
HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY
OF VEHICLE IMMOBILIZATION AS A SANCTION FOR OPERATING A
MOTOR VEHICLE WITH A LICENSE REVOKED OR SUSPENDED FOR
OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT.

1 WHEREAS, Hawaii continues to experience one of the nation's
2 highest rates of alcohol-related traffic fatalities; and
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4 WHEREAS, the National Highway Traffic Safety Administration
5 estimates that fifty to seventy-five per cent of all drivers
6 whose driving privileges have been withdrawn continue to drive
7 in violation of the law; and
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9 WHEREAS, in 2009, there were over twelve hundred arrests
10 in the State for violations pursuant to section 291E-62, Hawaii
11 Revised Statutes, where people drove after having a license
12 revoked or suspended for impaired driving; and
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14 WHEREAS, studies have shown that thirty-two per cent of
15 persons who have had their license suspended for a second time
16 for driving under the influence and sixty-one per cent of third-
17 time driving under the influence offenders received violations
18 or accident citations while their licenses were suspended; and
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20 WHEREAS, the AAA Foundation for Traffic Safety's landmark
21 2003 report, Unlicensed to Kill, showed that "approximately 20%
22 of fatal crashes involve at least one driver who did not have a
23 valid license at the time of the crash ... from a low of 6.1% in
24 Maine to a high of 23.1% in New Mexico"; and
25

26 WHEREAS, unlicensed drivers present an especially serious
27 threat considering that of the two hundred seventy fatal motor
28 vehicle accidents in Hawaii from 2005-2009, more than one out of
29 every five drivers who tested positive for alcohol were
30 unlicensed; and
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32 WHEREAS, the threat of mandatory jail or other sanctions
33 for driving without a license or with a license revoked or



1 suspended for impaired driving, appears to be an insufficient
2 deterrent; and

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4 WHEREAS, Hawaii's Five-Year Strategic Highway Safety Plan
5 has identified vehicle immobilization to discourage unlicensed
6 driving as a top priority; now, therefore,

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8 BE IT RESOLVED by the House of Representatives of the
9 Twenty-sixth Legislature of the State of Hawaii, Regular Session
10 of 2012, that the Director of Transportation is requested to
11 convene a working group, under the leadership of Hawaii's
12 Strategic Highway Safety Plan, to study all aspects of vehicle
13 immobilization as a sanction for driving with a license that was
14 revoked or suspended for operating a vehicle under the influence
15 of an intoxicant; and

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17 BE IT FURTHER RESOLVED that the Director of Transportation
18 is requested to include the following representative
19 stakeholders from the government, community, and industry:

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21 (1) A member of the Senate appointed by the President of
22 the Senate;
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24 (2) A member of the House of Representatives appointed by
25 the Speaker of the House of Representatives;
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27 (3) Two members appointed by the Chief Justice of the
28 Hawaii Supreme Court; provided that one member shall
29 be a district court judge and one member shall be a
30 representative of the Administrative Driver's License
31 Revocation Office;
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33 (4) The Director of Transportation;
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35 (5) The Director of Health;
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37 (6) The Attorney General;
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39 (7) The State Public Defender;
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41 (8) The Chief of Police of each county;
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43 (9) The Prosecuting Attorney of each county;



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- 2 (10) The Examiner of Drivers of each county;
- 3
- 4 (11) A member of the Public Policy Committee of Mothers
- 5 Against Drunk Driving Hawaii; and
- 6
- 7 (12) A member of the Hawaii Association of Criminal Defense
- 8 Lawyers, appointed by its President; and
- 9

10 BE IT FURTHER RESOLVED that the working group is requested
 11 to analyze all pertinent areas of vehicle immobilization,
 12 including but not limited to physical means of immobilization
 13 such as the "club" or "boot", other jurisdictions' experiences
 14 with immobilization, legal precedents, enforcement procedures,
 15 potential issues of liability, and adequate provision for an
 16 appeals process; and

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 18 BE IT FURTHER RESOLVED that the Department of
 19 Transportation is requested to submit a report of the findings
 20 and recommendations of the working group, including any proposed
 21 legislation, to the Legislature no later than twenty days prior
 22 to the convening of the Regular Session of 2013; and

23
 24 BE IT FURTHER RESOLVED that certified copies of this
 25 Resolution be transmitted to the Director of Transportation,
 26 Attorney General, Prosecuting Attorney of each county, Chief of
 27 Police of each county, and Chairperson of the Impaired Driving
 28 Emphasis Area of the Strategic Highway Safety Plan.

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OFFERED BY: Marilyn B. Lee

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