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

January 30, 2024
3:00 p.m.
State Capitol, RM 224

S.B. 2945
RELATING TO IGNITION INTERLOCK DEVICES

Senate Committee on Transportation and Culture and the Arts

The Department of Transportation (DOT) is **providing comments** on S.B. 2945, 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 S.B. 2945, the DOT 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 (HAR) 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 DOT'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 DOT 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 DOT assembled a review committee that consisted of a Hawaii prosecutor, independent ignition interlock subject matter experts, a former law enforcement representative and three DOT 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 DOT 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 DOT 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.



TO: Senator Chris Lee, Chair
Senator Lorraine Inouye, Vice Chair
Committee on Transportation and Culture and Arts

FR: Shannon Woods
Chief Legal & Strategy Officer
Intoxalock

RE: **SB2945 RELATING TO TRANSPORTATION**

DATE: Tuesday, January 30, 2024

TIME: 3:00 PM; Conference Room 224 & Videoconference

Chair Lee, Vice Chair Inouye 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 47 states across the nation. For 30 years, Intoxalock devices have been keeping hundreds of intoxicated persons from driving. We are also committed to supporting public policy and legislation which reduces driving under the influence.

Intoxalock supports SB2945 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.

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;
- 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 $\Delta 9$ -Tetrahydrocannabinol (THC) and other cannabinoids, IIDs will play a greater role in driving under the influence.

Having a single IID vendor is an outdated approach to the State's ignition interlock program. We urge this Committee to support SB2945 to offer greater service, availability and access to IIDs throughout the Hawaii. Thank you for the opportunity to testify on this matter.

Sincerely,

/S/

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January 29, 2024

To: Senator Chris Lee, Chair, Senate Committee on Transportation and Culture and the Arts,
Senator Karl Rhoads, Chair, Senate Committee on Judiciary

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

Re: Senate Bill 2945 – RELATING TO TRANSPORTATION.

I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in opposing Senate Bill 2945 – relating to Transportation.

Mothers Against Drunk Driving (MADD) 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.

Arkie Koehl, Carol McNamee, Ron Shimabuku

MADD Hawaii Public Policy Committee Members



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January 30, 2024

TO: Chair Chris Lee
Vice Chair Lorraine R. Inouye
Members of the Committee on Transportation and Culture and the Arts

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

RE: SB 2945 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 SB 2945, 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, the Department of Health, the Department of the Prosecuting Attorney from four counties, law enforcement from the four counties, the Office of the Public Defender, the Hawaii State Judiciary, including a District Court Judge and Administrative Driver's License Revocation, driver's licensing from each of the four counties, Mothers Against Drunk Driving as well as a criminal defense attorney.

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 as well as in 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 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. As a leading developer and manufacturer of ignition interlock devices, we are constantly working on new advances for the industry. Throughout the last decade, Smart Start has consistently exceeded the number of service locations, providing service on all the islands, and expanded our service hours in some locations to after 5pm and on Saturday and Sunday. We understand the unique challenges presented by geography, we have developed innovative technologies to respond to servicing barriers and customer inconvenience, we look forward to transforming service delivery to fit the needs of the geography, providing convenience options to our customers. We are committed to working with HDOT to improve the program, our services and recommendations so our customers have a good customer experience. Customers can reach customer service 24/7/365 days a year if there are any customer-related maintenance needs, additionally Smart Start has an Operations Manager that is available and can provide mobile service. We are a leading manufacturer of ignition interlock devices, all devices are designed for reliability and are field tested to meet and exceed all NHTSA, HDOT and Quality control requirements. Our Operations Manager and service centers conduct routine inspections on every device and ensure the devices are working properly at each service appointment.

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 and the alcohol-impaired driving fatalities have steadily decreased since 2010 and are currently below the national average.

The initial contract was awarded in 2010, for a 10-year period, following a transparent and competitive bid process with submissions from multiple vendors. The second contract award was in 2023, after a transparent and competitive bid process, 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. 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 SB 2945, 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. OVUII 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 SB 2945. Thank you for the opportunity to provide testimony.