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Hawaii to require DUI ignition locks

Ignition interlock system won't start car unless driver is sober

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A new Hawai'i law will provide another tool to help keep drunken drivers off the road — a lock that prevents a car from starting unless the driver is sober.

The technology is already used in more than 40 states, and the Hawai'i Department of Health said states with ignition interlock laws have cut repeat DUI offenses 50 percent to 95 percent.

"I can see where it will be worthwhile for courts to impose using the locks," said Paul Cunney, an attorney who specializes in DUI cases. "I would want it installed in my clients' vehicles if it meant keeping their driving privileges so they can go to work and continue to function."

Cunney does have concerns about the measure, as do others. And still to be determined is who will pay for the interlocks.

But there is widespread agreement that something more needs to be done to reduce drunken driving in Hawai'i. Seventy-nine people died in alcohol-related crashes last year, almost half of all Hawai'i traffic fatalities. That's up from 58 alcohol-related fatalities in 2006, according to the federal Fatality Analysis Reporting System.

What's more, a 2005 study conducted by the city showed 28 percent of those arrested for DUI are repeat offenders.

"This legislation is needed here, and the support has been overwhelming," said state Rep. Sharon Har, D-40th (Royal Kunia, Makakilo, Kapolei), who introduced the bill after her car was struck by a repeat drunken driver last year. "As soon as the governor signs off on it, a task force will be assigned this summer to figure out exactly how the law will read. We've got a long ways to go."

Gov. Linda Lingle has until July 8 to either sign House Bill 3377 or veto it. Russell Pang, Lingle's spokesman, said the governor is "very, very" supportive of the bill.

"We're just gathering more community input like we do on all bills," Pang said. "But we submitted a similar measure in the past. It's not this one, but it had a lot of the same points."

The use of ignition interlocks is increasing across the country as new technology makes them more effective.

Most use a fuel cell to detect alcohol similar to the way breath-testing devices collect evidence in drunken driving arrests. A person breathes into a hand-held device that is connected to the ignition system and the car can start only if the alcohol content in the breath is under a defined level.

To help prevent tampering, a digital camera photographs the person taking the test. The systems in some cases retest at random intervals after the vehicle starts. The retests are designed to be done at the roadside to help prevent a sober person from starting the vehicle for another or letting a car idle while alcohol is consumed.

If a person fails a running retest, the vehicle does not stop — the interlock is connected to the starter, not the engine — but the horn may sound and the headlights flash. Those signals alert police that a drunken driver is at the wheel.

Under the current proposal, ignition interlocks will be:

- Mandatory for repeat offenders.
- Mandatory for first-time offenders with a blood-alcohol level of .16 and higher.
- Left to a judge's discretion for first-time offenders with blood-alcohol levels between .08 and .15.

Cunney estimates 60 percent to 70 percent of his business is DUI cases and at least 50 percent of the first-time offenders he sees would fall into the "highly intoxicated" category. He doesn't believe in treating any first-time offender the same as a repeater.

"First-time offenders are the ones you believe you can rehab," Cunney said. "Repeat offenders show they haven't learned their lesson. It's not the same."

COST CONCERNS

Har said it will cost about \$65 to \$75 a month to have an interlock installed in a vehicle and maintained. For about \$1,000 a year, offenders who abide by the law can retain their licenses and the right to drive.

She wants an indigent fund to cover the cost for offenders who can't afford the interlock technology. Those who can afford the technology would pay extra so that people who can't afford it can still use it.

"Taxpayers shouldn't pay for the interlocks," Har said. "The indigent fund would help pay for itself. It's worked well in other states that do the same thing."

"If it's \$3 a day to have an ignition interlock in your vehicle, that's about the price of a beer. And if you're drinking and driving, you can afford that."

Determining how much to contribute to the indigent fund is just one of many topics the task force will have to tackle. Among other items:

- Whether they should be installed on motorcycles.
- How to handle underage drunken drivers.
- Who will monitor the program.
- How long will offenders lose their license initially, and what will be the penalty for repeat offenders.

A task force has been established to consider the interlocks, and has until 20 days before the January 2009 start of the next Legislature to make initial recommendations and until 20 days before the start of the January 2010 Legislature to introduce the final bill.

"Other states are moving toward even stricter rules and making first-time offenders automatically have the ignition interlock installed," Har said. "I wouldn't say we're not being strict enough. We're just starting out and trying to see what will and won't work."

Collision spurred interlock measure

It was March 2007, about 9:30 at night.

State Rep. Sharon Har remembers the night all too well.

She was returning home to Kapolei when she stopped to make a left-hand turn on Fort Barrette Road. The turning arrow was green, but she saw headlights screaming at her in the opposite direction.

"I saw him coming so fast I just stopped," Har said. "He must have been mesmerized by my headlights because he turned right into me and smashed my car."

The jolt crushed the dashboard of Har's Mercedes and sent her car flying into another vehicle nearby. Her car was totaled, but she escaped with only heavy bruising.

The driver, then 23, was in an old, uninsured Nissan that his grandmother had bought for parts. Har later learned it was his third DUI and he wasn't supposed to be driving. When he struck her, his blood-alcohol level was more than twice the legal limit of .08.

"I had to stay at Queen's for extensive testing, and when I got out, I just couldn't drive for about three months," Har said. "Literally, I had friends driving me everywhere. I just kept thinking someone was going to hit me."

Days later, Har took it as a sign to champion the ignition interlock measure when one of her first duties was to listen to a presentation MADD was giving to the Legislature's transportation committee.

"I felt that was the reason I survived," she said. "I could have been a statistic. Had this man had to use it (the interlock), he wouldn't have been able to start the car. No one should have to go through being hit like that."
