



The Judiciary, State of Hawaii

Testimony to the Twenty-Sixth Legislature, 2012 Regular Session

House Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Friday, February 24, 2012
11:00 a.m.
State Capitol, Conference Room 308

by
Marie C. Laderta
Chief Adjudicator
Administrative Driver's License Revocation Office (ADLRO)

Bill No. and Title: House Bill No. 2320, H.D. 2, Relating to Highway Safety.

Purpose: To allow repeat intoxicated drivers to install ignition interlock devices in their vehicles by eliminating the revocation of motor vehicle registrations, and to make housekeeping amendments to Chapter 291E, HRS. This bill also provides a process for certain persons currently excluded from the ignition interlock law to petition the district court for an ignition interlock instruction permit and obtain an ignition interlock permit, and allows persons with lifetime administrative revocations to petition the district court for an unrestricted license after a minimum period of three years with an ignition interlock device.

Judiciary's Position:

The ADLRO supports portions of this measure which attempt to clarify administrative revocation processes and procedures. The ADLRO recognizes that the clarifications proposed by this measure seek to reconcile inconsistencies within the law. On January 1, 2011, Act 171, SLH, as amended by Act 88, SLH 2009, as further amended by Act 166, SLH 2010, became law. The Acts amend Chapter 291E, HRS, relating to use of intoxicants while operating a motor vehicle to require the use of ignition interlock devices by any person whose driver's license is revoked for operating a vehicle while under the influence of an intoxicant (OVUII).



Act 171 stated that the purpose of the law is to require use of ignition interlock devices so that persons arrested for OVUII (hereinafter referred to as "respondents") can drive, but are prevented from drinking and driving, during the pendency of the case and the revocation period thereafter. According to the statement of purpose, "the requirement of installation of an ignition interlock device would replace the provisions to take custody of the motor vehicle registration and number plates and to issue conditional license permits." Emphasis added.

Notwithstanding the foregoing, §291E-41(b) (2), (3) and (4), HRS, of the law which took effect on January 1, 2011, revokes the motor vehicle registration of any vehicle registered to a respondent who has more than one alcohol enforcement contact during certain specified periods of time while §291E-41(b), HRS, requires that except for certain limited classes of respondents, a respondent "shall keep an ignition interlock device installed and operating in any vehicle the respondent operates during the revocation period." The revocation of the motor vehicle registration of respondents with multiple OVUII revocations effectively forecloses such respondents from driving during the revocation period because they are unable to operate an unregistered vehicle. The only recourse for such respondents is to have an owner of a vehicle agree to the installation of an ignition interlock device in his/her vehicle and allow the respondent to drive that vehicle.

The ADLRO, which administers the driver's license revocation law, has already encountered problems dealing with respondents who have multiple OVUII revocations and who desire to install an ignition interlock device in their motor vehicle.

The ADLRO has also seen an increase in the number of respondents whose licenses expire during the revocation period, because the new ignition interlock law requires revocation periods ranging from a minimum period of one year up to a maximum period of ten years, depending on the number of prior alcohol or drug enforcement contacts. This measure would allow a respondent, who otherwise qualifies for a permit under §291E-44.5 or 291E-61, to renew an expired license solely for the purpose of obtaining or extending an ignition interlock permit or employee driver's permit for the period provided in §286-106 or until the end of the revocation period, whichever occurs first. No physical driver license would be issued to the respondent.

This measure also makes housekeeping amendments to Chapter 291E, HRS, for purposes of efficiency and consistency. Of the housekeeping amendments, two may appear to substantively change the law, and therefore, are addressed in this testimony.

Section 6 of the bill amends the definition of "repeat intoxicated driver" to include "drug enforcement contacts" as a factor in defining a person as a repeat intoxicated driver. Under the present definition, only alcohol enforcement contacts are used to determine if a person is a repeat intoxicated driver. However, §291E-41, HRS, which sets forth the periods of license revocation mandated for repeat offenders counts prior drug enforcement contacts, as well as alcohol

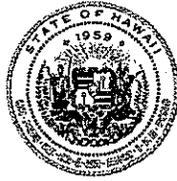


House Bill No. 2320, H.D. 2, Relating to Highway Safety
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enforcement contacts, to impose longer periods of revocation for repeat offenders. The proposed amendment makes the definition consistent with §291E-41, HRS. The amendment also clarifies that a repeat intoxicated driver is someone who has two contacts during the five years preceding the date of the latest arrest. The present definition states that two contacts during the preceding seven years makes a person a repeat intoxicated driver. Again, the proposed amendment makes the definition consistent with §291E-41, HRS, which uses two contacts within five years, rather than seven years.

