

STAND. COM. REP. NO.

1472

Honolulu, Hawaii

, 2021

**MAR 25**

RE: S.B. No. 765  
S.D. 2  
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 Judiciary & Hawaiian Affairs, to which was referred S.B. No. 765, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish sentencing guidelines for highly intoxicated drivers;
- (2) Require the installation of an ignition interlock device on all vehicles operated by a person upon license revocation for operating a vehicle under the influence of an intoxicant;
- (3) Increase the license revocation period and extend the applicable lookback periods; and
- (4) Amend the penalties for operating a vehicle under the influence of an intoxicant.

2021-2462 SB765 HD1 HSCR HMSO



Your Committee received testimony in support of this measure from the Department of Transportation, Office of the Prosecuting Attorney of the County of Kaua'i, Hawai'i Police Department, Department of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, Maui Police Department, Honolulu Police Department, Mothers Against Drunk Driving Hawaii, Hawaii Strategic Highway Safety Plan, AAA Hawai'i, Hawaii Bicycling League, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that during the last five years, police arrested an average of 5,405 drivers for operating a vehicle under the influence of an intoxicant per year. Of those tested, an average of 1,485 had blood alcohol concentration results of .150 and higher, which is nearly twice the legal limit. The National Highway Traffic Safety Administration states that drivers with a blood alcohol concentration of .150 or greater are nearly twenty times more likely to be involved in a fatal crash. This measure would remove the most dangerous drivers from the road and increase the deterrent for potentially dangerous drivers.

Your Committee further finds that only twenty percent of all offenders at any given time install ignition interlock devices. Your Committee believes that ignition interlock devices are an important and effective tool for decreasing the incidence of Operating a Vehicle Under the Influence of an Intoxicant offenses in Hawaii.

Your Committee has amended this measure by:

- (1) Establishing a two-year administrative license revocation period for highly intoxicated drivers who have no prior alcohol enforcement contact or drug enforcement contact in the preceding ten years and do not install an ignition interlock device in all vehicles operated by the driver;
- (2) Changing the effective date to July 1, 3021, to encourage further discussion; and
- (3) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 765, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 765, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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MARK M. NAKASHIMA, Chair



