

**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 and Hawaiian Affairs**

April 6, 2021

S.B. No. 153 SD2 : RELATING TO THE STATEWIDE TRAFFIC CODE

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Office of the Public Defender respectfully opposes S.B. No. 153 SD2.

This measure 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/she is eligible to re-apply for a license. This measure simply enhances the inequity of a penal scheme that is already unjust to the economically disadvantaged.

Under this measure, a person with financial means whose BAC was 0.14 and who was involved in a traffic collision will be able to have their license reinstated in one year, while an indigent person who had borrowed a vehicle, and who was pulled over for an expired safety check, and whose BAC was 0.08 will never be able to legally drive again. Even though the affluent individual’s conduct was far more egregious than the indigent person’s, the affluent individual’s license will be restricted for one year while the indigent person will 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. The period of license restriction for such a person will never end unless and until 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. Indeed, the

Senate Transportation Committee even recognizes the inequitable, unfair and discriminatory impact of the measure. *See* Stand. Com. Rep. No. 176. 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 program and/or who own a car.***

We acknowledge that SD2 attempts to address the unfairness of the application of the measure by providing that the costs of the interlock device may be waived for individuals receiving SNAP assistance. This, however, does not address the measure's unfair application to those individuals who do not own a car. Such individuals will still not be eligible to obtain a driver's license at the end of the revocation period, as the measure still requires, "no person whose driver's license has been revoked . . . shall be eligible for a driver's license without providing proof of compliance from the director of transportation. . . ." (*See* page 1, lines 6-12). Persons who do not own a vehicle will not be able to provide the required proof of compliance.

It is not uncommon 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 in which 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.

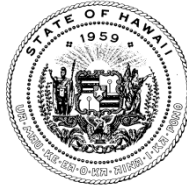
Many persons convicted of OVUII have never been incarcerated; indeed, but for the few hours prior to posting bail after an OVUII arrest, persons convicted of a first-time OVUII are rarely incarcerated. The multitude of sanctions under HRS § 291E-62, are substantial and more than sufficient to deter driving a non-ignition interlock vehicle. Indeed, one such sanction is if 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) is subject to the penalties of HRS § 291E-62, which include a mandatory extension of license revocation and imprisonment:

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

Finally, this measure, as well as other ignition interlock laws and 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 are cited or arrested for the offense of HRS § 291E-62, with a few exceptions, are not driving while under the influence of an intoxicant.*** They were not even suspected of OVUII. They were simply driving.

Thank you for the opportunity to comment on S.B. No. 153 SD2.

DAVID Y. IGE  
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TESTIMONY BY:

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April 6, 2021  
2:00 P.M.  
State Capitol, Teleconference

**S.B. 153, S.D. 2  
RELATING TO STATEWIDE TRAFFIC CODE**

House Committee on Judiciary & Hawaiian Affairs

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The Department of Transportation (DOT) **opposes** S.B. 153, S.D. 2 relating to the Statewide Traffic Code as this bill now requires DOT to provide ignition interlock device (IID) installation and services at no cost to qualifying individuals.

As there is no appropriation for funding included in this bill, DOT strongly recommends that S.B. 153, S.D. 2 delete the amendment on page 3, line 13, "at no cost" and revert to its original language "partial financial relief." The DOT also recommends that the effective date be changed to January 1, 2022.

Nevertheless, we support:

- Requiring a driver whose license has been revoked or convicted for driving under the influence of an intoxicant to provide proof of compliance (having no negative reports for consecutive days recorded on the IID), to be eligible for a driver's license; and
- Administrative requirements for obtaining a driver's license during or after being convicted of sections 291E-41, 291E-61 or 291E-61.5 Hawaii Revised Statutes; paying for an indigent driver's IID-related costs would enable violators to continue drinking and driving since there would be no economic consequences.

The DOT urges your committee to pass S.B. 153, S.D. 2 with the suggested amendment to deter a driver from driving under the influence of alcohol and/or drugs, and possibly reduce recidivism rates. More importantly, we believe the bill will reduce motor vehicle fatalities and injuries on Hawaii's roadways.

