for DWI Courts (NCDC), a member of the Leadership Committee of the National Academies Transportation Research Board Alcohol and Other Drug Committee, and a member of the International Council on Alcohol Drugs and Traffic Safety where I have been appointed to the Rehabilitation Measure Working Group. I have intimate knowledge of Hawaii's impaired driving program since Hawaii was selected as a case study for a national study where I was the Principal Investigator: State Blood Alcohol Concentration (BAC) Testing and Reporting for Drivers Involved in Fatal Crashes.

Passage of House Bill 753/HD2 provides for the adoption of language which will strengthen and expand the current ignition interlock program whereby Senate Bill 645 will:

- grant the Department of Transportation rule-making authority;
- establish compliance-based removal provisions (180 consecutive days without violations);

[Casanova Powell Consulting \(CPC\)](#)
[Traffic Safety Program Design and Implementation, Evaluation, and Research](#)

2924 Bald Eagle Bend, Virginia Beach, VA 23453 | Phone/Fax: 203.821.7657 | Mobile: 203.809.8709 |
Email: taracpc@outlook.com |



- establish penalties for those who fail to install an interlock including a requirement to complete a sobriety program;
- define program violations;
- allow the court the discretion to order defendants to enroll in an alcohol or substance abuse education or treatment program; and,
- require the revocation of license period be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person.

As interlock research and technology evolved over the years, reductions in recidivism were seen with varying cohorts of offenders and terms of interlock, including interlock extensions. In other words, interlock extensions were found to decrease recidivism among all levels of offense including high BAC and repeat populations of DWI offenders (of which 65 percent of impaired driving fatalities occur).

Interlock research performed by myself and my colleagues in the field has shown that interlocks can effectively monitor offenders, facilitate behavior change, and reduce recidivism rates among this population. (McCartt et. al, 2013; Casanova Powell et. al, 2015, McGinty, 2017) Compliance-based removal, or interlock extensions based on compliant performance over a specific period of time was a strong recommendation as a result of my “Evaluation of State Ignition Interlock Programs: Interlock Use Analyses From 28 States” study (Casanova et. al, 2015).

Furthermore, a recent study conducted by Voas et al., (2016), examined the effects of treatment and supervision in combination with interlock use. Results showed that those participants in the treatment group experienced 32 percent reduction in recidivism during the 30 months following the removal of the interlock. The Voas study validates the use of ignition interlock paired with treatment as a viable tool to facilitate behavior change. As a result, public perceptions regarding the interlock device as a useful tool to monitor the impaired driving population (including those of judges and court staff), have changed over the years. This research also supports the DWI court model where required interlock use and term extension for confirmed alcohol interlock violations are standard practice.

In conclusion, I ask you to support House Bill 753/HD2 to better ensure the safety of the citizens of Hawai'i. Please contact me with any additional questions you may have.

Respectfully Yours,

A handwritten signature in black ink that reads 'Tara Casanova Powell'. The signature is written in a cursive, flowing style.

Tara Casanova Powell
Principal

Casanova Powell Consulting (CPC)
Traffic Safety Program Design and Implementation, Evaluation, and Research

2924 Bald Eagle Bend, Virginia Beach, VA 23453 | Phone/Fax: 203.821.7657 | Mobile: 203.809.8709 |
Email: taracpc@outlook.com |

HB-753-HD-2

Submitted on: 2/18/2019 2:36:10 PM

Testimony for FIN on 2/20/2019 4:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill	National 24/7 Advisory Council	Support	No

Comments:

My comments are stated in the attached document

HB-753-HD-2

Submitted on: 2/19/2019 3:57:37 PM

Testimony for FIN on 2/20/2019 4:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



LATE

Subject: Support HB753 HD-1

Dear Chair Sylvia Luke, Vice Chair Ty J.K. Cullen, and members of the House Committee on Finance,

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.hawaiiishsp.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>



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

February 20, 2019
4:00PM
State Capitol, Room 308

H.B. 753, H.D. 2
RELATING TO THE IGNITION INTERLOCK PROGRAM.

House Committee on Finance

The Department of Transportation (DOT) **supports** H.B. 753, H.D. 2 with the following amendments.

H.B. 753 H.D.1 amended 291E-61, Hawaii Revised Statutes (HRS). However, the need arises to 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 by adding reference to subsection (l) to read as: "subsection 291E-61 (l) and (m) are satisfied. The periods of "
- Section 2, add a new subsection (7) beginning on line 6, page 5, to read as follows:
"(7) 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."

Section 3, page 16, subsection (l) be amended to read:

- (l) The period of license restriction under subsection (b) shall be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person; ~~[for a continuous period of one hundred eighty days]~~
- (1) For the first offense, or any offense not preceded within a five year period by a conviction for an offense under this section or section 291E-4(a) for a continuous period of thirty days;

- (2) For an offense that occurs within five years of a prior conviction for an offense under this section or section 291E-4(a) for a period of one hundred and eighty days;
- (3) For an offense that occurs within five years of two prior convictions for the offenses under this section or section 291E-4(a) for a period of one year;

unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device due to a physical disability shall be reasonable and shall be based upon a showing of substantial evidence. This determination shall be subject to review by a court of competent jurisdiction. The department may charge a person seeking an exemption under this subsection a reasonable fee for an assessment.

The DOT urges you to pass H.B. 753 HD2 with the proposed amendments to have a more comprehensive compliance-based law which will strengthen the ignition interlock program.

Thank you for the opportunity to provide testimony.