

STAND. COM. REP. NO.

291

Honolulu, Hawaii

, 2021

FEB 17

RE: H.B. No. 1263

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1263 entitled:

"A BILL FOR AN ACT RELATING TO IGNITION INTERLOCK DEVICES,"

begs leave to report as follows:

The purpose of this measure is to establish a system of graduated penalties for violations of, and requiring proof of compliance with, the ignition interlock law.

Your Committee received testimony in support of this measure from the Department of Transportation, Maui Police Department, Casanova Powell Consulting, Smart Start LLC, Traffic Injury Research Foundation, and The Foundation for Advancing Alcohol Responsibility. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that an ignition interlock device is a small device attached to a vehicle's electrical system that requires a driver to submit to a breath test before the vehicle will start. If alcohol is detected at or above a predetermined threshold, the vehicle will not start. Once the driver passes the test, the vehicle is permitted to start. The device may also require rolling or running retests, where a driver must submit to



another breath test at random intervals after the vehicle has been allowed to start.

Your Committee further finds that ignition interlock devices are the only technology to physically separate the act of drinking from the act of driving and will directly prohibit an offender from driving again with alcohol in the offender's system. These devices are effective in preventing persons from reoffending, in contrast to other technologies or programs that do not directly prevent an offender from operating the offender's vehicle.

Your Committee additionally finds that ensuring that offenders have complied with ignition interlock devices or extending the period for which the devices are installed, as proposed in this measure, will protect the public from offenders that risk the health and safety of themselves and others while driving drunk. This measure ensures that offenders demonstrate that they are responsible before being provided with the full privilege of driving given to other drivers. Your Committee notes that thirty-four states have enacted similar legislation requiring an offender to comply with ignition interlock devices before the device may be removed and a driver's license may be issued.

Your Committee notes that under existing law, offenders are not required to install ignition interlock devices; the devices are only required if the offender desires to continue driving during the revocation period. Thus, offenders may simply wait out the revocation period without demonstrating that they are committed to driving responsibly.

Your Committee additionally notes that concerns were raised during the public hearing about the possible costs this measure would impose on offenders and the impact it would have on low-income offenders. Under existing law, financial relief is provided to certain indigent offenders, which currently provides them with a fifty percent discount on the costs associated with ignition interlock devices.

Lastly, your Committee notes that the Department of Transportation recommended in its written testimony to your Committee specific periods for compliance, which may be considered as this measure moves through the legislative process. The Department recommended ninety days for the first revocation or



conviction; one hundred eighty days for the second; and one year for the third or subsequent violations.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1263, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1263, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,


AARON LING JOHANSON, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSOR 291

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB1263	Committee Referral: CPC, JHA	Date: 2/5/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.				✓
6. KONG, Sam Satoru	✓			
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>Dee Morikawa</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				