



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097**

February 6, 2024
10:00 a.m.
State Capitol, Room 312

**H.B. 2643
RELATING TO TRANSPORTATION**

House Committee on Transportation

The Hawaii Department of Transportation (HDOT) is **providing comments** on H.B. 2643, which amends 291E-6 to require DOT to establish and administer a statewide ignition interlock program with multiple vendors.

As outlined in section 1 of H.B. 2643, the HDOT appreciates the intent of the Legislature desiring to ensure that ignition interlock devices are more readily available and that devices are selected based on quality, features and maintenance. Statewide availability, affordability, quality, and standards based on National Highway Traffic Safety Administration's regulations are all priority requirements each proposing vendor are required to adhere to if they wish to be Hawaii's selected ignition interlock vendor. Standards for selecting a vendor are outlined in the latest RFP-MVSO-291E22 which follows Hawaii Administrative Rules 19-147-4 through 10.

Currently, there are approximately 1,034 active ignition interlock installations throughout the state (499 Oahu, 194 Maui, 1 Molokai, 0 Lanai, 86 Kauai, and 254 Hawaii County). The HDOT's vendor would be able to provide services, to the full extent of their contract, to as many people as needed.

To select a vendor for the ignition interlock program, the HDOT conducted a sealed competitive bidding process to ensure that the best product, at the best price, was selected. As part of the selection process, the HDOT assembled a review committee that consisted of a Hawaii prosecutor, independent ignition interlock subject matter experts, a former law enforcement representative and three HDOT staff members.

The current vendor has the capacity and management strategy to accommodate sudden increase in the demand of ignition interlock devices and installations. If everyone who was convicted of operating a vehicle under the influence of an intoxicant were required to install an ignition interlock, the current vendor has the capacity to accommodate them.

To ensure the success of the program, the HDOT required all potential vendors to be able to provide convenient access for those who are required to have an ignition interlock installed. The current vendor is available statewide and has established and maintains 24/7 access for clients in the event of an emergency and are required to provide installation and service centers that are no more than 75 miles from any ignition interlock client.

In 2007, the Legislature and the HDOT convened an Ignition Interlock Working Group which was dedicated to researching best practices in establishing an ignition interlock law program in Hawaii. One of the primary recommendations that came out of the Ignition Interlock Working Group was to allow Hawaii to be a single vendor state. This would ensure a sustainable business model for those applying to serve Hawaii as the single ignition interlock provider.

We applaud the Legislature for desiring to see more individuals arrested for an operating a vehicle under the influence of an intoxicant and encourage additional discussion on how we can improve our existing laws to encourage additional individuals to install an ignition interlock.

Thank you for the opportunity to provide testimony.



Mothers Against Drunk Driving
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madd.org/Hawaii

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February 6, 2024

To: Representative Chris Todd, Chair, Committee on Transportation; Vice Chair Darius Kila;
and Members of the Committee

From: Arkie Koehl, Public Policy Committee; Mothers Against Drunk Driving (MADD)
Hawaii

Re: Senate Bill 2643 – RELATING TO TRANSPORTATION.

I am Arkie Koehl, offering testimony on behalf of the statewide members of MADD Hawaii in opposition to House Bill 2643 – relating to Transportation.

Mothers Against Drunk Driving Hawaii was a “founding member” of the Interlock Task Force from 2007. From the beginning, we shared the strong feeling of the legislators, agencies, and community representatives on the Task Force that a single vendor was key to the success of interlock in Hawaii. The State reconfirmed this position as late as last year with a renewal of the single vendor contract for five more years.

In the absence of convincing new information, MADD sees no reason to change our strong views on this issue. The disappointingly low installation rate (1 in 5 arrestees) has nothing to do with the number of vendors.

Thanks for letting MADD testify.

Arkie Koehl

MADD Hawaii Public Policy Committee Member



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February 6, 2024

TO: Representative Chris Todd, Chair, Committee on Transportation; Vice Chair Darius Kila; and Members of the Committee

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

RE: HB 2643 Relating to Transportation - **OPPOSITION**

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 opposition of HB 2643, Relating to Transportation.

The Ignition Interlock Implementation Task Force was established after the legislature passed Act 171 in 2008 to study the concept of bringing interlocks to Hawaii and to implement an Ignition Interlock program. The task force was composed of numerous stakeholders from the legislature, Attorney General, the Hawaii Department of Transportation (HDOT), the Department of Health, the Department of the Prosecuting Attorney from each of the four counties, law enforcement from each of the four counties, the Office of the Public Defender, the Hawaii State Judiciary, including a District Court Judge, a representative from the Administrative Driver's License Revocation office (ADLRO), driver's licensing from each of the four counties, Mothers Against Drunk Driving and a criminal defense attorney specializing in Operating a Vehicle Under the Influence of an Intoxicant (OVUII).