With regard to Section 4 of this measure, the ADLRO defers to the wisdom of the legislature to determine if the ignition interlock law should be expanded to include individuals currently excluded from obtaining ignition interlock permits, including persons subject to lifetime administrative revocations, persons arrested prior to the effective date of the ignition interlock law, persons whose licenses were expired, had a learner's permit or instruction permit, or who were otherwise unlicensed at the time of arrest, and persons with out-of-state licenses that are expired or will expire during the revocation period, and if, and under what conditions, a person with a lifetime administrative revocation should be allowed to drive with an unrestricted license.

Thank you for the opportunity to testify on House Bill No. 2320, H.D. 2.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 24, 2012

**HOUSE BILL NO. 2320, H.D. 1
RELATING TO HIGHWAY SAFETY**

HOUSE COMMITTEE ON FINANCE

When the Ignition Interlock Implementation Task Force was first formed in 2008, it agreed upon a goal of creating a basic framework for an ignition interlock program and that the program would be a work in progress. The Task Force agreed to address issues outside the original scope, such as persons whose driver licenses were administratively revoked for their lifetime for operating a vehicle under the influence of an intoxicant (OVUII). Now that Hawaii is entering the second year of its ignition interlock program, the Task Force's legislative subcommittee created House Bill No. 2320 to address some of those unresolved issues, as well as issues that have emerged since the implementation of the program.

The Department of Transportation strongly supports House Bill No. 2320, HD2 as it resolves the issue of drivers with a lifetime OVUII driver license revocation. The proposed legislation includes the following amendments:

- Repeat intoxicated drivers arrested after December 31, 2010 are eligible to have their motor vehicle registration and number plates returned;
- Provides guidelines for those with a lifetime driver's license revocation to be eligible to petition for an ignition interlock instruction permit, ignition interlock permit, and to eventually apply for their driver license; and
- Makes allowances for out-of-state drivers whose driver license would expire within the revocation period.

The Department of Transportation prefers the 5-year period for the ignition interlock be imposed for persons with a lifetime revocation who want to have their driver's license reinstated. Regardless of how long a person's driver's license has been revoked, we believe that the five year period will ensure that the person will become a responsible driver. We would also prefer that the Prosecutor's Office remain in the process to safeguard the system of allowing the reinstatement of drivers' licenses.

We urge your committee to pass House Bill No. 2320, HD2 with the proposed amendments to ensure the repeat offender and the lifetime offender may have their driving privilege reinstated because they are a more responsible driver, thus making Hawaii's roads safer which protects our residents and visitors.

Thank you for the opportunity to provide testimony.





**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2320, HD2, RELATING TO HIGHWAY SAFETY.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Friday, February 24, 2012

TIME: 11:00 a.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): David M. Louie, Attorney General, or
Susan Won, Deputy Attorney General

Chair Oshiro and Members of the Committee:

The Department of the Attorney General (the "Department") opposes the proposed amendments to chapters 291E and 286, Hawaii Revised Statutes (HRS), and provides the following comments.

Section 1 of the bill provides that the "purpose of this Act is to make amendments to the State's ignition interlock law recommended by the Hawaii ignition interlock implementation task force." The Department feels that this is a misstatement, because some of the proposed amendments, including sections 2 and 4 of the bill, were never discussed and adopted by the task force.

Section 2 of the bill, on page 1, line 14, proposes to authorize a person arrested for a violation of section 291E-61.5, HRS, whose license was previously revoked pursuant to chapter 286, part VI, or section 291E-61, HRS, to apply for a license renewal as provided in sections 286-107 and 286-107.5, HRS. This amendment, however, conflicts with section 291E-61.5(f), HRS, which provides "[n]otwithstanding any other law to the contrary, whenever a court revokes a person's driver's license pursuant to this section, the examiner of drivers shall not grant to the person a new driver's license until expiration of the period of revocation determined by the court." Furthermore, it was the original intent of the task force that ignition interlock would not be made available to a person convicted of habitually operating a vehicle under the influence of an intoxicant under section 291E-61.5, HRS.

