



TESTIMONY BY:
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DIRECTOR
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Nā Hope Luna Ho'okele
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STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
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. 1594
RELATING TO INTOXICATING LIQUOR

House Committee on Transportation

The Hawaii Department of Transportation **supports the intent** of H.B. 1594, which prohibits any person convicted of operating a vehicle under the influence of an intoxicant (OVUII) from purchasing or publicly consuming alcohol for a certain period.

The bill requires that “any driver’s license, identification card, ignition interlock permit, or special permit that is issued to the respondent by a court pursuant to section 291E-61 or the director pursuant to section 291E-44.5 during the probation period and that authorizes the respondent to operate a vehicle owned by the respondent’s employer shall bear the notation “Liquor Restricted” and shall not be accepted as a valid form of identification for the purchase of liquor.” It also requires that “an ignition interlock permit shall bear the notation ‘Liquor Restricted’ and shall not be accepted as a valid form of identification for the purchase of liquor.”

We offer the following comments on this language:

- An ignition interlock permit currently cannot be used as a form of identification in purchasing alcohol since it does not include a photo.
- A person convicted of OVUII does not have a driver’s license during the license revocation period.

In addition, we believe that the ignition interlock device is effective in separating the acts of drinking and driving, so there may not be a need to restrict the purchase of or public consumption of alcohol if someone has ignition interlock devices installed in all vehicles that they operate. Instead, this liquor restriction may be an option for those who are unable to install ignition interlock devices in their vehicles.

Thank you for the opportunity to provide testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1594, RELATING TO INTOXICATING LIQUOR.

BEFORE THE:

HOUSE COMMITTEE ON TRANSPORTATION

DATE: Tuesday, February 6, 2024 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 312 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General,
Elyse C.N. Oyama, Deputy Attorney General, or
Mark S. Tom, Deputy Attorney General

Chair Todd and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The general purpose of this bill is to prohibit individuals who have a license revocation due to a conviction for operating a vehicle under the influence of an intoxicant (OVUII), a conviction for habitually operating a vehicle under the influence of an intoxicant (HOVUII), or a revocation pursuant to the Administrative Driver's License Revocation Office (ADLRO), from purchasing or publicly consuming alcohol.

In general, when an offender is arrested for OVUII or HOVUII, law enforcement is required to provide notice to the offender regarding the ADLRO process. See section 291E-31, Hawai'i Revised Statutes (HRS). At that time, the offender is required to surrender the offender's license to law enforcement. If a criminal prosecution is initiated for the OVUII or HOVUII offense, the criminal case will commence concurrently with the administrative revocation proceedings by the ADLRO. See section 291E-32, HRS. The offender's license and privilege to operate a vehicle may be revoked either pursuant to a conviction for the offense of OVUII or HOVUII, or pursuant to the ADLRO proceeding. The duration of a license revocation may vary based upon the facts of the case, the offense charged, and the judge's discretion. Additionally, the start date of the

revocation may differ depending on whether it was done pursuant to a conviction for OVUII or HOVUII or through the ADLRO.

As the revocation of an offender's license and privilege to operate a vehicle may either be done by the court in the criminal proceeding or by the ADLRO, it would be clearer and more consistent to reference both possibilities as the basis for the revocation throughout this bill. For example, on page 12, lines 16-18, the bill provides that "[t]he identification card [with the notation 'Liquor Restricted'] shall be valid for a probation period, commencing on the date of conviction." This provision would be inaccurate if the ADLRO had already imposed a revocation earlier than the date of conviction. See section 291E-32(b), HRS, (explaining that the total period of revocation imposed in the two proceedings shall not exceed the longer period of revocation imposed in either proceeding). To address this issue, the provision above may be amended as follows: "[t]he identification card shall be valid for a [~~probation~~] period[,] commencing on the date of revocation or conviction, whichever is earlier, and ending on the end of the revocation period.

Additionally, amendments to sections 286-103 and 286-106 in sections 3 and 4 of the bill (page 8, line 10, through page 11, line 4) provide for certain requirements and an expiration date for a license issued to a person whose license is revoked by the ADLRO. However, whether the driver's license of an offender is revoked pursuant to a conviction for OVUII, HOVUII, or an ADLRO proceeding, the person will not be issued a driver's license until the revocation period is complete. See section 291E-41, HRS; see also section 291E-61(j), HRS. Therefore, these sections should be omitted. This recommendation would also apply to amendments to sections 291E-61(j) (page 36, line 17, through page 37, line 12) and 291E-61.5(f) (page 38, line 18, through page 39, line 13) and references of "driver's license" on page 22, line 18, and page 46, line 9.

Furthermore, the term "probation period" is misleading as applied to either an OVUII case or HOVUII case. Under section 291E-61(b), HRS, the OVUII statute explicitly prohibits the possibility of probation as a term of a sentence for the offense. Under sections 291E-61.5(c)(2) and 291E-61.5(d)(2), HRS, the HOVUII statute allows for a probation term of five years. In this bill, the term "probation period" appears to be

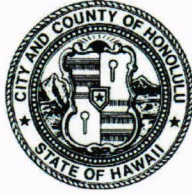
used synonymously with the duration of an offender's license revocation, which is not equivalent to the use of the term "probation" in the criminal context. It may be clearer to replace the term "probation period" with a term "period" or "revocation period," or other more appropriate term.

