

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

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the Senate Committee on Judiciary**

March 23, 2021

H.B. No. 1263 HD1: RELATING TO INTERLOCK IGNITION DEVICES

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender opposes H.B. No. 1263 HD1.

This measure, which requires a person whose license is revoked pursuant to HRS § 291E-41 or any person who has been convicted of an offense under HRS §§ 291E-61 or 29E-61.5 to install an ignition interlock device before he or she is eligible for a license, simply enhances the unfairness of a penal scheme that is already unjust to the economically disadvantaged.

Under this measure, a person with financial means whose BAC was 0.15 and who was involved in a traffic collision will be able to have their license reinstated within the minimum statutory revocation period, meanwhile an indigent person who had borrowed a vehicle, and who was pulled over for an expired safety check (i.e., no bad driving), and whose BAC was 0.08 may never be able to legally drive again. Even though the affluent individual’s conduct was far more egregious than the indigent person, *the affluent offender’s license will be restricted for the minimum revocation period while the indigent person may suffer a lifetime license revocation.*

The proposed law is extremely unfair to those persons who cannot afford to participate in an ignition interlock program or especially for those who cannot afford to own a vehicle or who was forced to sell their vehicle due to the high cost (fines, classes, increased insurance premiums) of an OVUII conviction. The period of license restriction for such a person will never end until and unless he/she has the financial means to participate in the ignition interlock program and/or purchase a vehicle.

Persons who opt to forego their privilege to drive during the license revocation period rather than keep their privilege by participating in the ignition interlock program often do so not to skirt the law but because they simply cannot afford to

participate in the program and/or do not own a car. Clearly, this measure will disproportionately punish those who are economically disadvantaged. Although the House Committee on Consumer Protection & Commerce recognized the burden imposed on the low-income offenders, *see* Stand. Com. Rep. No. 291, the committee failed to acknowledge the 50% discount for the indigent offenders on the installation and maintenance of the ignition interlock device is still too expensive for the low-income offenders. Moreover, the committee ignored to address the situation of low-income offenders who do not own a vehicle to install the device. Admittedly, driving is not a right but a privilege. However, the privilege to drive should *not* be available to only those who can afford to participate in the ignition interlock and/or who can afford to own a car.

It is common for a group of individuals to get together and consume alcohol at a commercial establishment or at someone's residence. The driver and the owner of the vehicle used may be too intoxicated to drive, so another member of the group, who mistakenly believes he/she is not impaired volunteers to drive. The volunteer, after he/she is convicted, will be required to install an interlock ignition device on a vehicle, whether he/she owns a vehicle. Essentially, this measure will prevent him/her from ever having his/her license reinstated. This volunteer will never be able to rent a vehicle. Therefore, even if the volunteer is able to afford the ignition interlock device (at a discounted rate or even if the device is offered at no cost), the volunteer has no vehicle to install the device.

Furthermore, it is not uncommon that a person convicted of OVUII shares a vehicle with multiple family and/or household members. When the OVUII offender opts to participate in the ignition interlock program, every family member must also participate in the program. Every family member must breathe into the ignition interlock device not only prior to starting the family vehicle but also during the operation of the vehicle, as the program requires the driver to submit to periodic random tests. Rather than inconveniencing the other family/household members, the OVUII offender will choose instead to give up his/her privilege to drive during the license revocation period and opt out of participating in the ignition interlock program. If the measure becomes law, every family/household member of the OVUII offender will be punished, as they will essentially be required to participate in the ignition interlock program to simply operate the family/household vehicle.

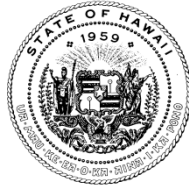
Many persons convicted of OVUII have never been incarcerated; indeed, but for the few hours prior to posting bail after an OVUII arrest, persons convicted of a first-time OVUII are rarely incarcerated. The sanctions imposed for violating the offense of operating a vehicle while license suspended due to an OVUII (under HRS § 291E-

62) are substantial and more than sufficient deterrent of driving a non-ignition interlock vehicle. Indeed, the sanction for a person who drives a non-ignition interlock vehicle (regardless of whether he or she is participating or sitting out of the ignition interlock program) include mandatory extension of license revocation and imprisonment:

- First offense: a term of imprisonment of not less than three consecutive days and additional license revocation for one year; and
- Second offense: thirty days imprisonment and additional license revocation for two years; and
- Third offense: one-year imprisonment and permanent license revocation.