Section 4 of the bill proposes to add a new section to part IV of chapter 291E, HRS, which will permit individuals with a lifetime license revocation and any person convicted of the

offense of habitually operating a vehicle under the influence of an intoxicant under section 291E-61.5, HRS, to petition for an ignition interlock instruction permit. The Department has significant concerns about permitting repeat intoxicated drivers, who have repeatedly endangered lives by driving while intoxicated, to drive again. Yet this provision would allow repeat intoxicated drivers, whom the State previously determined to be so dangerous that a lifetime license revocation was warranted, back onto the streets with minimal assurances that they no longer pose a danger to the community. Last year, the Department of Transportation submitted testimony for H.B. No. 1435 and reported therein that the Administrative Driver's License Revocation Office (ADLRO) had calculated there were a total of 1,915 individuals with lifetime license revocations for driving under the influence since the administrative driver's license process had started. Of these 1,915 individuals, 397 of them were reported to have more than one lifetime revocation, and one individual was reported to have had 10 lifetime revocations.

The Department believes that the amendment requires very little of repeat intoxicated drivers with a lifetime license revocation, to be eligible to use and install an ignition interlock device in their vehicle. The requirements are inadequate to protect the public. The petitioners do not have to demonstrate that they no longer pose a danger to the community. They do not have to show that they have complied with the traffic code and have not continued to drive after receiving their lifetime license revocations. At the very least, any process that would permit a person with a lifetime license revocation, much less the individual who has more than one lifetime license revocation, should be designed to evaluate cases on a case-by-case basis.

The process should give the court a wider degree of discretion so that it can examine a number of factors, including the petitioner's criminal and traffic record after receiving a lifetime license revocation, in order to determine whether the individual should be given the privilege to drive again. This process will then let the court assess whether the petitioner still poses a danger to society or whether the petitioner has been rehabilitated and should be given a second chance to regain their driving privileges.

Furthermore, the amended section 4 deletes the provision that allowed the prosecuting attorney to request a hearing and offer evidence and argument for or against the petition. As such, this amendment places more emphasis on making the process easier for the petitioner, rather than on the safety of the community.

Instead, this bill would bind the court's hand and put the community at risk. The proposed amendment in section 4 requires the petitioner to attach a certified court abstract establishing that other than the instant offense, the petitioner has no other pending traffic matters, outstanding fines, outstanding court costs, and court ordered restitution. Further, the certified Hawaii traffic abstract contains only information based on the petitioner's traffic record in the state. It may not contain any information regarding outstanding matters in other states. Therefore, the requirement may fail to provide a complete picture to the district court judge reviewing the petition, and would favor those petitioners who lived in other states after receiving their lifetime revocation. The courts should be able to consider the petitioner's abstract in any state in which he or she has resided since permanently losing their license, and whether the petitioner complied with the lifetime license revocation or continued to drive in violation of the revocation.

Sections 4 and 17 of the bill completely undermine the sentencing provisions for operating a vehicle after license and privilege has been suspended or revoked for operating a vehicle under the influence of an intoxicant under section 291E-62, HRS, which requires not only an additional revocation of license and privilege to operate a vehicle, but also loss of the privilege to operate a vehicle equipped with an ignition interlock device, if applicable. Therefore, an individual convicted of this offense, having lost his or her privilege to use an ignition interlock device, would be authorized to install the device again after being arrested for a new operating a vehicle under the influence of an intoxicant offense. It should be noted that individuals convicted for a third offense within five years of two or more prior convictions for offenses under this section and older versions of this law saw their license and privilege to operate a vehicle revoked permanently. This bill, as drafted however, proposes to completely nullify and undermine the sentencing provisions for this offense. Even a person with a lifetime revocation, whose license was also revoked pursuant to section 286-124, HRS, after conviction for manslaughter resulting from operation of a motor vehicle, would be eligible to apply for an ignition interlock permit.

Sections 4 and 17 of the bill would also undermine the authority of the Child Support Enforcement Agency (CSEA) to request a license suspension of deadbeat non-custodial parents who are not paying their child support. Under section 286-102(e), HRS, upon receipt of

certification from the CSEA that an individual who owns or operates a motor vehicle is not in compliance with an order of child support, the examiner of drivers shall suspend the individual's license and right to operate motor vehicles, and confiscate the individual's license. Furthermore, the examiner of drivers shall not reinstate an individual's license until the CSEA, the Office of Child Support Hearings, or the family court issues an authorization that states the individual is in compliance with an order of support.

