

**STATE OF HAWAI‘I**  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the House Committee on Transportation**

March 10, 2020

S.B. No. 2329, S.D. 2: RELATING TO IGNITION INTERLOCK DEVICES

Hearing: March 11, 2020, 11:45 a.m.

Chair Aquino, Vice Chair Hashimoto, and Members of the Committee:

The Office of the Public Defender respectfully supports in part and opposes in part S.B. No. 2329, S.D. 1 and offers comments for the committee’s consideration.

As a preliminary matter, the sentences imposed for operating a vehicle while a license and privilege to operate a vehicle has been revoked, suspended or otherwise restricted pursuant to HRS § 291E-61, 291E-61.5 et al are, in general, too simply too severe. Imposing a mandatory three-day jail sentence on a first offense, a mandatory thirty-day jail sentence on a second offense, and a minimum six-month jail sentence for a third or subsequent offense is substantially harsher sentence than the offense of operating a vehicle while under the influence of an intoxicant (“OVUII”), in violation of HRS § 291E-61.

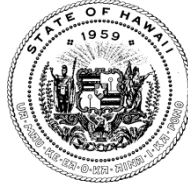
In regard to the proposal to amend the penalties of the third offense for HRS § 291E-62 from one year mandatory imprisonment to “no less than six months and nor more than one year imprisonment,” we do acknowledge that the reduction is a step in the right direction. Courts are currently required to sentence individuals convicted of a third offense to a year in jail, even if that individual has not had a drink in years. However, as stated above, a six-month penalty for simply operating a vehicle (with no indication of being under the influence of an intoxicant or driving recklessly) is simply too harsh.

While we recognize the need to curb repeat drunk-driving offenders, the statute fails to link to that objective in its current form. The majority of individuals charged with driving on a license revoked for OVUII are not suspected of driving with any alcohol or intoxicant in their system, yet the mandatory jail time is substantially more severe than a subsequent OVUII offense. Individuals are issued these citations as they drive to work, the grocery store, or to pick up their children from school. These individuals are not drinking and driving – they are simply detained for minor traffic violations. Moreover, Public Defender clients are the most vulnerable to this charge because they are often unable to afford the fees to install and maintain an interlock device in their vehicle. If we are dedicated to reducing incarceration rates linked to poverty rather than danger to our community, incarceration should only be mandatory if coupled with intoxicated driving. Beyond that, judges should have the discretion to sentence individuals to community service work rather than incarceration. We respectfully request this committee to restore greater sentencing discretion to the judges familiar with the facts of each case.

Finally, we oppose the provision, which requires the trial court to impose a consecutive sentence when a person is convicted of HRS § 291E-61 (OVUII) or HRS § 291E-61.5 (Habitual OVUII) and for HRS § 291E-62. When an offender is convicted of OVUII or Habitual OVUII and is also convicted of HRS § 291E-62, the sentencing judge must already take into account an offender's record in imposing an appropriate sentence. Thus, if an offender is viewed as a particular danger based upon his/her record, the power already exists for a judge to impose consecutive sentences. It is not necessary to remove judges' discretion in these instances. Given the movement to bring our prisoners back from mainland correctional facilities and to reduce the prison population, the courts must be given more discretion in sentencing matters rather than being handcuffed by additional mandatory sentencing provisions.

Moreover, imposing consecutive sentencing when one offense is a felony and the other offense is a petty misdemeanor or misdemeanor may lead to unintended consequences. The offense of Habitual OVUII is a class C felony, punishable up to five years imprisonment. The offense of OVLPS/R-OVUII is either a petty misdemeanor (1st and 2nd offenses) or a misdemeanor (3rd offense). When an offender is sentenced to an indeterminate term of imprisonment on the felony offense, the offender is eligible for parole only after serving a minimum term of imprisonment set by the Hawai'i Paroling Authority ("HPA"). Release on parole will only be considered by HPA if the offender has completed the appropriate prison programs, complied with the prison rules and regulations, and submitted a satisfactory parole plan with an acceptable residence and strong employment prospects. It has been our experience, when the offender has received a consecutive misdemeanor sentence, the offender was not released when HPA granted parole. Instead, the offender had to serve his misdemeanor sentence. Under the provision proposed in this measure, the offender will then have to serve additional time (up to another year) in prison to complete his misdemeanor sentence. After serving the additional time, chances are likely that the parole plan will no longer be applicable; that is, the residence and the employment prospect proposed in the parole plan will not be available after serving the misdemeanor sentence. As a result, the offender will lose his/her opportunity for parole even though he/she has earned it after completing the programs and staying out of trouble.

