

STAND. COM. REP. NO. 341

Honolulu, Hawaii

FEB 19 2015

RE: S.B. No. 1334
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Transportation and Public Safety,
Intergovernmental and Military Affairs, to which was referred S.B.
No. 1334 entitled:

"A BILL FOR AN ACT RELATING TO OPERATING A VEHICLE WHILE
INTOXICATED,"

beg leave to report as follows:

The purpose and intent of this measure is to allow law
enforcement officers to seize and tow a motor vehicle if the
operator is arrested or cited for various alcohol-related traffic
offenses.

Your Committees received testimony in support of this measure
from the Department of Transportation, Honolulu Police Department,
County of Kauai Office of the Prosecuting Attorney, State Highway
Safety Council, and Mothers Against Drunk Driving Hawaii.

Your Committees find that this measure is a strong deterrent
to drivers who drive while intoxicated. Towing and impoundment
are penalties generically referred to as vehicle sanctions.
According to testimony, these types of sanctions are favored by
many impaired driving researchers, safety organizations, and the
National Highway Safety Traffic Administration. The threat of
surrendering a vehicle, even temporarily, can deter people from
driving while intoxicated.

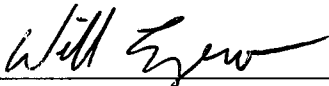
Your Committees have amended this measure by:



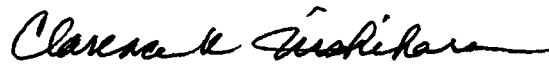
- (1) Deleting references to the term "seizure" since police officers do not actually seize a vehicle;
- (2) Making the towing and storage of the vehicle at the owner's expense; and
- (3) Adding an exemption for community caretaking, which is defined as a situation in which a police officer uses the vehicle for a consensual police-citizen encounter that is unrelated to the investigation or detection of any criminal activity.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1334, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1334, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



CLARENCE K. NISHIHARA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation
TRA

Bill / Resolution No.:* SB 1334	Committee Referral: TRA/PSM, JDL	Date: 2/12/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
HARIMOTO, Breene (VC)	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani		✓		
ESPERO, Will	✓			
INOUE, Lorraine R.	✓			
KIDANI, Michelle N.				✓
KOUCHI, Ronald D.	✓			
SLOM, Sam				✓
TOTAL	6	1		2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-family: cursive; font-size: 1.2em;">Breene Foster</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original Yellow Pink Goldenrod</div> <div>File with Committee Report Clerk's Office Drafting Agency Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 1334</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">TRA PSM, JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-12-15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood	✓			
KEITH-AGARAN, Gilbert S.C.				✓
SLOM, Sam				✓
TOTAL	3	—	—	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">Rosalyn H Baker</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**