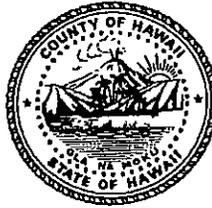
Sections 4 and 17 would also undermine the authority of other states' license revocations as it would allow the Director (of ADLRO) to issue to a four-time intoxicated offender, with a lifetime license revocation, an ignition interlock instruction permit, regardless of the fact the offender's license was also suspended or revoked a result of convictions for other offenses. This proposal may violate the Full Faith and Credit Clause of the United States Constitution (article IV, section 1), which addresses the duties that the states within the United States respect the "public acts, records, and judicial proceedings of every other state."

Additionally, this provision would allow a repeat intoxicated driver whose license was revoked for life, after committing four offenses, to be potentially treated as a first-time offender for purpose of relicensing, if the repeat intoxicated driver commits yet another offense after the reinstatement. Thus, a five-time (or more) offender would be subject to the minimum revocation period.

House Draft 1 amended section 4 of the bill to permit a person with a lifetime license revocation to petition, after a minimum of **three** years (instead of five years) from the issuance of the ignition interlock permit, the district court to reinstate the person's license to operate a vehicle without an ignition interlock license. Under the current law, a repeat intoxicated driver, whose record shows three or more prior alcohol or drug enforcement contacts in the preceding ten years, would be required to install and use an ignition interlock device for a minimum of five years and up to a maximum of ten years. There appears to be no reason why a repeat intoxicated driver, who has a lifetime license revocation, should only be required to install and use an ignition interlock device for only three years before petitioning the district court to reinstate that person's license. This three-year period is not sufficient to ensure that the person will not drink and drive again and puts the community at risk.

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TESTIMONY IN OPPOSITION TO HOUSE BILL HB 2320,
HD2 UNLESS AMENDMENTS ARE MADE
A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY.

COMMITTEE ON JUDICIARY

Rep. Marcus Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

Friday, February 24, 2012, 11:00 AM
State Capitol, Conference Room 308

Representatives Oshiro, Lee and Members of the Committee:

While the Hawaii County Office of the Prosecuting Attorney supports the intent of House Bill 2320 H.D.2 it cannot support the bill in its current form without amendments. In particular, the Hawaii County Office of the Prosecuting Attorney Objects to the Amendments made in H.D.1 and H.D. 2 of the bill for the following reasons.

Our State has had the dubious distinction of having the highest percentage of alcohol related traffic fatalities in the nation. (See NHTSA Statistics attached). While we do not object to the possibility of life time offenders having the opportunity of obtaining an ignition interlock permit, we do object to these offenders being able to drive unsupervised for increasingly shorter periods of time. Reducing the amount of time a serious drunk driver is required to have an ignition interlock device installed in his/her vehicle is not only dangerous, but potentially deadly.

We believe that the prosecutors should be part of the process. Without checks and balances the Bill allows the possibility for people with chronic alcohol problems to drive. Hypothetically, a chronic drunk who repeatedly is being cited for drinking in public would be eligible to obtain a drivers license. Currently there is no agency to monitor if chronic alcoholics or person with further alcohol related convictions are not issued drivers licenses. By allowing the prosecutors to bring a motion in cases where there is information of chronic alcohol or drug use, this scenario can be prevented.

The current Bill allows a person to get an ignition interlock permit, keep it for 3 years and not drive a single time. As we understand it, the person need only wait the required amount of time and they would be eligible for a license. Theoretically, the person can be incarcerated for the majority of the 3 year permit, have their family members pay for the device, come out of prison and be eligible for a drivers license. Three years is too short a period of time and should remain at 5 to 10 years.

For the above stated reasons, the Hawaii County Office of the Prosecuting opposes this bill unless the above suggested amendments are made.

Thank you for the opportunity to testify on this matter.