Thank you for the opportunity to comment on S.B. No. 2329, S.D. 2.



**TESTIMONY BY:**

JADE T. BUTAY  
DIRECTOR

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

**LATE**

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

March 11, 2020  
10:45 A.M.  
State Capitol, Room 423

**S.B. 2329, S.D. 2**  
**RELATING TO IGNITION INTERLOCK DEVICES**

House Committee on Transportation

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The Department of Transportation (DOT) **supports** S.B. 2329, S.D. 2, relating to ignition interlock devices (IID), with a suggested amendment.

In response to a legislative request we received last session, DOT created the Hawaii Drug and Alcohol Intoxicated Driving (DAID) Working Group to review Hawaii's existing Operating a Vehicle Under the Influence of an Intoxicant (OVUII) laws and legislatively address any issues and concerns.

The DAID, which is comprised of multiple stakeholders including county prosecutors and police, and representatives from the Hawaii State Department of Health, Mothers Against Drunk Driving, Smart Start, Inc., began tackling the considerable task in April 2019. As a result of the numerous hours dedicated to this statewide collaborative effort, which included input from the Public Defender and defense bar, DOT completed the legislative request by providing language to strengthen Hawaii's existing OVUII laws in December 2019.

Based on DAID's proposed legislative language, DOT recommends the following amendments to S.B. 2329 S.D. 1:

- Page 2, lines 2-3 to read:

has the ignition interlock permit and a valid government-issued photo identification in the person's immediate

Currently, an Ignition Interlock Device (IID) permit does not include a picture, which makes it difficult for police to confirm the identity of the driver. Requiring a person operating a vehicle with an IID to have a government issued photo identification card on their person, would not only allow police to verify the identity of the driver as the IID permit holder, but more importantly, ensure that the IID permit driver is operating a vehicle with an installed IID.

- Page 5, line 7, Section 2, §291-E66(a) to read:

interlock device shall knowingly circumvent or tamper with an ignition interlock device in any way, including but not limited to:

Amending HRS §291E-66(a) would provide clarification.

- Page 5, line 18 – Amend the lookback period by amending §291E-66(b) HRS to read:

(b) Any person required under subsection (a) to drive using an ignition interlock device, who violates subsection (a) shall be sentenced without possibility of probation or suspension of sentence as follows:

(1) For a first offense, or any offense not preceded within a [five]~~ten~~-year period by conviction under this section or section 291E-62(a) (3):

(A) A term of imprisonment of not less than three consecutive days but not more than thirty days;

(B) A fine of not less than \$250 but not more than \$1,000; and

(C) Loss of the privilege to operate a vehicle equipped with an ignition interlock device;

(2) For an offense that occurs within [five]~~ten~~ years of a prior conviction for an offense under this section or section 291E-62(a) (3):

(A) Thirty days imprisonment;

(B) A \$1,000 fine; and

(C) Loss of the privilege to operate a vehicle equipped with an ignition interlock device; and

(3) For an offense that occurs within [five]~~ten~~ years of two or more prior convictions for offenses under this section or section 291E-62(a) (3), or any combination thereof:

(A) One year imprisonment;

(B) A \$2,000 fine; and

(C) Loss of the privilege to operate a vehicle equipped with an ignition interlock device.

Amending §291E-66(b) HRS would provide continuity with lookback period for OVUII laws.

