



TESTIMONY BY:
EDWIN H. SNIFFEN
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KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 30, 2024
3:00 P.M.
State Capitol, RM 224

S.B. 2690
RELATING TO INTOXICATING LIQUOR

Senate Committee on Transportation and Culture and the Arts

The Hawaii Department of Transportation (HDOT) supports the intent of SB 2690, which prohibits any person convicted of operating a vehicle under the influence of an intoxicant (OVUII) from purchasing or publicly consuming alcohol for a certain period.

The bill requires that “any driver’s license, identification card, ignition interlock permit, or special permit that is issued to the respondent by a court pursuant to section 291E-61 or the director pursuant to section 291E-44.5 during the probation period and that authorizes the respondent to operate a vehicle owned by the respondent’s employer shall bear the notation “Liquor Restricted” and shall not be accepted as a valid form of identification for the purchase of liquor.” It also requires that “an ignition interlock permit shall bear the notation ‘Liquor Restricted’ and shall not be accepted as a valid form of identification for the purchase of liquor.”

We offer the following comments on this language:

- An ignition interlock permit currently cannot be used as a form of identification in purchasing alcohol since it does not include a photo.
- A person convicted of OVUII does not have a driver’s license during the license revocation period.

In addition, we believe that the ignition interlock device is effective in separating the acts of drinking and driving, so there may not be a need to restrict the purchase of or public consumption of alcohol if someone has ignition interlock devices installed in all vehicles that they operate. Instead, this liquor restriction may be an option for those who are unable to install ignition interlock devices in their vehicles.

Thank you for the opportunity to provide testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2690, RELATING TO INTOXICATING LIQUOR.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

DATE: Tuesday, January 30, 2024 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 224 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General,
Elyse C.N. Oyama, Deputy Attorney General or
Mark S. Tom, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The general purpose of this bill is to prohibit individuals who have a license revocation due to a conviction for operating a vehicle under the influence of an intoxicant (OVUII), a conviction for habitually operating a vehicle under the influence of an intoxicant (HOVUII), or a revocation pursuant to the Administrative Driver's License Revocation Office (ADLRO), from purchasing or publicly consuming alcohol.

In general, when an offender is arrested for OVUII or HOVUII, law enforcement is required to provide notice to the offender regarding the ADLRO process. See section 291E-31, Hawai'i Revised Statutes (HRS). At that time, the offender is required to surrender the offender's license to law enforcement. If a criminal prosecution is initiated for the OVUII or HOVUII offense, the criminal case will commence concurrently with the administrative revocation proceedings by the ADLRO. See section 291E-32, HRS. The offender's license and privilege to operate a vehicle may be revoked either pursuant to a conviction for the offense of OVUII or HOVUII, or pursuant to the ADLRO proceeding. The duration of a license revocation may vary based upon the facts of the case, the offense charged, and the judge's discretion. Additionally, the start date of the

revocation may differ depending on whether it was done pursuant to a conviction for OVUII or HOVUII or through the ADLRO.

As the revocation of an offender's license and privilege to operate a vehicle may either be done by the court in the criminal proceeding or by the ADLRO, it would be clearer and more consistent to reference both possibilities as the basis for the revocation throughout this bill. For example, on page 12, lines 16-18, the bill provides that "[t]he identification card [with the notation 'Liquor Restricted'] shall be valid for a probation period, commencing on the date of conviction." This provision would be inaccurate if the ADLRO had already imposed a revocation earlier than the date of conviction. See section 291E-32(b), HRS, (explaining that the total period of revocation imposed in the two proceedings shall not exceed the longer period of revocation imposed in either proceeding). To address this issue, the provision above may be amended as follows: "[t]he identification card shall be valid for a [~~probation~~] period[,] commencing on the date of revocation or conviction, whichever is earlier, and ending on the end of the revocation period.

Additionally, amendments to sections 286-103 and 286-106 in sections 3 and 4 of the bill (page 8, line 10, through page 11, line 4) provide for certain requirements and an expiration date for a license issued to a person whose license is revoked by the ADLRO. However, whether the driver's license of an offender is revoked pursuant to a conviction for OVUII, HOVUII, or an ADLRO proceeding, the person will not be issued a driver's license until the revocation period is complete. See section 291E-41, HRS; see also section 291E-61(j), HRS. Therefore, these sections should be omitted. This recommendation would also apply to amendments to sections 291E-61(j) (page 36, line 17, through page 37, line 12) and 291E-61.5(f) (page 38, line 18, through page 39, line 13) and references of "driver's license" on page 22, line 18, and page 46, line 9.

Furthermore, the term "probation period" is misleading as applied to either an OVUII case or HOVUII case. Under section 291E-61(b), HRS, the OVUII statute explicitly prohibits the possibility of probation as a term of a sentence for the offense. Under sections 291E-61.5(c)(2) and 291E-61.5(d)(2), HRS, the HOVUII statute allows for a probation term of five years. In this bill, the term "probation period" appears to be

used synonymously with the duration of an offender's license revocation, which is not equivalent to the use of the term "probation" in the criminal context. It may be clearer to replace the term "probation period" with a term "period" or "revocation period," or other more appropriate term.

Lastly, the entire wording of section 291E-61(b)(1)(G) on page 28, lines 10-15, appears to be new statutory material to be added by this bill. Therefore, we recommend underscoring the letter (G) and the wording on page 28, line 10.

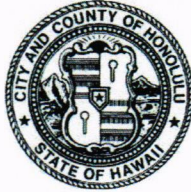
Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
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LATE

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MAYOR
MEIA



ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE ST-TK

January 30, 2024

The Honorable Chris Lee, Chair
and Members
Committee on Transportation and
Culture and the Arts
State Senate
415 South Beretania Street, Room 224
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 2690, Relating to Intoxicating Liquor

I am Stason Tanaka, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

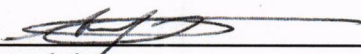
The HPD supports Senate Bill No. 2690, Relating to Intoxicating Liquor, but has the following concerns.

While the intent of the bill is to prohibit any person convicted of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant from purchasing or publicly consuming alcohol for a certain period, this would be very difficult to enforce since it will be difficult for law enforcement officers to establish a probable cause to determine if this law applies to an individual or not.

The HPD appreciates the committee's consideration of our concern regarding Senate Bill No. 2690, Relating to Intoxicating Liquor. Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Stason Tanaka, Major
Traffic Division



Mothers Against Drunk Driving
Hawaii State Office
madd.org/Hawaii

745 Fort Street
Suite 303
Honolulu, HI 96813

808.532.6232 direct
877.MADD.HELP victim support
877.ASK.MADD

January 29, 2024

To: Senator Chris Lee, Chair, Senate Committee on Transportation and Culture and the Arts;
Senator Lorraine Inouye, Vice Chair; and Members of the Committee

From: Alice Liu, Program Director; Mothers Against Drunk Driving (MADD) Hawaii

Re: Senate Bill 2690 – RELATING TO INTOXICATING LIQUOR.

I am Alice Liu, testifying with comments on behalf of the members of MADD Hawaii on Senate Bill 2690.

MADD applauds efforts to address Hawaii's grievous impaired driving problem. Senate Bill 2690 is an interesting and creative approach to this problem, and as such deserves attention.

We are perplexed, however, by several issues including, foremost, enforcement. If the agencies involved can devise workable enforcement measures, and if the bill can be amended to lower the illegal BAC limit to .05 from .08, MADD would in all probability support SB 2690.

Thank you for the opportunity to testify,

Alice Liu

LATE

January 29, 2024

To: Senator Chris Lee, Chair, Senate Committee on Transportation and Culture and the Arts;
Senator Lorraine Inouye, Vice Chair; and Members of the Committee

From: Arkie Koehl, Public Policy Committee; Mothers Against Drunk Driving (MADD)
Hawaii

Re: Senate Bill 2690 – RELATING TO INTOXICATING LIQUOR.

I am Arkie Koehl, testifying with comments on behalf of the members of MADD Hawaii on Senate Bill 2690.

MADD applauds efforts to address Hawaii's grievous impaired driving problem. Senate Bill 2690 is an interesting and creative approach to this problem, and as such deserves attention.

We are perplexed, however, by several issues including, foremost, enforcement. If the agencies involved can devise workable enforcement measures, and if the bill can be amended to lower the illegal BAC limit to .05 from .08, MADD would in all probability support SB 2690.

Thank you for the opportunity to testify,

Arkie Koehl