Table 4
Traffic Fatalities by State and the Highest Driver BAC in the Crash, 2009

State	Total	0.01-0.09	%	0.10-0.19	%	0.20-0.29	%	0.30-0.39	%	0.40-0.49	%	0.50+	%
Alabama	848	522	62%	46	5%	280	33%	179	21%	325	38%		
Alaska	64	42	65%	3	4%	20	31%	15	24%	22	35%		
Arizona	807	514	64%	42	5%	219	27%	137	17%	260	32%		
Arkansas	585	372	64%	43	7%	168	29%	117	20%	211	36%		
California	3,081	1,956	63%	168	5%	950	31%	655	21%	1,118	36%		
Colorado	465	285	61%	20	4%	158	34%	110	24%	178	38%		
Connecticut	223	109	49%	15	7%	99	44%	67	30%	114	51%		
Delaware	116	68	58%	4	3%	45	38%	30	26%	48	42%		
Dist of Columbia	29	17	59%	2	7%	10	35%	3	11%	12	41%		
Florida	2,558	1,649	64%	134	5%	770	30%	527	21%	904	35%		
Georgia	1,284	885	69%	63	5%	331	26%	217	17%	394	31%		
Hawaii	109	51	46%	6	6%	52	48%	40	36%	59	54%		
Idaho	226	160	71%	7	3%	58	26%	39	17%	65	29%		
Illinois	911	530	58%	62	7%	319	35%	213	23%	381	42%		
Indiana	693	443	64%	39	6%	210	30%	142	21%	249	36%		
Iowa	372	254	68%	22	6%	96	26%	64	17%	118	32%		
Kansas	386	208	54%	23	6%	154	40%	102	27%	177	46%		
Kentucky	791	550	70%	45	6%	194	25%	124	16%	239	30%		
Louisiana	821	455	55%	72	9%	295	36%	200	24%	366	45%		
Maine	159	106	67%	6	4%	47	29%	28	17%	53	33%		
Maryland	547	354	65%	32	6%	162	30%	100	18%	194	35%		
Massachusetts	334	201	60%	23	7%	108	32%	69	21%	130	39%		
Michigan	871	579	67%	45	5%	246	28%	172	20%	291	33%		
Minnesota	421	289	69%	23	5%	108	26%	81	19%	131	31%		
Mississippi	700	436	62%	30	4%	234	33%	145	21%	264	38%		
Missouri	878	518	59%	58	7%	300	34%	205	23%	358	41%		
Montana	221	129	58%	11	5%	81	36%	59	27%	92	42%		
Nebraska	223	136	61%	22	10%	66	30%	42	19%	88	39%		
Nevada	243	152	63%	22	9%	68	28%	47	19%	90	37%		
New Hampshire	110	73	66%	7	6%	30	27%	17	15%	36	33%		
New Jersey	583	397	68%	36	6%	149	25%	80	14%	185	32%		
New Mexico	361	232	64%	15	4%	114	32%	80	22%	129	36%		
New York	1,156	766	66%	68	6%	321	28%	196	17%	388	34%		
North Carolina	1,314	879	67%	67	5%	363	28%	236	18%	430	33%		
North Dakota	140	81	58%	6	4%	54	38%	41	29%	59	42%		
Ohio	1,021	643	63%	54	5%	324	32%	215	21%	378	37%		
Oklahoma	738	473	64%	30	4%	235	32%	157	21%	265	36%		
Oregon	377	235	62%	26	7%	115	30%	80	21%	141	37%		
Pennsylvania	1,256	783	62%	64	5%	406	32%	276	22%	470	37%		
Rhode Island	83	43	52%	7	8%	34	40%	16	20%	40	48%		
South Carolina	894	468	52%	47	5%	377	42%	266	30%	423	47%		
South Dakota	131	69	53%	6	5%	53	40%	41	31%	59	45%		
Tennessee	989	642	65%	42	4%	303	31%	198	20%	345	35%		
Texas	3,071	1,628	53%	202	7%	1,235	40%	830	27%	1,437	47%		
Utah	244	190	78%	14	6%	40	16%	26	11%	54	22%		
Vermont	74	46	63%	4	6%	23	32%	11	15%	28	37%		
Virginia	757	476	63%	34	5%	243	32%	170	22%	278	37%		
Washington	492	259	53%	26	5%	206	42%	137	28%	232	47%		
West Virginia	356	221	62%	19	5%	115	32%	82	23%	134	38%		
Wisconsin	561	308	55%	38	7%	213	38%	158	28%	251	45%		
Wyoming	134	81	60%	7	5%	47	35%	36	27%	54	40%		
National	33,808	20,961	62%	1,905	6%	10,839	32%	7,277	22%	12,744	38%		
Puerto Rico	365	224	61%	32	9%	109	30%	74	20%	141	39%		

* Total includes fatalities in crashes in which there was no driver present.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

PETER B. CARLISLE
MAYOR



LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE KK-LC

February 24, 2012

The Honorable Marcus R. Oshiro, Chair
and Members
Committee on Finance
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Oshiro and Members:

Subject: House Bill No. 2320, H.D. 2, Relating to Highway Safety

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes the passage of House Bill No. 2320, H.D. 2, Relating to Highway Safety.