As DOT is concerned with improving highway safety and saving lives, we respectfully ask the committee on judiciary to pass S.B. 2329, S.D. 2 with the suggested amendments. These amendments would provide law enforcement with additional support statutorily to help protect our loved ones from impaired drivers, as well as provide clarification and consistency.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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ACTING PROSECUTING ATTORNEY

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ACTING FIRST DEPUTY  
PROSECUTING ATTORNEY



**THE HONORABLE HENRY J.C. AQUINO, CHAIR**  
**HOUSE COMMITTEE ON TRANSPORTATION**  
**Thirtieth State Legislature**  
**Regular Session of 2020**  
**State of Hawai`i**

March 11, 2020

**RE: S.B. 2329, S.D. 2; RELATING TO OPERATING A VEHICLE UNDER THE  
INFLUENCE OF AN INTOXICANT.**

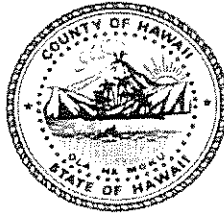
Chair Aquino, Vice Chair Hashimoto, and members of the House Committee on Transportation, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 2329, S.D. 2.

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 spent numerous working hours, and drew upon input from multiple stakeholders--including the Public Defender and defense bar--to craft language that would significantly improve Hawaii's OVUII laws. We thank the Committee to its continued commitment to making our roads safer.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 2329, S.D. 2. Thank you for the opportunity to testify on this matter.

MITCHELL D. ROTH  
PROSECUTING ATTORNEY

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PROSECUTING ATTORNEY



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## OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2329, SD 2

A BILL RELATING TO IGNITION INTERLOCK DEVICES

COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair

Rep. Troy N. Hashimoto, Vice Chair

Wednesday, March 11, 2020, 10:45 p.m.

State Capitol, Conference Room 423

Honorable Chair Aquino, Honorable Vice Chair Hashimoto, and Members of the Committee on Transportation, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 2329, SD 2.

Highway safety in Hawai'i is compromised by drunk and drugged drivers who continue to jeopardize the safety of all road users. Ignition interlock devices are a valuable tool in preventing further instances of drunk driving when installed on a vehicle driven by a defendant who has already been arrested for driving under the influence.

Individuals that have already had their license revoked for an alcohol related incident are required to install an ignition interlock to legally drive. HRS 291E-62 sets forth penalties which include mandatory jail if an individual is convicted of driving on a revoked license after an alcohol related incident without the appropriate interlock device. This bill proposes that if and individual is convicted of both HRS 291E-62 (driving while license revoked without an interlock device) and HRS 291E-61 / 291E-61.5 (DUI, known in Hawaii as OVUII), that any jail time ordered by the court shall run consecutively. This change will mandate the court to sentence defendants to meaningful punishment when their conduct is of an inexcusable nature.

Further, this bill proposes a fix to an enforcement issue that arises when police officers contact a driver with an interlock device. The current language in 291E-62 only requires the driver to have the ignition interlock permit in their possession, which creates problems for officers when trying to identify the person. This amendment would require the driver to also have a government issued photo ID. This is a practical solution to a problem that was drafted with the intent not to be a road block to people getting ignition interlocks, but rather allowing police to more quickly identify and confirm that a driver is who they purport to be.

The Office of the Prosecuting Attorney of the County of Hawaii is in support of S.B. 2329, SD 2, together with all proposed amendments. Thank you for the opportunity to provide testimony.

March 11, 2020

The Honorable Henry Aquino  
The Honorable Troy Hashimoto  
Conference Room 423, 415 South Beretania Street  
Hawai'i State Capitol Honolulu, HI 96813

Re: Senate Bill 2329, SD2, Relating to Ignition Interlock Devices

Dear Chairman Aquino, Vice-Chairman Hashimoto and members of the committee:

My name is Tara Casanova Powell. I am the Executive Director of the Association of Transportation Safety Information Professionals. I am providing testimony as a research expert in the field of impaired driving to strongly urge your support of SB 2329, relating to ignition interlock devices with a request to further amend this bill to insert compliance requirements. We supported the compliance-based requirements in HB 1814, HD1.

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 SB 2329, SD2, if amended would provide for the adoption of compliance language which will strengthen and expand the current ignition interlock program, increasing safety.

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).

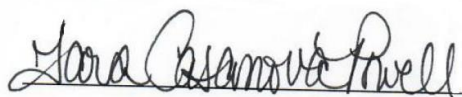
Furthermore, a recent study conducted by Voas et al., (2016), examined the effects of treatment and supervision in combination with interlock use. Results showed that those participants in the treatment group experienced 32 percent reduction in recidivism during the 30 months following the removal of 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.