Among the many recommendations made by the task force to the legislature was that the Hawaii Department of Transportation should select a single vendor for the installation and maintenance of the ignition interlock device to ensure statewide uniformity in the program, including its' program management and that clear expectations and performance standards should be established for the chosen ignition interlock device vendor. The decision to have one interlock vendor service Hawaii in lieu of multiple vendors was multifactorial and included:

- The small size of the state with a limited number of people using interlocks would not support multiple vendors and would create an unstable program with high turnover among service centers.

- Different providers use different technologies which greatly increases the workload for the Hawaii Department of Transportation and courts that must receive reports with different parameters and databases,
- The single vendor concept was deemed feasible and the best way to create an efficient, standardized, and cost-effective system.

The task force recommended a transparent, competitive procurement process to provide the best contractor to service Hawaii.

The filed legislation recommends changes based on consumer choice, availability of devices and geographical concerns. The current contract requires the selected vendor to service all the islands within a 75-mile radius of customer to service center, ensure adequate inventory is available, and to provide quality products and financial relief to customers when eligible. Smart Start has consistently met and exceeded the contract requirements. Smart Start's experience includes more sole provider contracts than any other company in today's market representing nearly a dozen, multi-year contracts, which is more than any other service provider providing ignition interlock services to various authorities. We have single vendor contracts in multiple counties throughout Texas, 6 provinces in Canada, the Colorado Department of Corrections and the U.S. Probation Western District of Oklahoma.

Smart Start's initial contract in Hawaii was awarded in 2010, for a 10-year period, following a transparent, rigorous, and competitive bid process with submissions from multiple vendors. The second contract award was in 2023, after a transparent, rigorous, and competitive bid process with submissions from multiple vendors, with a letter of intent to award in June 2023.

Despite Hawaii's success in reducing alcohol-impaired driving deaths in the 13 years since the ignition interlock program began, more should be done to eliminate drunk driving, a 100 percent preventable crime. Alcohol-impaired driving fatalities have steadily decreased since 2010 and are currently below the national average. However, multiple interlock vendors will not make more OVUII offenders install the interlock. Only significant improvements to strengthen Hawaii's current ignition interlock law will help to boost interlock participation rates. One of the biggest challenges facing Hawaii's ignition interlock program is eligible OVUII offenders are allowed to wait out the revocation period and do not install an interlock, many choosing to drive unlicensed and not interlocked. Additionally, OVUII offenders merely have their interlock removed when it is time for the end of their program regardless of whether or not they are continuing to attempt to drink and drive. Currently, there are no consequences for testing positive for alcohol on the interlock.

In 2014, the Traffic Injury Research Foundation (TIRF), through a cooperative agreement with the National Highway Traffic Safety Administration (NHTSA), was invited by the Hawaii Department of Transportation to provide technical assistance to strengthen and improve the delivery of the ignition interlock program in Hawaii. The TIRF report resulted in these key recommendations to Hawaii:

- 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.

The TIRF report also noted a strength of the Hawaii Interlock program was the vendor structure, providing for a sole source vendor. Citing, “The use of a single vendor can eliminate many challenges associated with standardized reporting and data management that often arise when multiple vendors are permitted in a jurisdiction.”

In conclusion, we strongly oppose HB 2643, as allowing multiple interlock vendors to operate in Hawaii will not boost ignition interlock participation rates. We respectfully request that the legislature strengthen and amend Hawaii’s ignition interlock law which is critically important to help save lives and keep Hawaii roads safe. OVUI offenders should be made to comply with the requirements to install an interlock device and to prove they are able to drive sober before their driving privileges are restored. They should not be given the choice of waiting out the revocation period without ever installing an interlock which creates a public safety risk on the roads. It is estimated that three out of four people continue to drive after their licenses have been suspended. (Source: AAMVA).

We urge you to reject HB 2643. Thank you for the opportunity to provide testimony.



TO: Rep. Chris Todd, Chair
Rep. Darius K. Kila, Vice Chair
Committee on Transportation

FR: Shannon Woods
Chief Legal & Strategy Officer
Intoxalock

RE: **HB2643 RELATING TO TRANSPORTATION**

DATE: Tuesday, February 6, 2024

TIME: 10:00 AM; Conference Room 312 & Videoconference

Chair Todd, Vice Chair Kila and members of the Committee on Transportation and Culture and the Arts:

My name is Shannon Woods, Chief Legal and Strategy Officer for Intoxalock. Intoxalock is the largest provider of breath alcohol ignition interlock devices in the United States, meeting state requirements in 46 states across the nation. For 30 years, Intoxalock devices have been keeping hundreds of thousands of intoxicated persons from driving. We are also committed to supporting public policy and legislation which reduces driving under the influence.

Intoxalock supports HB2643 which requires the Department of Transportation to select multiple certified vendors to install ignition interlock devices (IID). An IID is a small, handheld breathalyzer for car ignitions that's installed to prevent users from being able to start their vehicle after drinking alcohol.