Since the 2011 Legislative Session, the HPD has been working with other partners to correct the flaws in the ignition interlock law regarding the difficulties for repeat OVUII offenders to obtain an interlock device. However, this bill has amendments to the law that are of great concern to the HPD and to the safety of our community.

Section 4 of this bill would allow a person with a lifetime revocation of their driving privileges to apply for an ignition interlock permit. Further, after only three years of having an ignition interlock permit, that person may apply for a petition in the district court to obtain a driver's license. The HPD finds this proposed amendment unacceptable and feels that this undermines the existing laws and penalties that established the lifetime revocation of a person's driving privileges.

Section 4 also removes the provisions that allow the prosecuting attorney to request a hearing to present evidence as to why a person with a lifetime revocation should not be allowed to obtain a driver's license.

Serving and Protecting With Aloha

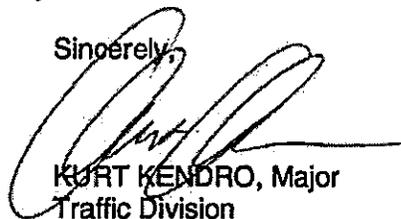
The Honorable Marcus R. Oshiro
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Finally, Section 4 of this bill would allow a person who was convicted of the offense of manslaughter resulting from the operation of a motor vehicle and given a permanent revocation of a driver's license, to apply for an ignition interlock permit and ultimately a driver's license reinstatement.

The HPD finds that these proposed amendments undermine the existing laws and compromise public safety. The HPD opposes the passage of this bill and asks that it be deferred at this time.

Thank you for the opportunity to testify.

Sincerely,



KURT KENDRO, Major
Traffic Division

APPROVED:

Acty DC Real Mungy

For
LOUIS M. KEALOHA
Chief of Police



BERNARD P. CARVALHO, JR.
Mayor

GARY K. HEU
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

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February 23, 2012

House of Representatives
The Twenty-Sixth Legislature
Regular Session of 2012
Committee on Finance
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

RE: House Bill 2320 (Relating to Highway Safety)

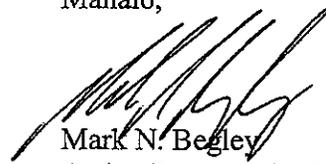
Honorable Chair Oshiro and Vice Chair Lee:

The Kauai Police Department (KPD) offers this testimony today in opposition to House Bill 2320 (Relating to Highway Safety). First, the Bill would allow individuals with lifetime driver license revocations to get a valid Hawaii Driver License after only three years of ignition interlock. Second, the Bill provides no role for law enforcement (police or prosecutors) to have a voice in the decision to give such an individual their license back. Third, a person convicted of manslaughter from the operation of a motor vehicle would be eligible to apply for an ignition interlock permit.

Although there are many other provisions in this Bill that make important fixes to ignition interlock statutes, the three concerns set forth above are so serious that KPD is compelled to oppose this Bill.

Therefore, we humbly urge your honorable committee to OPPOSE House Bill 2320.

Mahalo,



Mark N. Begley
Acting Deputy Chief



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www.maddhawaii.com

February 24, 2012

To: Representative Marcus R. Oshiro, Chair –House Committee on Finance; Representative Marilyn B. Lee, Vice Chair and members of the Committee

From: Carol McNamee/Arkie Koehl — Co-chairmen, Public Policy Committee - MADD Hawaii

Re: House Bill 2320, HD2 – Relating to Highway Safety

I am Carol McNamee, offering testimony on behalf of the Hawaii organization of Mothers Against Drunk Driving in strong support of HB 2320 – although in its original form. The major purpose of this bill is to correct a flaw in the current ignition interlock law which inadvertently excludes repeat OVUII offenders from eligibility to install an ignition interlock device in their vehicles. The bill also extends the opportunity to use an interlock device to other currently excluded categories of offenders. In addition, it makes other housekeeping amendments for clarification of sections of the existing law.

