

DAVID Y. IGE  
GOVERNOR



**TESTIMONY BY:**

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
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**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097



February 12, 2019  
4:00 p.m.  
State Capitol, Room 325

**H.B. 325, H.D. 1**  
**RELATING TO DRIVING WHILE INTOXICATED.**

House Committee on Judiciary

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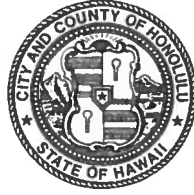
The Department of Transportation (DOT) **supports** H.B. 325, H.D. 1.

Driving under the influence of an intoxicant is a serious crime. Intoxication is a contributing factor to over 50 per cent of the fatalities that occur on Hawaii roads annually. The consequences of this destructive behavior should be enhanced appropriately and supports the recommended fines.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE **BM-GR**

February 12, 2019

The Honorable Chris Lee, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 325, H.D. 1, Relating to Driving While Intoxicated

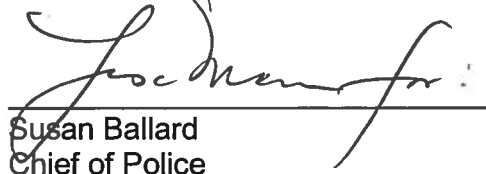
I am Benjamin Moszkowicz, Acting Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports the passage of House Bill No. 325, H.D. 1, Relating to Driving While Intoxicated. This bill would increase both the minimum and maximum fines for people convicted of Operating a Vehicle Under the Influence of an Intoxicant (OVUII). Currently, judges routinely only give a minimum fine of \$150 to first time OVUII offenders. The deterrent effect of being convicted of OVUII would be significantly strengthened with the increase of the minimum allowable fine.

The HPD urges you to support House Bill No. 325, H.D. 1, Relating to Driving While Intoxicated.

Thank you for the opportunity to testify.

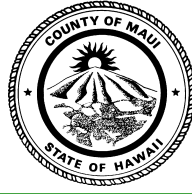
APPROVED:

  
Susan Ballard  
Chief of Police

Sincerely,

  
Benjamin Moszkowicz, Acting Major  
Traffic Division

MICHAEL P. VICTORINO  
Mayor



JOHN D. KIM  
Acting Prosecuting Attorney  
ROBERT D. RIVERA  
Acting First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**LATE**

CONTACT: PETER A. HANANO  
Deputy Prosecuting Attorney  
Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
HB 325, HD1 - RELATING TO  
DRIVING WHILE INTOXICATED

February 12, 2019

The Honorable Chris Lee  
Chair  
The Honorable Joy A. San Buenaventura  
Vice Chair  
and Members of the Committee on Judiciary

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 325, HD1 - Relating to Driving While Intoxicated, in its entirety. This measure proposes an across the board increase of the mandatory minimum fine imposed by a sentencing court for convictions relating to Operating a Vehicle While Under the Influence of an Intoxicant.

Indeed, the measure seeks to further deter driving while intoxicated conduct by requiring the sentencing court to impose higher mandatory minimum fines for not only first time offenders, but also for repeat offenders as well. Our Department wholeheartedly agrees with this bill as we have witnessed countless lives and families being destroyed from drunken drivers.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS HB 325, HD1.

Thank you very much for the opportunity to provide testimony on this bill.



Mothers Against Drunk Driving HAWAII  
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Honolulu, HI 96813  
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February 12, 2019

To: Representative Chris Lee, Chair, House Committee on Judiciary;  
Representative Joy A. San Buenaventura, Vice Chair; and members of  
the Committee

From: Carol McNamee and Arkie Koehl, Public Policy Committee - MADD  
Hawaii

Re: House Bill 325, HD1 – Relating to Driving While Intoxicated

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I am Carol McNamee, offering testimony on behalf of MADD Hawaii (Mothers Against Drunk Driving) in support of the intent of House Bill 325, HD1, Relating to Driving While Intoxicated.

This bill suggests a change in the minimum and maximum fines that may be imposed on a first, second, or third time OVUII offender. MADD believes that the amounts of the fines for both first time and repeat offenders have increased by too large an increment. MADD agrees that Hawaii's fines are low and that an increase may be in order, but the large increase may be overly burdensome for many drivers. It may also be a "negative motivator" for those who are considering using an ignition interlock, which also involves a cost. MADD believes that license revocation together with the use of ignition interlock devices is the most effective countermeasure available for preventing injuries and fatalities on Hawaii's roads.

MADD recommends that the committee pass HB 325 to increase the very low fine structure for OVUII offenders but seriously consider reducing the amounts of the fines for first, second, and third offenders.

Thank you for the opportunity to testify.



Subject: Support HB325 HD-1

Dear Chair Chris Lee, Vice Chair Joy A. San Buenaventura, and members of the House Committee on Judiciary,

My name is Kari Benes and I am the Chair of the Hawaii Strategic Highway Safety Plan (SHSP). The Strategic Highway Safety Plan Core Committee has identified “increasing DUI fines” as a policy priority for 2019.

Recent Fatality Analysis Reporting System (FARS) data from 2008-2017 reports Hawaii being above the national average for alcohol-impaired driving fatalities for the entire decade. We currently rank the 5<sup>th</sup> worst in the nation for the percentage of alcohol-impaired driving fatalities.<sup>1</sup> It is understood that the expense of a DUI offense is meant serve as deterrent to would-be offenders, which is why we are asking the legislature to rethink the set minimum and maximum fines for OVUII offenses. Prior to the outlined fine in HB325 HD-1, our minimum fine for a first time OVUII, if charged, was lower than a first-time violation for using your cell phone while driving (\$250-\$300).<sup>2 3</sup> According Nolo, the average minimum fine for a first time DUI offense across the nation is approximately \$486 and the maximum fine is approximately \$1396.<sup>4</sup> HB325 HD-1 proposes a more appropriate minimum fine for OVUII offences.

The Hawaii Strategic Highway Safety Plan's vision is that all of Hawaii's road users arrive safely at their destinations. You can help us achieve our goal of reducing yearly fatalities, by supporting this measure.

To view the Strategic Highway Safety Plan go to [www.hawaiiishsp.com](http://www.hawaiiishsp.com)

Strategic Highway Safety Plan Mission

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<sup>1</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>

<sup>2</sup> OVUII Violation [https://www.capitol.hawaii.gov/hrscurrent/Vol05\\_Ch0261-0319/HRS0291E/HRS\\_0291E-0061.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0291E/HRS_0291E-0061.htm)

<sup>3</sup> Cell Phone Violation [https://www.capitol.hawaii.gov/hrscurrent/Vol05\\_Ch0261-0319/HRS0291C/HRS\\_0291C-0137.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0291C/HRS_0291C-0137.htm)

<sup>4</sup> <https://dui.drivinglaws.org/hawaii.php>



*Save lives and reduce injuries on Hawaii's roadways through strategic partnerships and implementation of the Strategic Highway Safety Plan.*