



GOV. MSG. NO. 905

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 8, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB2847 SD1 CD1, without my approval, and with the statement of objections relating to the measure.

HB2847 SD1 CD1

A BILL FOR AN ACT RELATING TO CONDITIONAL
LICENSE PERMITS.

Sincerely,


LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2847

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2847, entitled "A Bill for an Act Relating to Conditional License Permits."

This bill would allow a person to continue to drive a vehicle even after convicted of driving under the influence (DUI), by adding the following:

- (1) The person has no access to alternative transportation and must drive to school or vocational training;
- (2) The person must drive for personal medical or dental care or treatment; or
- (3) The person must drive to assist in the care of another person who is unable to drive due to the other person's age, disability, or medical condition.

This bill would also allow those with commercial driver's licenses who are convicted of a DUI to still drive a car if they met the above conditions.

This bill is objectionable because it significantly weakens the administrative license revocation provisions and their deterrent impact on individuals who operate vehicles while under the influence of an intoxicant, thereby potentially compromising public safety. The bill creates more situations under which a person can obtain a conditional license permit to drive while that person's driver's license has been administratively revoked. More impaired drivers, who have had

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their licenses administratively revoked, will still be on the road.

This bill is also objectionable because it is premature and possibly inconsistent with Act 170 of 2008, which involves the development and implementation of the ignition interlock program. This bill makes revisions to the conditional license permit process that will require the Administrative Driver's License Revocation Office (ADLRO) to use time and resources responding to those revisions, when in one year, the ADLRO program will have to be revised again as a result of the development and implementation of the ignition interlock program.

For example, the ADLRO will need to amend its forms used by law enforcement and the judiciary. It will also have to establish new guidelines for the review of requests based on the new exceptions. The ADLRO will have to revise the administrative hearing process to accommodate and address the requests anticipated under the new exceptions. All of these efforts may be for nothing when the administrative license revocation process is changed as a result of the ignition interlock statute.

The ignition interlock program authorized under Act 170, which I signed on June 13th, is intended to be an important component of the administrative license revocation process and promotes a system to safely allow certain drivers convicted of driving under the influence to operate a motor vehicle without endangering the safety of others.

Because this bill is not consistent with the ignition interlock project, it is detrimental to our goal of improving highway safety.

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For the foregoing reasons, I am returning House Bill
No. 2847 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO CONDITIONAL LICENSE PERMITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291E-44, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) (1) During the administrative hearing, the director,
4 at the request of a respondent who is subject to
5 administrative revocation for a period as provided in
6 section 291E-41(b)(1), may issue a conditional license
7 permit that will allow the respondent, after a minimum
8 period of absolute license revocation of thirty days,
9 to drive for the remainder of the revocation period;
10 provided that one or more of the following conditions
11 are met:

12 (A) The respondent is gainfully employed in a
13 position that requires driving and will be
14 discharged if the respondent's driving privileges
15 are administratively revoked; or

16 (B) The respondent has no access to alternative
17 transportation and therefore must drive to work,
18 school, vocational training, or to a substance



1 abuse treatment facility or counselor for
2 treatment ordered by the director under section
3 291E-41; [~~or~~]

4 (C) The respondent must drive for personal medical or
5 dental care or treatment; or

6 (D) The respondent must drive to assist in the care
7 of another person who is unable to drive due to
8 the other person's age, disability, or medical
9 condition; or

10 (2) Notwithstanding any other law to the contrary, the
11 director shall not issue a conditional license permit
12 to:

13 (A) A respondent whose license, during the
14 conditional license permit period, is expired,
15 suspended, or revoked as a result of action other
16 than the instant revocation for which the
17 respondent is requesting a conditional license
18 permit under this section;

19 (B) A respondent who has refused breath, blood, or
20 urine tests for purposes of determining alcohol
21 concentration or drug content of the person's
22 breath, blood, or urine, as applicable;



- 1 (C) A respondent who is a highly intoxicated driver;
- 2 and
- 3 (D) A respondent who holds either a category 4
- 4 license under section 286-102(b) or a commercial
- 5 driver's license under section 286-239(b) [~~unless~~
- 6 the], except that a respondent who holds a
- 7 commercial driver's license under section
- 8 286-239(b) shall be permitted to obtain a
- 9 category 3 conditional license permit [~~is~~
- 10 restricted to a category 1, 2, or 3 license]
- 11 under section 286-102(b) [-]; provided that the
- 12 respondent qualifies for a conditional license
- 13 permit under paragraph (1)(B), (C), or (D)."

14 SECTION 2. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2009.