We would recommend that this version of SB 2329 be amended to include the compliance provisions of HB 1814, HD1 and:

- No longer allow offenders to wait out the hard revocation period, but rather ensure 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.

In conclusion, I ask you to amend and advance SB 2329 to better ensure the safety of the citizens of Hawai'i. Please contact me with any additional questions you may have.

Respectfully Yours,



Tara Casanova Powell  
Executive Director





March 9, 2020

Hawaii House of Representatives  
Transportation Committee  
State Capitol Room 423

Re: Support for SB 2329, Relating to Ignition Interlock Devices

Dear Chairman Aquino, Vice-Chair Hashimoto and members of the committee:

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., Beam Suntory; Brown-Forman; Constellation Brands, Inc; DIAGEO; Edrington; Mast-Jägermeister US, Inc., Moët Hennessy USA; and Pernod Ricard USA. To learn more, visit [www.responsibility.org](http://www.responsibility.org).

Responsibility.org supports the mandatory and effective use of ignition interlocks for all convicted DWI offenders as part of a comprehensive approach to eliminating drunk driving. We support SB 2329, SD2, and urge you to *further* amend it to include compliance provisions of HB 1814, HD1, and vote in favor of it. Evidence shows interlocks are highly effective in preventing alcohol-impaired driving for both repeat and first-time DWI offenders while they are installed. We support requiring compliance with the ignition interlock program before allowing removal of the device. This is essential to preventing recidivism. 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).

Additionally, 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 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 34 states and the District of Columbia have all offender interlock laws in place. Interlock programs are most effective when utilized in conjunction with proper assessment, treatment, and supervision. It is essential that effective screening for alcohol, drugs, and mental health issues be conducted with DWI offenders in tandem with an interlock sanction to identify those offenders who have issues that must be treated. Research shows that repeat DWI 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. To prevent future instances of drunk driving, and subsequently, save lives, the underlying causes of DWI offending (such as substance misuse or mental health issues) must be addressed. The Computerized Assessment and Referral System (CARS) is operated on FREE, open source software that generates immediate personalized diagnostic reports that contain information about an offender's mental health and substance use issues, a summary of risk factors, and targeted referrals to treatment services within their community that match their specific needs. It is available for download at <http://www.carstrainingcenter.org>.

We hope this project will help states better identify, sentence, supervise, and treat hardcore drunk drivers and subsequently, reduce recidivism. Please contact me at [brandy.axdahl@responsibility.org](mailto:brandy.axdahl@responsibility.org) or 202-277-6233 for additional support.

Sincerely,

A handwritten signature in black ink that reads "Brandy Axdahl". The signature is written in a cursive, flowing style.

Brandy Axdahl  
Senior Vice President, Responsibility Initiatives



Mothers Against Drunk Driving HAWAII  
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March 11, 2020

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

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

Re: Senate Bill 2329 SD2 – Relating to Ignition Interlock Devices

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I am Arkie Koehl, testifying on behalf of the members of Mothers Against Driving Hawaii in support of the intent of Senate Bill 2329 SD2. The purpose of this bill is to incorporate several improvements to Hawaii's interlock law, covering incarceration, identification procedures, look-back period, and a broader definition of circumvention or tampering with the device.

MADD Hawaii agrees with the measures raised in this bill. We believe that it should be carefully studied in relation to the comprehensive OVUII measures in SB 2330 (and HB 2174), to assure compatibility.

Thank you for this opportunity to testify.



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March 11, 2020

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

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

Re: Senate Bill 2329, SD2 - Relating to Ignition Interlock Devices

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 Senate Bill 2329, SD2, Relating to Ignition Interlock Devices, and to request that compliance-based provisions contained in HB 1814, HD1 be inserted into this bill. We commend the legislature for its efforts to strengthen Hawaii's impaired driving laws.