While this measure may protect the public from the few repeat offenders who put themselves and others at risk when they drive under the influence, this measure will result in a significant number of individuals (who are unable to obtain a valid license because they could not install an ignition interlock device) being continuously fined or jailed for simply operating a vehicle. This measure, as well as other driving with suspended license laws (in particular, HRS § 291E-62), simply target and punish former OVUII offenders who are unable to obtain a valid drivers' license. Those who were cited or arrested for the offense of HRS § 291E-62, with a few exceptions, were sober. They were not even suspected of OVUII. They were simply driving a vehicle.

Thank you for the opportunity to comment on this measure.



**TESTIMONY BY:**

JADE T. BUTAY  
DIRECTOR

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

March 23, 2021  
9:45 A.M.  
State Capitol, Teleconference

**H.B. 1263, H.D. 1**  
**RELATING TO IGNITION INTERLOCK DEVICES**

Senate Committee on Judiciary

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The Department of Transportation (DOT) **supports** H.B. 1263, H.D. 1 relating to the ignition interlock devices. This bill requires that there are no negative reports for consecutive days, that were recorded on the device, before a driver whose driver's license has been revoked or convicted for driving under the influence of an intoxicant (OVUII). The DOT is recommending a graduated approach to reduce recidivism rates for OVUII.

This bill recommends an administrative requirement of obtaining a driver's license during or after being convicted of sections 291E-41, 291E-61 or 291E-61.5, Hawaii Revised Statutes. The requirements conform to the graduated penalties of the violation.

The DOT is recommending that the period to comply with this section be: (1) 90 days for the first revocation or conviction, (2) 180 days for the second, and (3) one-year for the third or subsequent violations. Under the current vendor of the interlock, this would cost the offender \$267.00, \$534.00, and \$1,068.00 for the maintenance of the interlock respectfully. This would also mean that indigent offenders would only pay half of the program cost under the current vendor program. Statistics have shown that a driver may go undetected many times before they are caught for OVUII. This would indicate that the money spent on alcohol may be more than the amount needed for the maintenance of the interlock.

This is to confirm that regardless if the time spent for the penalties under sections 291E-41, 291E-61 or 291E-61.5, the driver shall fulfill the requirements under this bill during or after, in addition to the penalties of these sections, in order to apply for their driver's license when they have an OVUII revocation or conviction.

The DOT urges your committee to pass H.B. 1263, H.D. 1 as it will encourage the change in behavior of the driver to not drink and drive and more important to save lives on our roadways.

Thank you for the opportunity to provide testimony.

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

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**THE HONORABLE KARL RHOADS, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY**  
**Thirty-First State Legislature**  
**Regular Session of 2021**  
**State of Hawai'i**

March 23, 2021

**RE: H.B. 1263, H.D. 1; RELATING TO IGNITION INTERLOCK DEVICES.**

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony supporting the intent of H.B. 1263, H.D. 1, with concerns.

The purpose of H.B. 1263, H.D. 1, is to strengthen Hawaii's laws regarding operating a vehicle under the influence of an intoxicant ("OVUII"), in a concerted effort to make our roads safer for everyone to traverse. While we believe this bill is well-intended, we do have concerns that it would have the unintended consequence of prohibiting low-income individuals (or others) from ever getting their driver's license back. For example, as currently written, someone would never qualify for a driver's license if they are unable to afford an Ignition Interlock device<sup>1</sup>; if they do not have a properly registered and insured vehicle for Ignition Interlock installation; or if they fall under any other exceptions listed in Section 291E-61(b)(4) or (c), Hawaii Revised Statutes ("HRS").