Thank you for the opportunity to provide testimony.

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**THE HONORABLE MARK M. NAKASHIMA, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**  
**Thirty-First State Legislature**  
**Regular Session of 2021**  
**State of Hawai'i**

April 6, 2021

**RE: S.B. 153, S.D. 2; RELATING TO THE STATEWIDE TRAFFIC CODE.**

Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary & Hawaiian Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, supporting the intent of S.B. 153, S.D. 2, with concerns and suggested amendments.

The goal of S.B. 153, S.D. 2, is to strengthen Hawaii's laws on operating a vehicle under the influence of an intoxicant ("OVUII"), by requiring all OVUII offenders who install Ignition Interlock devices to successfully complete a set period of compliance with the device, before they can get their driver's license back. Offenders who do not get Ignition Interlock installed—due to the exceptions listed in Section 291E-61(b)(4)—would be subject to enforcement of such revocation under HRS §291E-62 (as are all OVUII offenders), and their license revocation period would be double the usual revocation period.

The Department greatly appreciates the amendments made by the Senate Committee on Judiciary, which attempt to address concerns previously raised by our department. Notably, not only would S.B. 15, S.D. 2, establish a form of "compliance-based enforcement," via Section 1 of the bill, but it also creates an incentive for more individuals to install Ignition interlock—while attempting to address those who are unable to install Ignition Interlock—via Section 3 of the bill. With regards to Section 2, the Department takes no position, but notes that the creation of an indigent fund—perhaps funded by an additional mandatory fee for all OVUII offenders—could potentially support a program that provides a range of prices for indigent individuals—including some for free—depending on each person's degree of indigence.

That said, Hawaii's OVUII statutes are particularly comprehensive and interconnected, such that amending one section almost invariably affects multiple other sections, sometimes in unexpected or unintended ways. For example, the idea to double revocation periods for offenders who are not able to install Ignition Interlock devices could potentially be worded differently

and/or added to the HRS sections regarding administrative driver's license revocation ("ADLRO") as well, for increased effectiveness and consistency. It should also be noted that changes to one section of our OVUII laws can affect one county differently from another county, due to the specific policies, procedures, and infrastructure within which each county's police and prosecutors (and other agencies, such as ADLRO) currently operate. When the Department participated in an OVUII working group in 2019,<sup>1</sup> there were numerous instances when potential issues were avoided, by engaging in group discussion and modifying the placement or wording of proposed amendments, before those amendments were "finalized."

Moreover, the OVUII working group in 2019 noted that compliance-based enforcement of Ignition Interlock can be done in a myriad of different ways, which requires significant consideration and discussion, before each aspect of a compliance-based program—specifically fitted to Hawaii's statutes—can be recommended. Based on information available to the working group, 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>2</sup> Given this wealth of information—and the complexity of drafting amendments to Hawaii's OVUII laws, in particular—the working group recommended legislation to increase installation of Ignition Interlock devices among OVUII offenders first (as done in S.B. 765), then planned to reconvene in 2020, to craft compliance-based enforcement mechanisms and recommendations specifically fitted to Hawaii's OVUII

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<sup>1</sup> This highly dedicated group—coordinated and facilitated by Department of Transportation's Highway Safety Division—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—for the singular purpose of producing proposed legislation that significantly strengthens Hawaii's OVUII laws.

<sup>2</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.

laws.<sup>3</sup> Based on the foregoing, the Department believes it would be wise to allow the working group to follow through on its plans, to develop a more thorough and comprehensive approach to using this very important tool against OVUII offenses.

If this Committee chooses to pass the present measure, our only suggestion at this time—without having the benefit of meeting with the working group for more in-depth discussion—is to suggest that the language of page 1, lines 9-10, be amended to state, “ignition interlock device installed in any vehicle operated by the person,” to be consistent with language from the penalty section of HRS §291E-61 (*see* page 4, lines 15-16, and page 5, lines 15-16).