The current Hawaii law requires that the department of transportation select a "single vendor" to install IIDs statewide. ***Our research indicates that Hawai'i is the only state in the country which has a single vendor to implement an IID program.*** The national average is 6.8 certified IID vendors per state, with the largest number of vendors deployed in Texas (20), California (14) and Nevada (12). The geographically smallest state in the country, Rhode Island, has seven (7) IID vendors. The least populous states of Wyoming and Vermont has five (5) and nine (9) vendors, respectively.

Hawai'i has only 13 IID service centers statewide – seven (7) on Oahu, and 6 on the neighbor islands to install over 1,000+ IIDs annually. The US average distance from resident to a IID service center is 10-20 miles. Hawai'i's requirement is 75 miles to a service center.

Having more than one IID certified vendor in the State has the following benefits:

- Provides consumers with options and alternatives in selecting IID devices and services;
- Expands geographic accessibility for broader IID coverage, especially in rural, low-income and neighbor islands;
- Increases the number of qualified service centers to install and repair IIDs;
- Promotes price and service competition -- with healthy competition, consumers generally are offered better products and services;
- Providing consumers with options also helps with competitive pricing for citizens;
- Creates greater awareness and partnerships for certified IID companies to work with law enforcement agencies and community groups to curb driving under the influence.

With pending legislation in the 2024 Hawai`i State Legislature, if breath alcohol rates are lowered from .08% to .05% percent, there may be a potential increase in drunk driving convictions and greater demand for IIDs in Hawai`i. We also understand the Hawai`i State Legislature is considering the legalization of recreational cannabis. With emerging technology of IIDs which can detect Δ 9-Tetrahydrocannabinol (THC) and other cannabinoids, IIDs will play a greater role in driving under the influence.

The existing law is sixteen (16) years old, and needs to be updated. Having a single IID vendor is an archaic approach to the State's ignition interlock program that restricts availability and access. We urge this Committee to support HB2643 to offer greater service, availability and access to IIDs throughout the Hawaii. Thank you for the opportunity to testify on this matter.

Sincerely,

/S/

SHANNON WOODS
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Hawaii Medical Association

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HOUSE COMMITTEE ON TRANSPORTATION

Representative Chris Todd, Chair

Representative Darius K. Kila, Vice Chair

Date: February 6, 2024, 2024

From: Hawaii Medical Association, Marc Alexander, Executive Director

HB2643, Relating to Transportation; Requires the Department of Transportation to select multiple certified vendors to install ignition interlock devices.

SUPPORT

Aloha Chair Todd, Vice Chair Kila, and members of the House Committee on Transportation.

Thank you for the opportunity to submit testimony in **SUPPORT of HB2632**, which would require the State Department of Transportation to select multiple certified vendors to install ignition interlock devices.

The HMA is a statewide physician organization established in 1856 with the purpose of supporting physicians, their patients, and community health. We are affiliated with the American Medical Association, the largest physician-only organization in the country, and our positions usually align with the AMA.

The AMA, already in 2014, has strongly advocated for minimal blood alcohol levels (under 0.02 percent, “only from medications and religious practices,” AMA, Prevention of Impaired Driving, H-30.936). AMA has in that same policy supported ignition interlock technology, going so far as to support planning “for use of such systems by the general population, when a consensus of informed persons and studies in the scientific literature indicate the systems are effective, acceptable, reasonable in cost, and safe.”

We believe that current state law requiring the selection of a “single vendor” is not in the best interest of our community, and in fact, impedes options and choice, healthy competition, and even access to such important technology, now and in the future. Furthermore, we find it odd that Hawaii appears to be the only state with a single vendor requirement for its ignition interlock device program, despite some less populous states

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having more vendor options. We also believe that with emerging technologies and changing needs in the community, Hawaii needs to be open to multiple vendors who may be able to offer even more robust capacities, such as the ability to detect tetrahydrocannabinol (THC), and similar substances.

While we without doubt commend the past efforts of the 2007 Ignition Working Group, which recommended a single vendor approach at that time, one can reasonably suggest that some 17 years later, with the incredible advances in technology and science, that this approach is not up-to-date, and Hawaii would benefit from a multivendor approach.

Mahalo for your kind consideration of this proposed legislation, and for your service to our community.

Marc Alexander
Executive Director of the Hawaii Medical Association, and
Member of the Universal Access Advisory Council

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HB-2643

Submitted on: 2/4/2024 1:46:20 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvonne Alvarado	Individual	Support	Written Testimony Only

Comments:

I Yvonne Alvarado Support Bill HB2643

HB-2643

Submitted on: 2/4/2024 5:32:30 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

I support HB2543 I think it is a good idea to allow multiple vendors to choose from in the installation of these devices.

Mahalo,

Tamara Paltin