While the Department understands and agrees that driving is a privilege—not a right—it seems unfair that such privilege would only be reserved for people who are affluent enough to own a car and can afford the additional fees for an Ignition Interlock device. Moreover, affluent offenders may have multiple vehicles to choose from, for installing an Ignition Interlock device, and there is no way to ensure any offender actually utilizes the vehicle with the device installed. Offenders who wrongfully drive a vehicle without Ignition Interlock—while their license is revoked for OVUII—are already subject to existing laws (*see* HRS §291E-62) with very strict penalties.

To strengthen OVUII enforcement against egregious offenders—and ensure more offenders get Ignition Interlock devices installed on their vehicles—we respectfully point to, and thank this

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<sup>1</sup> It is our understanding that the lowest price currently offered is 50% of the regular monthly fee.

Committee for its prior support of, S.B. 765. That bill would establish penalties (and a definition) for OVUII offenders who operate vehicles while “highly intoxicated”; increase and align all license revocation and lookback periods; and make a number of other improvements to Hawaii’s OVUII laws—such as requiring a substance abuse program for repeat OVUII offenders (current law only requires a substance abuse program for first-time offenders). Most versions of S.B. 765 would also address “loopholes” in our enforcement laws, by requiring that OVUII offenders install an Ignition Interlock device in their registered vehicle. The provisions of S.B. 765 are consistent with bills created in 2019, by a highly dedicated working group—coordinated and facilitated by Department of Transportation’s Highway Safety Division—in which the Department actively participated.<sup>2</sup>

While the Department strongly believes that Ignition Interlock devices are an important and effective tool for decreasing OVUII offenses—which generally ensure that whomever drives that vehicle (with Ignition Interlock installed) is not OVUII—there are many ways in which they can be utilized for enforcement purposes.<sup>3</sup> For example, when the working group above convened in 2019, it noted that 28 states had various types of compliance-based enforcement mechanisms and 11 states provided credit for early installation of Ignition Interlock devices, yet every state designed and/or implemented these provisions differently.<sup>4</sup> Given this wealth of information, the working group recommended legislation to mandate increased installation of Ignition Interlock devices among OVUII offenders first (as done in S.B. 765), then planned to reconvene in 2020, to analyze various

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<sup>2</sup> This working group was initiated and implemented by the participating agencies themselves—not by mandate—and met nearly every two weeks for five months (with numerous working hours dedicated outside of that), with the singular purpose of producing proposed legislation that significantly strengthens Hawaii’s OVUII laws.

<sup>3</sup> Some examples of compliance-based enforcement—with each state maintaining its own definition of what constitutes an Ignition Interlock “violation”—are:

- “Pausing” an offender’s revocation period when an Ignition Interlock violation occurs (California);
- Extending Ignition Interlock usage by various periods, for various types of Ignition Interlock violations, by various procedures, and some with graduated extensions for multiple violations (Alabama, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Florida, Michigan, Minnesota, Nevada, New Hampshire, Ohio, South Carolina, Vermont, Virginia)—District of Columbia may also revoke an offenders driving privileges;
- Setting a minimum mandatory period for having no Ignition Interlock violations (Colorado, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Mexico, Oregon, Pennsylvania, Tennessee, Washington)—New Mexico also requires verification of “active usage” of the Ignition Interlock device;
- Vendor must notify court/probation officer when an Ignition Interlock violation occurs (Indiana, New York);
- Ignition Interlock vendor submits quarterly reports to the DMV, which are reviewed prior to license reinstatement, to ensure the offender has complied with the court’s requirements (Rhode Island);
- “Demerit” system for various types of Ignition Interlock violations, with various penalties including extension of usage, disqualification from usage, and/or monetary fee assessments (West Virginia);
- Failure to install Ignition Interlock device in each vehicle owned by the offender results in monetary fine and/or up to 6 months jail, and extension of the Ignition Interlock period (Wisconsin);
- Requiring a formal explanation from the offender, if an Ignition Interlock violation occurs, with various penalties up to seizure of the offender’s vehicle if the explanation is insufficient (Illinois).

This list is merely illustrative of some ways in which compliance-based enforcement appears to be implemented in other states, based on a summary listing compiled by MADD, and is not intended to be an exhaustive list of all possible mechanisms. See Mothers Against Drunk Driving, “Ignition Interlock Laws in the United States of America: A look at how States implement ignition interlock laws; 204 legislative recommendations by Mothers Against Drunk Driving to improve lifesaving ignition interlock laws” (June 17, 2018), pages 5-55. Available online at <https://www.madd.org/wp-content/uploads/2018/06/State-IID-overview.6-18-18.pdf>; last accessed March 22, 2021.