We also thank the Committee for its support of S.B. 765, S.D. 1, which would effectively strengthen Hawaii’s OVUII laws by: increasing penalties for OVUII offenders who operate a vehicle while “highly intoxicated”; increasing and aligning all license revocation periods and lookback periods; and requiring a longer substance abuse program for repeat OVUII offenders (as current law requires a substance abuse program only for first-time offenders, none for repeat offenders). The provisions of S.B. 765 are consistent with bills created by the previously mentioned working group.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of S.B. 153, S.D. 2, but respectfully recommends that this Committee defer the bill. Thank you for the opportunity to testify on this matter.

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<sup>3</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.



April 6, 2021

Hawaii House Judiciary & Hawaiian Affairs Committee  
Hawai'i State Capitol Honolulu, HI 96813

Re: SB 153, SD2, Relating to the Statewide Traffic Code

Dear Chair Nakashima, Vice Chair Matayoshi, 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 SB 153, SD2, with additional amendments, relating to the statewide traffic code. The amendments would be to restore "partial financial relief" on line 12 of page 3 and to insert the effective date of January 1, 2022.

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 SB 153, SD2, establishes penalties for violations of the ignition interlock law and requires proof of compliance with the ignition interlock law to be eligible to apply for a driver's license.

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 SB 153, SD2, 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

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April 6, 2021

Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice-Chair  
Members of the House Committee on Judiciary

RE: SB153 SD2 Relating to the Statewide Traffic Code. - **SUPPORT with AMENDMENTS**

AAA Hawaii **supports with amendments**, SB153 SD2, 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. SB153 SD2 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.** Reducing recidivism among impaired drivers should remain Hawaii's highest priority. Accordingly, AAA Hawaii recommends extending the current 5-year lookback period to 10-years to help prosecutors, judges, and licensing authorities better identify DUI recidivists. Among Hawaii's repeat offenders, approximately half are involved in fatal crashes each year according to the National Highway Traffic Safety Administration (NHTSA, 2019). This amendment would be consistent with our support for HB1263 HD1.

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 SB153 SD2 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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April 6, 2021

To: Representative Mark M. Nakashima, Chair, Representative Scot Z. Matayoshi, Vice-Chair,  
and members of the Committee on Judiciary & Hawaiian Affairs

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

Re: Senate Bill 153, SD2- Testimony in Strong Support Relating To The Statewide Traffic Code

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 Senate Bill 153, SD2 Relating To The Statewide Traffic Code, with amendments that will allow the state's strong indigency program to continue in effect and to add an effective date of 2022. On page 3, line 12, please delete "at no cost" and restore "partial financial relief."

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. SB 153, SD2 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.

Under state law and 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 SB 153, SD2 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.



**JoAnn Hamaji-Oto**

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April 6, 2021

To: Representative Mark Nakashima, Chair, House Committee on  
Judiciary & Hawaiian Affairs; Representative Scot Matayoshi, Vice  
Chair; and members of the Committee

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

Re: Senate Bill 153 SD2 – Relating to the Statewide Traffic Code

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I am Arkie Koehl, testifying on behalf of the members of Mothers Against Driving Hawaii in support (with concerns) of Senate Bill 153 SD 1, relating to the Statewide Traffic Code.

Our concerns cover costs to the offender and certain features of the compliance guidelines. Specifically, MADD finds the current practice of discounting interlock fees by 50% to be fair, and feels the taxpayer should not have to pick up the additional cost by burdening DOT with such an obligation. Regarding compliance rule changes, MADD prefers the measures contained in SB 765 SD2 HD 1.

As early as 2009, the original Interlock Task Force recognized that effective interlock programs should require ways to mandate and verify that offenders installing interlock comply with revocation periods and all other rules. In the best case scenario, this means that, especially during the latter part of their interlock use, offenders demonstrate consistent “clean starts” — no failures incurred by attempts to start when the device detects alcohol in their breath.

As we enter the next decade of this life-saving Interlock program, it is important to know whether a person who is about to gain back his or her driving privileges has the ability to drive safely and soberly. If the person still shows failed attempts to start his vehicle and/or has other infractions of the “rules” for using an Interlock device, he or she cannot be expected to drive without drinking excessively in the future.

