

Honolulu, Hawaii

Ag: 129 , 2008

RE: H.B. No. 3377
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 3377, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to promote safety on Hawaii's roadways by, among other things:

- (1) Requiring the installation of an ignition interlock device on the vehicle of a person arrested for driving under the influence of an intoxicant (DUII) in order to prevent the person from starting or operating a motor vehicle with more than a minimal alcohol concentration while the person's case is pending and the person's license is revoked pursuant to chapter 291E, Hawaii Revised Statutes;



- (2) Establishing the Ignition Interlock Special Fund to be administered by the Department of Transportation (DOT) to fund the costs of installing and operating ignition interlock systems in vehicles of persons who are required to install these devices in their vehicles but who are indigent;
- (3) Stipulating that surcharges on offenders and fees on vendors shall be deposited into the Ignition Interlock Special Fund;
- (4) Providing for certification of ignition interlock devices and vendors who install and maintain them;
- (5) Requiring the cost of the installation and maintenance of an ignition interlock to be borne by the defendant;
- (6) Amending various penalties and conditions related to driver's licenses and operating a vehicle under the influence of an intoxicant;
- (7) Specifying that the ignition interlock device must be installed during the period in which the driver is released on bail, recognizance, or supervised release;
- (8) Allowing the issuance of permits authorizing the use of vehicles without ignition interlock devices if the operation of a vehicle is required for employment, specifying the conditions which must be met prior to the issuance of these permits, and stipulating when permits shall not be issued; and
- (9) Establishing the Hawaii Ignition Interlock Implementation Task Force (Task Force) to plan for the implementation of ignition interlock provisions contained in this bill and prepare reports and recommendations for the Legislature, including any additional proposed legislation to implement this program; and
- (10) Appropriating funds from the Driver Education and Training Special Fund for the Task Force to carry out its responsibilities, since driver education and behavior modification are key objectives of this measure.



Hawaii had the second highest percentage of alcohol-related traffic fatalities in the nation in 2005. Sadly, it appears that this statistic worsened despite efforts to curb this type of behavior because in 2006, Hawaii's alcohol-related traffic fatality rate of 52 percent was the highest in the nation. While enforcement of existing laws governing DUII has had an impact on alcohol-related traffic fatalities, more needs to be done to substantially reduce the number of fatalities.

In response to these alarming numbers, H.C.R. No. 28, H.D. 1, was passed during the 2007 Legislative Session, calling for a working group to be formed to study the issue of ignition interlock devices and make recommendations leading to legislation. This measure is a result of the initial work of this working group.

Ignition interlock devices, which prohibit a vehicle from being started until the driver of the vehicle passes a breathalyzer test that is connected to the ignition of the vehicle, may be one way to stop alcohol-impaired drivers from getting behind the wheel of their vehicles. Your Committee on Conference believes that installation of this device on motor vehicles of individuals arrested for DUII would be one step toward stopping the senseless tragedies of alcohol-related traffic fatalities.

Your Committee has amended this bill by:

- (1) Clarifying that the certification of ignition interlock devices and vendors who install and maintain them shall be a "nationally recognized certification organization" rather than specifying the organization to be "Underwriters Laboratory Inc.";
- (2) Reinserting language that allows for ninety-day prompt suspension of license and privilege to operate a vehicle during the suspension period, or for the court to impose, in lieu of the ninety-day prompt suspension of license, a minimum thirty-day prompt suspension of license with absolute prohibition from operating a vehicle and, for the remainder of the ninety-day period, a restriction on the license that allows the person to drive for limited work-related purposes and to participate in substance abuse treatment programs for a first time offense or any offense not preceded within a five-year period by a conviction;



- (3) Allowing the courts additionally flexibility in sentencing first time DUII offenders to license suspension or license revocation and installation of an ignition interlock device;
- (4) Stipulating that \$50,000 shall be appropriated out of the Driver Education and Training Special Fund and placed into into the State Highway Fund and that \$50,000 shall be appropriated out of the State Highway Fund to support the work of the Task Force;
- (5) Inserting language exempting persons convicted of a first offense of highly intoxicated driving from the financial responsibility (SR22) requirement; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 3377, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 3377, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



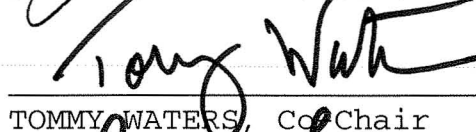
MIKE GABBARD, Chair



JOSEPH M. SOUKI, Co-Chair



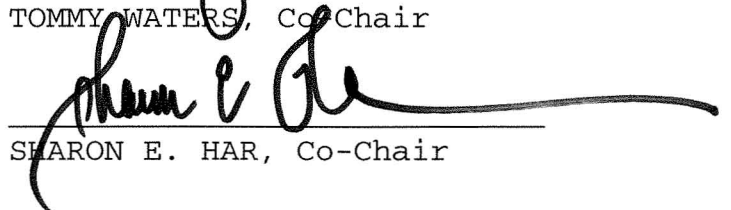
BRIAN T. TANIGUCHI, Co-Chair



TOMMY WATERS, Co-Chair



SHAN S. TSUTSUI, Co-Chair



SHARON E. HAR, Co-Chair



Hawaii State Legislature

CCP 139-08

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 3377, SD 2					Date/Time: 4/25/08 10:12 pm						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers					House Managers						
GABBAI, Michael					SOUKI, Joseph M., Co-Chr.						
ENGLISH, I. Kalani, Chr.					WATERS, Tommy, Co-Chr.						
TANIGUCHI, Brian T., Co-Chr.					HAR, Sharon E., Co-Chr.						
TSUTSUI, Shan S., Co-Chr.					MEYER, Colleen Rose						
TRIMBLE, Gordon											
ENGLISH, Kalani											
TOTAL			3		2	TOTAL			3		1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
Distribution:		Original		Yellow		Pink		Goldenrod			
		File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency			