

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 946

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, Senate Bill No. 946, entitled "A Bill for an Act Relating to Administrative License Revocation."

The purpose of this bill is to permit persons who have had their driver's licenses administratively revoked for life, for repeatedly driving while intoxicated, to request and obtain a reinstatement of the license if: (1) ten years or more have passed since the revocation; (2) the person obtains certification that the person is not in need of substance abuse treatment; and (3) since the revocation, the person has not been arrested, convicted, or adjudicated for any traffic infraction.

This bill is objectionable because it will reduce the deterrent impact of the lifetime revocation provision and allow these high-risk offenders back on the roads, jeopardizing public safety. An individual is not subjected to a lifetime revocation unless he or she has been convicted of driving while intoxicated four times within a ten-year period. The lifetime revocation is not imposed suddenly or without warning. An individual subjected to a lifetime revocation has been arrested, put through the court process, and faced a judge at sentencing at least three times before receiving the lifetime suspension. History has shown that this individual did not benefit from the numerous court proceedings and sentencing provisions, which could have included

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periods of incarceration. This individual poses a high risk of danger to himself or herself and others on the road.

Another concern is that the bill could be interpreted to allow a reinstated driver to get three subsequent convictions for driving while intoxicated, and still avoid another lifetime revocation.

The bill does not have sufficient safeguards to prevent habitually intoxicated drivers who have had a lifetime revocation of their driver's license from driving under the influence again. To be eligible for relicensing, the bill only requires that an applicant have a recent certification (within ninety days) that the applicant is not in need of substance abuse treatment, and that the applicant has not been arrested, convicted, or adjudicated for any traffic infraction while the applicant's license was revoked. Neither of these requirements will prevent the relicensing of a person with current alcohol abuse problems.

The lifetime revocation provision has been part of Hawaii law since 1991. Prior to the 2000 legislative session, this provision was reviewed and made a part of a new comprehensive bill on impaired driving. Act 189, Session Laws of Hawaii 2000, included the enactment of chapter 291E, Use of Intoxicants While Operating a Vehicle. Chapter 291E was the result of a comprehensive effort to address the serious problem of impaired driving by the Department of Transportation and the Governor's Highway Safety Council Impaired Driving Task Force. The task force, made up of over seventy-five individuals and organizations from around the State, including but not limited to police, prosecutors, defense attorneys, judiciary representatives, the administrative driver's license revocation

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office, and emergency room physicians, undertook a comprehensive review of Hawaii's impaired driving laws and proposed to retain the lifetime revocation of driver's license provision in the law.

For the foregoing reasons, I am returning Senate Bill No. 946 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