



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 597, H.D. 1, RELATING TO ADMINISTRATIVE DRIVERS LICENSE REVOCATION.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Friday, March 28, 2025

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Tricia M. Nakamatsu or Mark S. Tom, Deputy Attorneys General

Chair Tarnas and Members of the Committee:

The Department provides the following testimony in support of this bill.

The purpose of this bill is to amend section 291E-37(a), Hawaii Revised Statutes (HRS), to extend the statutory deadlines within which the Administrative Drivers License Revocation Office (ADLRO) must issue its initial written decision on whether to revoke an individual's drivers license for allegedly operating a vehicle under the influence of an intoxicant (OVUII). In cases involving alcohol, the deadline would be extended from eight days to fourteen days; and in cases involving drugs, the deadline would be extended from twenty-two days to twenty-eight days.

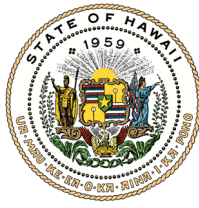
In OVUII cases where a breath or blood specimen is provided by a defendant, it is very important for the results of the chemical analysis to be considered in any decision-making. Given that only a small percentage of forensic toxicology laboratories are able to test for blood alcohol content within six days (page 3, lines 1-2), and given that all of the specimens from Maui, Kauai, and Hawaii counties must first be shipped to Honolulu for testing (page 3, lines 10-13), a fourteen-day deadline for the written decision would be more reasonable than the current eight-day deadline. Similarly, if only thirty-two percent of forensic toxicology labs are able to test for blood drug content within thirty days (page 3, lines 3-4), and additional time is still needed to ship the specimens from Maui, Kauai, and Hawaii counties to Honolulu, and then to ship all

specimens from Honolulu to the continental United States, a twenty-eight-day deadline for ADLRO to issue its decision would give ADLRO a greater chance of reviewing test results before making its decision. While twenty-eight-days may not be sufficient time to receive all test results, it would at least allow ADLRO to review a greater number of test results than it is able to do under the current twenty-two-day deadline.

A deadline of fifteen days for cases involving alcohol, and thirty days for cases involving drugs—as stated in prior drafts of this bill—would provide more buffer for both law enforcement and their contracted laboratories to ensure that test results are received by ADLRO in a timely manner, but we defer to the input of state and county law enforcement agencies to determine whether more time is needed. Notably, the temporary drivers permit issued by law enforcement officers at the time of arrest lasts thirty days in alcohol-related OVUI cases and lasts forty-four days in drugs-related OVUI cases. Thus, an individual’s temporary drivers permit would still be in effect when the ADLRO’s initial report is mailed, even with the longer fifteen- and thirty-day deadlines.

The Department respectfully requests the passage of this bill.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 597
RELATING TO ADMINISTRATIVE DRIVERS LICENSE REVOCATION

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Friday, March 28, 2025, 2:00 p.m.

State Capitol Conference Room 325 & Videoconference

WRITTEN TESTIMONY ONLY

Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

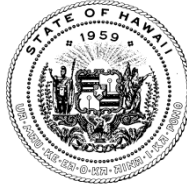
The Department of Law Enforcement (DLE) supports Senate Bill 597. This bill extends the time restriction in which the Hawaii Administrative Driver's License Revocation Office (ADLRO) is required to issue a written review decision of a notice of administrative revocation of a person's driver license.

The proposed extension recognizes the reality of current testing timeframes for drug and alcohol specimens across national laboratories. According to a 2024 survey conducted by The Center for Forensic Science Research & Education, toxicology laboratories throughout the country operate under varying timeframes, which can affect how quickly ADLRO can receive and process complete testing results. The current statutory deadline does not always allow sufficient time for thorough analysis and evidence-based decision-making in driver's license revocation cases.

This bill will provide ADLRO with a more reasonable timeframe to receive complete toxicology results, properly evaluate evidence, and issue appropriate administrative

decisions regarding driver's license revocations. This change will enhance public safety by ensuring administrative decisions are based on complete scientific evidence while maintaining an efficient process for handling suspected cases of operating a vehicle under the influence of an intoxicant (OVUII).

Thank you for the opportunity to testify in support of this bill.



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

March 28, 2025
2:00 P.M.
State Capitol, Room 325 & Videoconference

S.B. 597 H.D. 1
RELATING TO ADMINISTRATIVE DRIVERS LICENSE REVOCATION

House Committee on Judiciary and Hawaiian Affairs

The Hawaii Department of Transportation (HDOT) **supports** S.B. 597 H.D. 1, which extends the time restriction in which the Hawaii Administrative Drivers License Revocation Office (ADLRO) is required to issue a written review decision of a notice of administrative revocation of a person's driver license.

As the law is currently written, ADLRO must mail the written review decision to the driver no later than 8 days after the date the notice was issued (i.e. arrest date) in a case involving an alcohol-related offense or 22 days after the date the notice was issued in a case involving a drug-related offense. These are calendar days that may also include long weekends. The current number of days is not sufficient, considering transport times, laboratories' hours of operation, and the time it takes for testing of toxicology samples.

Alcohol- and drug-impaired driving are serious issues that compromise the safety of our roadway users. According to HDOT's annual Behavioral Survey, 13 percent of car drivers and 22 percent of pickup truck drivers admitted to driving while feeling buzzed in the past 6 months. In addition, 24 percent of passengers of motor vehicles witnessed the driver of the vehicle they were in looking buzzed or admitted to feeling buzzed.

According to the National Highway Traffic Safety Administration, in 2022, Hawaii experienced 37 alcohol-impaired driving fatalities (BAC .08+), which were all 100 percent preventable. Additionally, 2023 preliminary state data shows that 49 of the 117 (42 percent) drivers involved in a fatal crash tested positive for having alcohol and/or drugs in their systems.