<sup>4</sup> *Id.*, at page 3.

compliance-based enforcement mechanisms and craft recommendations specifically fitted to Hawaii's laws.<sup>5</sup>

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of H.B. 1263, H.D. 1, but respectfully recommends that this Committee defer this bill, in support of more even-handed means of imposing stricter enforcement on OVUII offenders. Thank you for the opportunity to testify on this matter.

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<sup>5</sup> Plans to reconvene in 2020 were waylaid by the COVID-19 global pandemic, but participants have continued to express their desire to repeat the concerted efforts of 2019—and address additional matters related to OVUII enforcement (including compliance-based enforcement)—when it is safe to do so.

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**Rebecca Vogt Like**  
Second Deputy

**Jennifer S. Winn**  
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**Diana Gausepohl-White**  
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**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
THIRTY-FIRST STATE LEGISLATURE**

Regular Session of 2021  
State of Hawai'i

March 19, 2021

**RE: HB 1263 HD1 RELATING TO IGNITION INTERLOCK DEVICES**

Chair Rhoads, Vice Chair Keohokalole, and Members of the Seante Committee on Judiciary:

The Office of the Prosecuting Attorney, County of Kaua'i SUPPORTS HB 1263 HD1, establishing a system of graduated penalties for violations of the ignition interlock law.

The bill establishes requirements that must be completed by people with ignition interlock permits to obtain or re-obtain a regular driver's license. With these provisions, drivers who have had their licenses administratively revoked for driving under the influence of an intoxicant will be required to make a definitive showing that they are not likely to reoffend.

This amendment addresses a specific need to reduce recidivism of drunk driving in Hawaii. Reduction of recidivism, in the context of drunk driving, necessitates finding ways to induce behavioral change. This bill seeks to require a showing by drivers, with suspended or revoked licenses who have ignition interlock devices, to directly show that they are capable of avoiding any alcohol use when operating their vehicle. By providing an incentivized structure for these drivers to re-obtain their driver's license, the bill will encourage behavioral reform and reduce recidivism.

Accordingly, the Office of the Prosecuting Attorney, County of Kaua'i, requests that this measure be PASSED.

Thank you very much for the opportunity to testify.





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March 23, 2021

To: Senator Karl Rhoads, Chair, Senator Jarrett Keohokalole, Vice-Chair, and members of the Senate Committee on the Judiciary

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

Re: House Bill 1263, HD1- Testimony in Strong Support Relating to Ignition Interlock Devices

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 1263, HD1 Relating to Ignition Interlock Devices.

Currently, 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 ignition 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 interlock device before starting their car. If the driver's BrAC is over the set point, the vehicle will not start. HB 1263, 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 34 states. Interlock compliance-based removal laws are important in teaching sober driving behavior.

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.

An indigent program is available for those that qualify to help lessen the costs associated with an interlock. The Hawaii Department of Transportation (HDOT) established a program to provide for partial financial relief on the installation, calibration, and other related charges to participants who apply for such assistance and who are recipients at the time of license revocation or

suspension, of either food stamps under the Supplemental Nutrition Assistance Program (SNAP), or free services under the Older American Act or Developmentally Disabled Act.

Per contract terms with HDOT, if the participant qualifies for receiving financial relief, the installation and monthly service fees are discounted at 50% off the standard rate. This discounted rate breaks down the monthly service fee cost to the participant at \$1.48 a day.

In 2014, the Traffic Injury Research Foundation (TIRF), through a cooperative agreement with the National Highway Traffic Safety Administration (NHTSA), was invited by HDOT to provide technical assistance to strengthen and improve the delivery of the ignition interlock program in Hawaii. This bill is a result of the recommendations of this report to:

- Not allow offenders to “wait out” their revocation period
- Address the problem of offenders continuing to engage in unsafe driving behaviors and exiting the program without proving sobriety to drive

The TIRF report concluded that participation rates in Hawaii’s ignition interlock program can be improved by strengthening the law.