Lastly, the entire wording of section 291E-61(b)(1)(G) on page 28, lines 10-15, appears to be new statutory material to be added by this bill. Therefore, we recommend underscoring the letter (G) and the wording on page 28, line 10.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
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HOPE LUNA NUI MĀKA'I

OUR REFERENCE ST-TK

February 6, 2024

The Honorable Chris Todd, Chair
and Members
Committee on Transportation
House of Representatives
415 South Beretania Street, Room 312
Honolulu, Hawai'i 96813

Dear Chair Todd and Members:

SUBJECT: House Bill No. 1594, Relating to Intoxicating Liquor

I am Stason Tanaka, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD appreciates the intent of House Bill No. 1594, Relating to Intoxicating Liquor, but has the following concerns.


While the intent of the bill is to prohibit any person convicted of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant from purchasing or publicly consuming alcohol for a certain period, this would be very difficult to enforce since it will be difficult for law enforcement officers to establish a probable cause to determine if this law applies to an individual or not.

The HPD appreciates the committee's consideration of our concern regarding House Bill No. 1594, Relating to Intoxicating Liquor.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


Stason Tanaka, Major
Traffic Division



Mothers Against Drunk Driving
Hawaii State Office
madd.org/Hawaii

745 Fort Street
Suite 303
Honolulu, HI 96813

808.532.6232 direct
877.MADD.HELP victim support
877.ASK.MADD

February 6, 2024

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

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

Re: House Bill 1594 – RELATING TO INTOXICATING LIQUOR.

I am Arkie Koehl, testifying with comments on behalf of the members of MADD Hawaii on House Bill 1594.

MADD applauds efforts to address Hawaii's grievous impaired driving problem. House Bill 1594 is an interesting and creative approach to this problem, and as such deserves attention.

We are perplexed, however, by several issues including, foremost, enforcement. If the agencies involved can devise workable enforcement measures, and if the bill can be amended to lower the illegal BAC limit to .05 from .08, MADD would in all probability support HB 1594.

Thank you for the opportunity to testify,

Arkie Koehl
Public Policy Committee Member, Mothers Against Drunk Driving (MADD) Hawaii



Date: February 4, 2024

To: The Honorable Representative Chris Todd, Chair
The Honorable Representative Darius Kila, Vice Chair
Members of the House Committee on Transportation

Re: Oppose HB1594, Relating to Intoxicating Liquor.

Hrg: Tuesday, February 6th, 2024, at 10:00am, Conference Room 312

Position: Oppose

Aloha, my name is Rick Collins, the Director of the Hawai'i Alcohol Policy Alliance (Alliance), a program of the Hawai'i Public Health Institute.¹ This bill would prohibit any person convicted of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant from purchasing or publicly consuming alcohol for a certain period.

Reducing alcohol-related traffic deaths and crashes is important. The Alliance appreciates the Legislature's desire to keep our roadways safer. However, at this time, there is no scientific research on the topic, nor any studies or research that show this legislation to have any effect on reducing alcohol-related traffic fatalities, crashes, or any other alcohol-related consequences.

Additionally, this proposal is a "downstream solution to an upstream problem." This legislation takes effect only after someone receives a DUI. Waiting until this point often results in a DUI-related crash or fatality. The evidence is clear that the most effective legislation addresses "upstream solutions" that work to prevent DUIs from ever occurring. One such proposal is HB1935, which reduces the blood alcohol concentration threshold for alcohol-impaired driving from 0.08 to 0.05. This legislation is to prevent DUIs from occurring in the first place. This policy is shown through numerous studies to be an effective way to prevent and reduce alcohol-related traffic crashes and deaths.

The Alliance urges the Legislature to further research if the prohibition of alcohol for a person convicted of a DUI has an impact on alcohol-related traffic crashes, fatalities or other consequences prior to passing this bill. We recommend that this proposed strategy be included in the work group proposed in HB1934, which would provide an opportunity for a body of experts to review the efficacy of this strategy further ensure there are no unintended consequences with this policy.



We appreciate the Legislature's desire to address alcohol impairment on our roadways. We advocate for policies that are backed by science and are shown to work. There is no evidence to suggest that the approach in HB1594 would curb alcohol-related consequences or be without any unforeseen harms.

Please include this strategy into the responsibilities of the work group convened through HB1934. That will allow time to review and study this strategy and if it will reduce alcohol-related harms to our community. We implore you to move the language of HB1594, to be included as one of the proposed strategies of HB1934.

Mahalo for your consideration of our testimony on this important measure.

Rick Collins,
Director
Hawai'i Alcohol Policy Alliance

If you have any questions, please feel free to contact me at rick@hiphi.org or (808) 591-6508, x22.

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

HB-1594

Submitted on: 2/3/2024 1:05:38 PM

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

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I support the intent but question how it will be enforced. Will the license be restricted? Will there be a penalty for the person who sells alcohol to the convicted person? What if someone acts as an intermediary to obtain alcohol for the convicted person?