MADD Hawaii supports the principle that the introduction of the in-car breathalyzer justifies reexamining the question of allowing certain multiple OVUII offenders to qualify for the privilege of driving again, provided they satisfy specific criteria including a provisional period of driving with interlock.

Studies have revealed that a large percent of drivers, who have had their licenses revoked, continue to operate their vehicles illegally and create a risk to other vehicles, pedestrians, and bicyclists on the road. In order to reduce this level of risk, MADD believes it is important to responsibly include as many identified impaired drivers as possible in the effective ignition interlock program. Since a year has now passed and the Ignition Interlock program has proved to work well with devices successfully installed on over 1100 vehicles, preventing over 4200 incidents of a driver getting on the road after consuming alcohol, we can feel more assured that the interlock technology effectively prevents alcohol impaired drivers from starting their vehicles and traveling on our roads. We believe that it is now the right time to expand the program to groups of administrative revocation “respondents” who were not included in the “basic” system that implemented in January, 2011, including recipients of lifetime revocations.

However, MADD would prefer the original version of HB2320 without the three amendments found in House drafts 1 and 2. To ensure the public acceptance of the idea that a former multiple OVUII arrestee may again be able to legally drive on Hawaii’s roads, it is important that the criteria for application for a full license strongly reflect the need for public safety by maintaining a five year “trial period” rather than the three year period found in the house drafts 1 and 2. This same philosophy applies for also maintaining the provisions for the prosecutor to have the ability to request a hearing on an applicant’s petition to apply for a full license.

No draft of House bill 2320 contains any request for state funding with the possible exception of a judge’s time to review the petitions for an Interlock Instruction Permit and a full license and a possible increase in time for staff at the Administrative Drivers’ License Revocation Office.

We encourage the finance committee to pass HB 2320 in its original form.

Thank you for this opportunity to testify.



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Testimony in Support of HB 2320 HD2 790 RELATING TO HIGHWAY SAFETY
House Finance Committee 11a.m. Rm 308 2/24/12
Submitted by Chad Taniguchi, Executive Director, Hawaii Bicycling League

Protect all road users from those who disrespect and endanger others by driving drunk!

The Hawaii Bicycling League supports the original version of HB 2320 HD2 to allow repeat drunk drivers to use the interlock device but keeping longer periods of time without driver licenses.

As a society we have reached the point where too many people are using cars, to the detriment of our health, our environment, and our finances. Driving needs to be correctly viewed as a privilege by well-trained, law abiding citizens who will use the roads with utmost respect for the lives of others. Persons convicted of drunk driving have proven that they do not respect the lives of other road users. Drunk driving is a cause of approximately 40% of all traffic deaths in Hawaii each year. 170 of our friends and relatives are killed by drunk drivers each year.

With total respect for how MADD has changed our collective conscience over the years, please listen to MADD. 40 years ago people would brag about driving drunk and surviving. Now because of MADD's persistent and successful advocacy, we look with disdain upon these people who drive drunk among us with the equivalent of a loaded bomb or grenade that could be set off by driver error.

Drunk drivers who lose their licenses for a lifetime need to reflect on how they can change their lives, rather than fight to be allowed a 5th chance at the privilege of driving sober. They will find that by walking, bicycling, taking mass transit, or making arrangements with others, they will be healthier, have more money in their pockets and feel better about their independence from cars. They earned the right to be confronted with ways to change their lives by driving drunk far too often.

In 2011, 170 people like Zachary Manago (an 18-year old cyclist from Salt Lake) were killed on our roads as innocent road users by drunk drivers. These people had their futures robbed from them. Their parents, relatives, and friends no longer have the person they love with them. These are the people we need to protect. There is no need to mourn the loss of a driver license nor the use of a car for a convicted drunk driver.

The Hawaii Bicycling League asks all road users to heed Kamehameha's Law of the Splintered Paddle (decreed 1797, made part of Hawaii's constitution 1978) because "Everyone has the right to be safe on Hawaii's roads." We also ask this Committee to support Kamehameha's vision with effective laws that would do what wise and powerful leaders would do: keep law abiders safe; prevent convicted lawbreakers from endangering others.

Ride Aloha! Drive Aloha!