Extending the amount of time would ensure that ADLRO has the evidence it needs when reviewing impaired driving cases.

We respectfully urge the Committee to pass this measure.

Thank you for the opportunity to provide testimony.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

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FIRST DEPUTY
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL NO. 597 HD1

A BILL FOR AN ACT RELATING TO
ADMINISTRATIVE DRIVERS LICENSE REVOCATION.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Friday, March 28, 2025 at 2:00 p.m.
Via Videoconference and
State Capitol Conference Room 325
415 South Beretania Street

Honorable Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs: The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of Senate Bill No. 597 HD1.

This bill was drafted with the intent to extend the time restriction in which the Hawai'i Administrative Drivers License Revocation Office (ADLRO) is required to issue a written review decision of a notice of administrative revocation of a person's driver license.

An administrative license suspension is a non-criminal procedure that is initiated when probable cause exists to believe that an individual has been driving under the influence of alcohol or drugs, or when an individual refuses to submit to a breath or blood test. The ADLRO process ensures that the privilege to drive on public roads is suspended swiftly and definitively for impaired drivers. Delays in criminal cases for OVUII can occur due to factors beyond the State's control, such as motions hearings, court backlogs, and other issues. Administrative suspensions through the ADLRO process enhance public safety by removing impaired drivers from the road through a separate non-criminal process, before a conviction for OVUII could usually be obtained through the criminal process.

Currently, Section 291E-37 of the Hawaii Revised Statutes ("HRS") requires the ADLRO to send a written decision notice within 8 days after an alcohol-related arrest and within 22 days after a drug-related arrest. However, in practice, toxicology testing can take longer than these deadlines. If the ADLRO does not receive toxicology results by the time the statutory deadline arrives, the ADLRO often rescinds the revocation, reinstating the suspected impaired driver's license immediately. This is an unfortunate and avoidable outcome of the current short timeline. Extending these deadlines to 14 days for alcohol-related offenses and 28 days for drug-related offenses would help address this issue.

This issue is particularly important to neighbor island communities including the County of Hawai‘i, where blood test samples must first be shipped to Honolulu before they can be tested, adding extra delay to every case. The existing timelines are not always long enough to account for such delay, potentially allowing more impaired drivers to avoid the ADLRO license suspension and to continue to drive while their criminal case is pending. Extending these deadlines would help keep the ADLRO process running as it was originally envisioned, helping improve road safety in our communities.

For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney supports the passage of Senate Bill No. 597 HD1. Thank you for the opportunity to testify on this matter.

C. Kimo Alameda, Ph.D.
Mayor



Benjamin T. Moszkowicz
Police Chief

William V. Brillhante Jr.
Managing Director

Reed K. Mahuna
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
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March 25, 2025

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
And Committee Members
Committee on Judiciary and Hawaiian Affairs
State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: SENATE BILL 597; RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION.
HEARING DATE: MARCH 28, 2025
TIME: 2:00 P.M.

Dear Representatives Tarnas and Poepoe,

The Hawai'i Police Department **strongly supports** Senate Bill 597, with its purpose to extend the time restriction in which the Hawai'i Administrative Driver's License Revocation Office (ADLRO) is required to issue a written review decision of a notice of administrative revocation of a person's driver license. Given the substantial public safety concerns surrounding drug and alcohol-related motor vehicle collisions, it is essential that law enforcement has the time necessary to gather and analyze toxicology results accurately. The current statutory deadlines do not account for the realities of testing timelines and shipping delays, particularly in Hawai'i's geographically dispersed counties. Extending the decision deadlines ensures that the ADLRO has sufficient time to review physical evidence, including test results, leading to more informed, reliable, and just outcomes for all involved.

This bill aligns Hawai'i's timeline with those of other states, such as Oregon, which has a more reasonable 30-day deadline for administrative decisions. The extended deadlines will also better reflect the national survey data, which shows that toxicology testing often takes more time than the current statute allows. By adjusting the deadlines to reflect realistic testing times, Hawai'i will not only improve the fairness and accuracy of administrative revocations, but also support a more effective law enforcement strategy to reduce impaired driving. Ultimately, this measure will help protect public health and safety, ensuring that drivers who are potentially impaired by drugs or alcohol are swiftly and fairly dealt with in accordance with the evidence.

It is for these reasons, we urge this committee **to approve** this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 597.

Sincerely,


BENJAMIN T. MOSZKOWICZ
POLICE CHIEF



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

DATE: Friday, March 28, 2025

TIME: 2:00 p.m.

PLACE: VIA VIDEOCONFERENCE
Conference Room 325

From: Lisa Dau, RN, Injury Prevention Coordinator
Keiki Injury Prevention Coalition (KIPC)

Subject: **Support for SB597** Relating to Administrative Driver License Revocation

My name is Lisa Dau, I am the Injury Prevention Coordinator for the Keiki Injury Prevention Coalition and we **support SB597**, which gives the Hawai'i Administrative Drivers License Revocation Office (ADLRO) more time to issue written review decisions. The current deadline is too tight, making it hard for ADLRO to conduct thorough and fair reviews.

Extending the timeframe will improve the process, ensuring decisions are made carefully while still maintaining public safety. This small change can make a big difference in fairness and efficiency.

Please consider passing **SB597**. Thank you for your time.

Sincerely,
Lisa Dau, RN, MBA, BSN, CPSTI
KIPC, Injury Prevention Coordinator

The Keiki Injury Prevention Coalition's (KIPC) mission is to prevent and reduce injuries to children in Hawaii. <https://kipchawaii.org/>