According to the American Association of Motor Vehicle Administrators (AAMVA) Ignition Interlock Best Practice Guide called on states to have compliance-based removals for people on an interlock. This legislation will boost interlock implementation. 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. One of the biggest challenges facing Hawaii’s ignition 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.

In conclusion, we strongly urge you to pass HB 1263, HD1 as it will help strengthen Hawaii’s ignition interlock laws which is critically important to help save lives and keep Hawaii roads safe. 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 revoking licenses by itself is not a deterrent, 50 – 75% of OVUII offenders continue to drive on revoked licenses.

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

**SMARTSTART**

**JoAnn Hamaji-Oto**

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Setting the Standard in Alcohol Monitoring Technology™



March 22, 2021

Hawaii Senate Judiciary & Hawaiian Affairs Committee  
415 South Beretania Street  
Hawai'i State Capitol Honolulu, HI 96813

Re: HB 1263, HD1 Relating to Ignition Interlock Devices

Dear Chair Rhoads, Vice Chair Keohokalole and members of the committee,

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 HB 1263, HD1, relating to ignition interlock devices.

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 (NCDL), 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 HB 1263, HD1 provides for the adoption of language which will strengthen and expand the current ignition interlock program whereby it will establish compliance-based removal provisions.

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).

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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 HB 1263, HD1 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

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March 22, 2021

The Honorable Karl Rhoads  
Chairman, Senate Judiciary  
Hawai'i State Capitol Honolulu, HI 96813

**RE: HB 1263, HD1 relating to the ignition interlock program**

Dear Chair Rhoads and Senate Judiciary Committee Members,

The Traffic Injury Research Foundation (TIRF; [www.tirf.ca](http://www.tirf.ca)) strongly urges you to support and advance HB 1263, HD1 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.



We believe that HB 1263, HD1 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 more than 30 states and have become an effective way to teach sober driving.

In conclusion, we believe that HB 1263, HD1 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 1263, HD1. 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



Subject: **Support** HB1263 HD1

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate 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 is committed to supporting system changes within the impaired driving statutes that enhance the ability to detect, deter, and mitigate the complexities around impaired driving. HB1263 HD1 enhances our ignition interlock program to be in-line with best practices in other jurisdictions with interlock programs by including proof of compliance as a condition of the program. A compliance-based law should mean that the user prove sobriety before exiting the program.

HB1263 HD1 aligns with SHSP's life-saving priorities in the updated 2019-2024 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, please visit <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.*



**TESTIMONY OF  
Brandy Axdahl  
The Foundation for Advancing Alcohol Responsibility  
Hawaii Senate Committee on the Judiciary  
March 22, 2021**

Good afternoon Chairman Rhoads and distinguished members of the committee. Thank you for the opportunity to submit written testimony in support of Hawaii House Bill 1263, HD1. My name is Brandy Axdahl and I am the Senior Vice President of Responsibility Initiatives at The Foundation for Advancing Alcohol Responsibility (Responsibility.org). We are 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; DIAGEO; Edrington; Mast-Jägermeister US Inc.; Moët Hennessy USA; Ole Smoky LLC; and Pernod Ricard USA. To learn more, visit [www.responsibility.org](http://www.responsibility.org).

**On behalf of Responsibility.org, I urge your passage of House Bill 1263, HD1 this year.** The first DUI is a chance to change behavior. We know that interlocks work while they are on the vehicle and we know that during the interlock timeframe, it's ideal for offenders to receive screening and assessment – and if indicated – treatment. For this law to have a significant lifesaving impact, these interlock devices must be utilized, and the laws must be enforced within the criminal justice system.

House Bill 1263 would require a court to order the installation of an ignition interlock system in certain circumstances, or state on the record that an ignition interlock system is not necessary. It also allows a person convicted of a first offense of driving under the influence to elect to become an ignition interlock restricted driver in lieu of a driver license suspension; and makes technical changes.

The passage of interlock laws saves lives. As detailed in Responsibility.org's position statement in support of mandatory ignition interlocks for all DUI offenders, ignition interlocks are one of the most effective countermeasures to prevent drunk driving.

