HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF VEHICLE IMMOBILIZATION AS A SANCTION FOR OPERATING A MOTOR VEHICLE WITH A LICENSE REVOKED OR SUSPENDED FOR OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT.

WHEREAS, Hawaii continues to experience one of the nation's highest rates of alcohol-related traffic fatalities; and

WHEREAS, the National Highway Traffic Safety Administration estimates that fifty to seventy-five per cent of all drivers whose driving privileges have been withdrawn continue to drive in violation of the law; and

WHEREAS, in 2009, there were over twelve hundred arrests in the State for violations pursuant to section 291E-62, Hawaii Revised Statutes, where people drove after having a license revoked or suspended for impaired driving; and

WHEREAS, studies have shown that thirty-two per cent of persons who have had their license suspended for a second time for driving under the influence and sixty-one per cent of third-time driving under the influence offenders received violations or accident citations while their licenses were suspended; and

WHEREAS, the AAA Foundation for Traffic Safety's landmark 2003 report, Unlicensed to Kill, showed that "approximately 20% of fatal crashes involve at least one driver who did not have a valid license at the time of the crash ... from a low of 6.1% in Maine to a high of 23.1% in New Mexico"; and

WHEREAS, unlicensed drivers present an especially serious threat considering that of the two hundred seventy fatal motor vehicle accidents in Hawaii from 2005-2009, more than one out of every five drivers who tested positive for alcohol were unlicensed; and

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WHEREAS, the threat of mandatory jail or other sanctions for driving without a license or with a license revoked or suspended for impaired driving, appears to be an insufficient deterrent; and

WHEREAS, Hawaii's Five-Year Strategic Highway Safety Plan has identified vehicle immobilization to discourage unlicensed driving as a top priority; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2012, the Senate concurring, that the Director of Transportation is requested to convene a working group, under the leadership of Hawaii's Strategic Highway Safety Plan, to study all aspects of vehicle immobilization as a sanction for driving with a license that was revoked or suspended for operating a vehicle under the influence of an intoxicant; and

BE IT FURTHER RESOLVED that the Director of Transportation is requested to include the following representative stakeholders from the government, community, and industry:

(1) A member of the Senate appointed by the President of the Senate:

(2) A member of the House of Representatives appointed by the Speaker of the House of Representatives;

(3) Two members appointed by the Chief Justice of the Hawaii Supreme Court; provided that one member shall be a district court judge and one member shall be a representative of the Administrative Driver's License Revocation Office;

(4) The Director of Transportation;

(5) The Director of Health;

(6) The Attorney General;

(7) The State Public Defender;

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(8) The Chief of Police of each county; 1 (9) The Prosecuting Attorney of each county; 3 4 (10)The Examiner of Drivers of each county; 5 6 A member of the Public Policy Committee of Mothers 7 (11)Against Drunk Driving Hawaii; and 8 9 A member of the Hawaii Association of Criminal Defense 10 (12)Lawyers, appointed by its President; and 11 12 BE IT FURTHER RESOLVED that the working group is requested 13 14 to analyze all pertinent areas of vehicle immobilization, including but not limited to physical means of immobilization 15 such as the "club" or "boot", other jurisdictions' experiences 16 with immobilization, legal precedents, enforcement procedures, 17 potential issues of liability, and adequate provision for an 18 appeals process; and 19 20 BE IT FURTHER RESOLVED that the Department of 21 22

BE IT FURTHER RESOLVED that the Department of Transportation is requested to submit a report of the findings and recommendations of the working group, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2013; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Director of Transportation, Attorney General, Prosecuting Attorney of each county, Chief of Police of each county, and Chairperson of the Impaired Driving Emphasis Area of the Strategic Highway Safety

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