This bill would, among other provisions, require consecutive terms of imprisonment for anyone convicted as a repeat or habitual offender if arising from same conduct as conviction for operating a vehicle without an ignition interlock device. It expands the lookback period under provisions relating to ignition interlock requirements from five to ten years and expands the offense of circumventing or tampering with an ignition interlock to include obscuring the camera lens. We believe that this bill is an important policy step forward.

We respectfully request that provisions requiring a compliance certificate also be included in this bill. They were previously adopted by this committee in HB 1814, HD1:

*"§291E- Ignition interlock device; violations; penalties; compliance. (a) Notwithstanding any provision of this chapter to the contrary, no person convicted under section 291E-41, 291E-61, or 291E-61.5 shall be eligible for a driver's license without providing proof of compliance from the director of transportation that the person:*

*(1) For the first violation within ten years of a previous violation, has had an ignition interlock device installed for a period of \_\_\_\_\_ days without any violations;*

*(2) For a second violation within ten years of a previous violation, has had an ignition interlock device installed for a period of    days without any violations; or*

*(3) For habitual and subsequent violations within ten years, has had no violations for one consecutive year.*

*(b) A person violates this section by:*

*(1) Providing a sample of 0.02 or more in blood alcohol content when starting the vehicle;*

*(2) Providing a sample of 0.02 or more in blood alcohol content on a rolling retest;*

*(3) Failing to provide a rolling retest;*

*(4) Violating section 291E-66; or*

*(5) Failing to provide a photo of the person when the person blows into the ignition interlock device.*

*(c) Any violation that occurs during the period in which the ignition interlock device is installed shall constitute non-compliance. The time required to prove compliance shall commence again after any violation until compliance is proven.*

*(d) The requirements of subsection (a) shall be in addition to any penalty required for a violation of section 291E-41, 291E-61, or 291E-61.5. The requirements of this section shall be an administrative requirement of being eligible to apply for a driver's license."*

We further recommend that the Department of Transportation be provided rule-making authority to implement this measure, including adopting a process for appealing the denial of a certificate.

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 SB 2329, SD2, if amended, would complement and strengthen the existing law and strongly support it. Thank you for the opportunity to provide testimony in support of this important bill.



**LATE**

Subject: Support SB2329 SD2

Dear Senator Chair Aquino, Vice Chair 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) asking for your **support of SB2329 SD2**, which expands the terms of imprisonment for habitual impaired driving offenses if the offender is driving without an interlock. This measure is one of the SHSP's life-saving priorities in the updated 2019-2023 plan.

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 <https://hidot.hawaii.gov/highways/shsp/>

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.*



The knowledge source for safe driving

March 9<sup>th</sup>, 2020

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: SB 2329, SD2, relating to the ignition interlock devices**

Dear Chairman Aquino and House Transportation Committee Members,

The Traffic Injury Research Foundation (TIRF; [www.tirf.ca](http://www.tirf.ca)) strongly urges you to support and advance SB 2329. We request that language from HB 1814, HD1, be included to require proof of compliance with the ignition interlock law to be eligible to apply for a driver's license. By including compliance provisions in SB 2329, this bill will close loopholes in the drunk driving law and improve 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 approximately 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.

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Toll free: 877-238-5235

Registered Charity No. 10813 5641 RR0001

We believe that SB 2329, SD2, if further amended, would effectively address these identified challenges by implementing 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 90-day period of no recordable violations before the device is removed. Compliance-based systems are already law in 32 states and have become an effective way to teach sober driving.

We would propose that amendments be made to this proposal to:

- > 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; and,
- > Provide the authority for the Department of Transportation to adopt and promulgate rules, notably in relation to non-compliance.

In conclusion, we commend the legislature for addressing existing challenges in the current drunk driving law. We therefore urge you to support and advance SB 2329, SD2, as further amended to include compliance provisions. We sincerely hope that the information we have provided will help to make this decision but remain available, should you require more information.

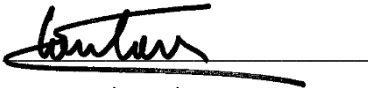
Please do not hesitate to contact us if you have follow-up questions about our letter.

Sincerely,



Robyn Robertson  
President and CEO  
TIRF

Secretary of the Board  
TIRF USA, Inc.



Dr. Ward Vanlaar  
COO  
TIRF