



## Hawaii Medical Association

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814  
Phone: 808.536.7702 • Fax: 808.528.2376 • hawaiimedicalassociation.org

### HOUSE COMMITTEE ON TRANSPORTATION

Senator Chris Todd, Chair

Senator Darius K. Kila, Vice Chair

Date: March 14, 2024, 2024

From: Hawaii Medical Association, Marc Alexander, Executive Director

**SB2945, SD 2, Relating to Transportation; Requires the Department of Transportation to select multiple certified vendors to install ignition interlock devices.**

### COMMENTS

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

The HMA offers **COMMENTS** on the current version of this bill which establishes “a task force to conduct a statewide study on the accessibility of ignition interlock devices and any national best practices.” While we **SUPPORT** the **INTENT** of this bill, we prefer the original version of the bill which moved Hawaii to multiple vendors. We do not think a study is required, which would only add unnecessary work and expense on an issue which is straightforward, for the reasons further outlined below.

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.”

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#### 2024 Hawaii Medical Association Public Policy Coordination Team

Beth England, MD, Chair  
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

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 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. Having a task force, with its added cost and burden on the administering department, seems unwarranted given the practice of multiple vendors in so many other states already.

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

Marc Alexander  
Executive Director of the Hawaii Medical Association

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

FR: Cody Carlson, Legislative Affairs  
Intoxalock

RE: **SB2945, SD2 RELATING TO TRANSPORTATION**

DATE: Thursday, March 14, 2024

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

Chair Todd and members of the House Committee on Transportation:

My name is Cody Carlson, Legislative Affairs Liaison for Intoxalock. Intoxalock is one of the largest providers 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 the intent** SB2945, SD2 which creates a task force to conduct a statewide study on the accessibility of ignition interlock devices (IID) and any national best practices, including reasonable access, geography, and feasibility of allowing multiple vendors. 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.

**However, our preference would be to restore the original language of SB2945** which provides for multiple vendors in the implementation of a statewide IID program. A study kicks the can down the road on implementing a more effective and accessible IID program for Hawai'i residents. The longer the State prolongs aggressive and effective measures, the more persons will be killed by drunk drivers.

The current and outdated Hawaii law – adopted 16 years ago -- 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 a resident to a IID service center is 10-20 miles. Hawai'i's current requirement is 75 miles from a resident to a service center, creating potential hardships on its residents.

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 can play a greater role in driving under the influence.

Having a single IID vendor is an outdated approach to the State's drunk driving program.

**We strongly urge this Committee to restore the original language in SB2945 to offer greater service, availability, choice and access to IIDs throughout the state – sooner than later.**

Thank you for the opportunity to testify on this matter.

Sincerely,

/S/

Cody Carlson  
Legislative Affairs  
Intoxalock  
11035 Aurora Avenue  
Des Moines, IA 50324  
[ccarlson@intoxalock.com](mailto:ccarlson@intoxalock.com)



900 FORT ST. MALL, SUITE 1620 • HONOLULU, HI 96813  
1-800-880-3394 • 808-695-2416 • SMARTSTARTINC.COM  
FAX 808-695-2316

March 14, 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: SB 2945/SD2 Relating to Transportation - **OPPOSITION**

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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/SD2, Relating to Transportation.

The filed legislation recommends the legislature create a task force to conduct a statewide study on the accessibility of ignition interlock devices and any national best practices.

Our opposition position is:

This has already been accomplished by the Hawaii Department of Transportation (HDOT) with the Impaired Driving Task Force and is an ongoing process in the form of their Highway Safety Plan, and Traffic Commanders meetings held quarterly to discuss and improve on their Impaired Driving Strategic Plan. The Traffic Commanders meeting is composed of numerous stakeholders from the Hawaii Department of Transportation (HDOT), the Department of Health (DOH), the Sheriffs division, the US Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), the Federal Highway Administration (FHWA), Hawaii Division, City and County Department of Transportation (DTS), Traffic Safety Resource Prosecutor (TSRP), the Department of the Prosecuting Attorney from each of the four counties, law enforcement from each of the four counties, the Hawaii State Judiciary, including a District Court Judge, the Administrative Driver's License Revocation office (ADLRO), Mothers Against Drunk Driving and a representative from the Ignition Interlock vendor.

- Hawaii DOT, attends and participates in several national conferences every year, bringing back best practices on highway safety and information specific to Ignition Interlock program improvements.
- Hawaii DOT requested and received technical assistance from The Traffic Injury Research Foundation (TIRF) through a NHTSA grant specifically on how to

strengthen and improve their Ignition Interlock program in Hawaii. **One of the programs STRENGTHS, that TIRF commented on is the vendor structure and interlock device requirements. “The use of a sole vendor can eliminate many of the challenges associated with standardized reporting and data management that often arise when multiple vendors are permitted to do business in a jurisdiction.....along with the RFP and Administrative rule requirements relating to devices, customer service, pricing, servicing and reporting. I am happy to provide a copy of this report to committee members. Technical Assistance is still available to HDOT. TIRF is a respected, trusted and credible research organization on Interlock Programs throughout the World.**

- HDOT created a transparent, rigorous and formal process of selecting a contracted vendor for Interlock services. A fair and transparent award was made on June 26, 2023.

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 four counties, law enforcement from our 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 DWI.

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, and competitive procurement process to provide the best contractor to service Hawaii.

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 June 26, 2023, after a transparent, rigorous, and competitive bid process with submissions from multiple vendors.

In conclusion, we strongly oppose SB2945/SD2. There is currently a bill, that was approved by this committee, HB1934/HD2, scheduled for a hearing in Senate TCA today, and supported by HDOT, that would provide for the Director of transportation to convene an intoxicated driving reduction working group, under the leadership of Hawaii's strategic highway safety plan, to discuss, study, examine, and recommend transformative changes to the State's existing laws relating to the Operation of a Vehicle while Under the Influence (OVUI) of an intoxicant to reduce incidents of intoxicated driving. We believe this bill fulfills the need for an *additional* task force.

We urge you to reject SB 2945/SD2. Thank you for the opportunity to provide testimony.

**SB-2945-SD-2**

Submitted on: 3/13/2024 3:13:44 PM

Testimony for TRN on 3/14/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Arkie Koehl	MADD Hawaii	Oppose	Written Testimony Only

Comments:

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 2945 – RELATING TO TRANSPORTATION.

I am Arkie Koehl, offering testimony on behalf of the statewide members of MADD Hawaii in opposition to Senate Bill 2945 – 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