A study by Kaufman and Wiebe (2016) examined the impact that the passage of all offender interlock laws had on alcohol-involved crashes 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 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 substance use and mental health disorders. Research shows that repeat DUI offenders often suffer from multiple disorders. Absent effective identification and treatment of these issues, long-term behavior change is unlikely for these offenders. To prevent repeat DUI and to save lives, the underlying causes of DUI offending must be addressed.



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 project will help states better identify, sentence, supervise, and treat impaired drivers.

Finally, of all the court costs an offender must pay, ignition interlocks should be the highest priority. These devices cost about \$75 per month. Hawaii also has a robust program for indigent offenders so that the cost is not prohibitive, recognizing however that the program is intended to change behavior. Many defendants retain defense counsel and upon pleading guilty are assessed numerous fees. The ignition interlock cost should be the most important one to levy because it is the only fee that will also save lives and protect the public as the impaired driver is prevented from repeating DUI behavior while it is on the vehicle.

Responsibility.org believes that strong laws and the combination of enforcement and effective treatment are fundamental elements necessary to reduce the incidence of impaired driving. **We urge you to pass House Bill 1263, HD1 which will save lives in Hawaii.**

Thank you.

A handwritten signature in black ink, appearing to read "Brandy K. Sauer". The signature is written in a cursive style and is positioned on a light-colored rectangular background.

**HB-1263-HD-1**

Submitted on: 3/22/2021 9:44:43 AM

Testimony for JDC on 3/23/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melissa Pavlicek	Individual	Support	No

Comments:

Aloha! My name is Melissa Pavlicek and in addition to my work on behalf of Smart Start, I am personally in support of HB 1263. My family's tragic introduction to the law on impaired driving stems from the loss of my husband's co-worker's two daughters and one-year-old grand-daughter to a driver named James Steinseifer whose blood-alcohol level was more than four times the legal limit when he crashed into their vehicle in Kapolei in 1997. Ensuring that people who continue to blow into an ignition interlock device while impaired are prevented from driving until they can demonstrate responsibility is personally important to me as a citizen, a driver, and a mother. Please advance this bill.

**LATE**



AAA.com

March 23, 2021

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Members of the Senate Committee on Judiciary

**RE: HB1263 HD1 Relating to Ignition Interlock Devices. – SUPPORT**

AAA Hawaii **supports** HB1263 HD1, which adds a proof of compliance requirement to the state's existing IID law. Our organization encourages states to require Ignition Interlock Devices (IID) for all offenses related to Driving Under the Influence (DUI) offenses. However, IID requirements are only effective in reducing DUI recidivism among repeat offenders if there are robust compliance requirements in place.

**Proof of Compliance.** There are already 28 states with IID compliance-based removal laws per MADD (2018), but Hawaii is not one of them. Compliance based laws require interlock users to prove sobriety before exiting use of the device. National traffic safety organizations, including the AAA, all agree poor IID compliance reports should result in an extension. HB1263 HD1 is a positive step in requiring that there be no negative reports recorded for consecutive days before a driver's license can be reinstated.

**Extended Lookback Period.** AAA Hawaii also supports the 10-year lookback period in HB1263 HD1 to enable prosecutors, judges, and licensing authorities to identify DUI recidivists who qualify for mandatory enhanced penalties and driver license sanctions upon subsequent conviction. Among Hawaii's repeat offenders, approximately half are involved in fatal crashes each year according to the National Highway Traffic Safety Administration (NHTSA, 2019). Therefore, we believe reducing recidivism among impaired drivers must remain the highest priority given.

AAA Hawaii was founded in 1915 in Honolulu and is a leader in motorist services and a strong advocate for traffic safety. With more than 170,000 members in Hawaii and 60 million nationwide, service to and the safety of our members, other motorists, and all road users is our founding and continuing purpose. This is especially true in Hawaii where alcohol impaired driving fatalities remains a persistent problem. We believe HB1263 HD1 addresses a critical need in the state's impaired driving policies, which is why we support this bill and encourage you to do the same.

Sincerely,  
**Liane Sumida**  
Liane Sumida  
General Manager

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