

JAN 29 2015

## A BILL FOR AN ACT

RELATING TO OPERATING A VEHICLE WHILE INTOXICATED.

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

SECTION 1. Chapter 291E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§291E- Motor vehicle seizure and impoundment. (a)

When a law enforcement officer arrests, or issues a summons or citation to, an operator of a motor vehicle for:

(1) Operating a vehicle under the influence of an intoxicant, as provided in section 291E-61;

(2) Habitually operating a vehicle under the influence of an intoxicant, as provided in section 291E-61.5;

(3) Operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant, as provided in section 291E-62; or

(4) Operating a vehicle after consuming a measurable amount of alcohol as provided in section 291E-64;



1 the officer may seize and tow the motor vehicle to a private tow  
2 yard as provided in section 291C-165.5.

3 (b) Law enforcement officers shall not seize or tow any  
4 motor vehicle under this section if:

5 (1) The motor vehicle is parked on private property on  
6 which the registered owner or operator is legally  
7 residing, or the property owner does not object to the  
8 motor vehicle being left in the parked location;

9 (2) The registered owner or a passenger present in the  
10 vehicle when the operator is arrested, or when a  
11 summons or citation is issued, has a valid driver's  
12 license and is willing and legally able to operate the  
13 motor vehicle; or

14 (3) The motor vehicle is legally parked at a time and  
15 place where the likelihood of it being subject to  
16 theft or vandalism is remote and traffic or public  
17 safety is not impeded.

18 (c) No county police department or law enforcement officer  
19 shall be responsible for the protection of a motor vehicle left  
20 on any public way or private property after the motor vehicle's



1 operator has been arrested for a violation listed in subsection  
2 (a) ."

3 SECTION 2. Section 291C-165.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Notwithstanding any other provision of this chapter,  
6 any vehicle identified for removal pursuant to any county  
7 ordinance or section 291E- ordering or authorizing removal of  
8 motor vehicles by any county police department for traffic  
9 violations, including a vehicle ~~[which]~~ that constitutes an  
10 obstruction or hazard to traffic, may be towed away at the  
11 expense of the registered owner of the vehicle, as provided by  
12 this section."

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

16

INTRODUCED BY:

Will Zygo  
Matt R  
AC. Kunk



# S.B. NO. 1334

**Report Title:**

Operating a Vehicle While Intoxicated; Motor Vehicle; Towing

**Description:**

Allows law enforcement officers to seize and tow a motor vehicle if operator is arrested or cited for various alcohol-related traffic offenses.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