Therefore, MADD Hawaii supports the intent of Senate Bill 153 SD 1 as a way of preventing dangerous drivers from gaining access to a license and driving privileges before they have shown control over alcohol. If an extended period of interlock use still does not show a person’s ability to be alcohol-free (or nearly free) when starting a vehicle, the person should be mandated to attend a substance abuse program with a successful result before regaining driving privileges.

Thank you for this opportunity to testify.

**TESTIMONY OF**  
**Brandy Axdahl**  
**The Foundation for Advancing Alcohol Responsibility**  
**Hawaii House Committee on the Judiciary**  
**April 6, 2021**

Good afternoon Chair Nakashima, Vice Chair Matayoshi, and distinguished members of the committee. Thank you for the opportunity to submit written testimony in support of Hawaii Senate Bill 153, SD2. 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 Senate Bill 153, SD2, with amendments, 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. We support amending this bill to restore “partial financial relief” on line 12 of page 3 which reflects the strong indigency program already in place and to insert the effective date of January 1, 2022.

Senate Bill 153, SD2 establishes penalties for violations of the ignition interlock law and requires proof of compliance with the ignition interlock law to be eligible to apply for a driver's license.

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 Senate Bill 153, SD2 which will save lives in Hawaii.**

Thank you.



April 6, 2021

Rep. Mark Nakashima, Chair,  
Rep. Scot Matayoshi, Vice Chair  
House Committee on Judiciary  
Hawai'i State Capitol Honolulu, HI 96813

**RE: Senate Bill 153, SD2 - Testimony in Strong Support Relating to the  
Statewide Traffic Code**

Dear Chair Nakashima, Vice-Chair Matayoshi, and members of the committee,

The Traffic Injury Research Foundation (TIRF; [www.tirf.ca](http://www.tirf.ca)) strongly urges you to support and advance SB 153,SD2 which closes loopholes in the drunk driving law and improves compliance with the state's lifesaving ignition interlock law. We support amending this measure to restore the language about "partial financial relief" on line 12 of page 3 and to insert the effective date of January 1, 2022.

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 SB 153, SD2 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.

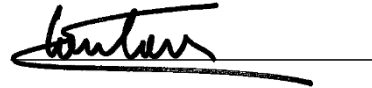
In conclusion, we believe that SB 153, SD2 addresses existing challenges in the current drunk driving law. The new law proposes proven best practices to overcome these challenges. We therefore urge you to support and advance SB 153, SD1. We sincerely hope that the information we have provided will help 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



Dr. Ward Vanlaar  
COO  
TIRF

Secretary of the Board  
TIRF USA, Inc.

**TESTIMONY OF**  
**Brandy Axdahl**  
**The Foundation for Advancing Alcohol Responsibility**  
**Hawaii House Committee on the Judiciary**  
**April 6, 2021**

Good afternoon Chair Nakashima, Vice Chair Matayoshi, and distinguished members of the committee. Thank you for the opportunity to submit written testimony in support of Hawaii Senate Bill 153, SD2. 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 Senate Bill 153, SD2, with amendments, 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. We support amending this bill to restore “partial financial relief” on line 12 of page 3 which reflects the strong indigency program already in place and to insert the effective date of January 1, 2022.

Senate Bill 153, SD2 establishes penalties for violations of the ignition interlock law and requires proof of compliance with the ignition interlock law to be eligible to apply for a driver's license.

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.

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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 Senate Bill 153, SD2 which will save lives in Hawaii.**

Thank you.

**SB-153-SD-2**

Submitted on: 4/4/2021 4:25:44 PM

Testimony for JHA on 4/6/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Courtney Mrowczynski	Individual	Support	No

Comments:

I strongly **SUPPORT** SB153 SD2.

**SB-153-SD-2**

Submitted on: 4/5/2021 10:28:12 AM

Testimony for JHA on 4/6/2021 2:00:00 PM

<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 SB 153. 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. After his prison sentence and a name change and nearly 20 years later, he was arrested on suspicion of impaired driving in Minnesota and news reports said he tested at twice the legal limit for blood alcohol. 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.