

STAND. COM. REP. NO. 767

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 765  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 765, S.D. 1, 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 and intent of this measure is to:

- (1) Define "highly intoxicated driver";
- (2) Provide the evidentiary standard for establishing that a person was a highly intoxicated driver;
- (3) Require that ignition interlock devices be installed and maintained on one or more vehicles registered to, and all vehicles operated by, anyone convicted of operating a vehicle under the influence of an intoxicant, during the applicable period of license revocation;
- (3) Increase the license revocation period ordered by the Administrative Driver's License Revocation Office and extend the applicable lookback periods from five to ten years;
- (4) Establish higher penalties for a highly intoxicated driver operating a vehicle; and



- (5) Establish higher penalties for offenses of operating a vehicle under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Hawai'i Police Department, Mothers Against Drunk Driving Hawaii, and one individual. 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 Administrative Driver's License Revocation Office.

Your Committee finds that the habitual "highly intoxicated driver," or someone who has been arrested and convicted many times over, poses a substantial risk to others on the road. Your Committee further finds that, in 2020, the annual average blood alcohol content of all drivers arrested for driving under the influence was nearly twice the legal limit, and forty percent of those arrested had blood alcohol content levels in excess of .150 percent. Your Committee additionally finds that the National Highway Traffic Safety Administration has stated that a blood alcohol content of .150 percent or greater increases the likelihood of being involved in a fatal car crash by almost twenty times. This measure aims to strengthen the current law regarding operating a vehicle under the influence of an intoxicant.

Your Committee has amended this measure by:

- (1) Requiring ignition interlock devices be installed and maintained on all vehicles operated by anyone convicted of operating a vehicle under the influence of an intoxicant, during the applicable period of license revocation, but not on all vehicles registered to the convicted individual;
- (2) Inserting an effective date of May 6, 2137, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your



Committee is in accord with the intent and purpose of S.B. No. 765, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 765, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 765 SD1	PSM, JDC	02 / 25 / 2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes