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# A BILL FOR AN ACT

RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN  
INTOXICANT.

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

1           SECTION 1. Section 291E-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Highly intoxicated driver" means a person whose measured  
5 amount of alcohol is 0.15 or more grams of alcohol per one  
6 hundred milliliters or cubic centimeters of the person's blood,  
7 or 0.15 or more grams of alcohol per two hundred ten liters of  
8 the person's breath."

9           SECTION 2. Section 291E-3, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           "**§291E-3 Evidence of intoxication.** (a) In any criminal  
12 prosecution for a violation of section 291E-61 or 291E-61.5 or  
13 in any proceeding under part III:

14           (1) .08 or more grams of alcohol per one hundred  
15 milliliters or cubic centimeters of the person's  
16 blood;



1           (2) .08 or more grams of alcohol per two hundred ten  
2           liters of the person's breath; or  
3           (3) The presence of one or more drugs in an amount  
4           sufficient to impair the person's ability to operate a  
5           vehicle in a careful and prudent manner,  
6           within three hours after the time of the alleged violation as  
7           shown by chemical analysis or other approved analytical  
8           techniques of the person's blood, breath, or urine shall be  
9           competent evidence that the person was under the influence of an  
10          intoxicant at the time of the alleged violation.

11          (b) In any criminal prosecution for a violation of section  
12          291E-61 or 291E-61.5, the amount of alcohol found in the  
13          defendant's blood or breath within three hours after the time of  
14          the alleged violation as shown by chemical analysis or other  
15          approved analytical techniques of the defendant's blood or  
16          breath shall be competent evidence concerning whether the  
17          defendant was under the influence of an intoxicant at the time  
18          of the alleged violation and shall give rise to the following  
19          presumptions:

20          (1) If there were .05 or less grams of alcohol per one  
21          hundred milliliters or cubic centimeters of



1 defendant's blood or .05 or less grams of alcohol per  
2 two hundred ten liters of defendant's breath, it shall  
3 be presumed that the defendant was not under the  
4 influence of alcohol at the time of the alleged  
5 violation; and

6 (2) If there were in excess of .05 grams of alcohol per  
7 one hundred milliliters or cubic centimeters of  
8 defendant's blood or .05 grams of alcohol per two  
9 hundred ten liters of defendant's breath, but less  
10 than .08 grams of alcohol per one hundred milliliters  
11 or cubic centimeters of defendant's blood or .08 grams  
12 of alcohol per two hundred ten liters of defendant's  
13 breath, that fact may be considered with other  
14 competent evidence in determining whether the  
15 defendant was under the influence of alcohol at the  
16 time of the alleged violation, but shall not of itself  
17 give rise to any presumption.

18 (c) In any criminal prosecution for a violation of section  
19 291E-61 or in any proceeding under part III:



1        (1) 0.15 or more grams of alcohol per one hundred  
2                    milliliters or cubic centimeters of the person's  
3                    blood, or  
4        (2) 0.15 or more grams of alcohol per two hundred ten  
5                    liters of the person's breath,  
6        within three hours at the time of the offense or after the time  
7        of the alleged violation as shown by chemical analysis or other  
8        approved analytical techniques of the person's blood or breath  
9        shall be competent evidence that the person was a highly  
10       intoxicated driver at the time of the alleged violation.

11        [~~e~~] (d) Nothing in this section shall be construed as  
12 limiting the introduction, in any criminal proceeding for a  
13 violation under section 291E-61 or 291E-61.5 or in any  
14 proceeding under part III, of relevant evidence of a person's  
15 alcohol concentration or drug content obtained more than three  
16 hours after an alleged violation; provided that the evidence is  
17 offered in compliance with the Hawaii rules of evidence."

18        SECTION 3. Section 291E-41, Hawaii Revised Statutes, is  
19 amended as follows:

20        1. By amending subsection (b) to read:



1           "(b) Except as provided in paragraph (5) and in section  
2 291E-44.5, the respondent shall keep an ignition interlock  
3 device installed and operating in [~~any vehicle the respondent~~  
4 ~~operates~~] one or more vehicles registered to, and all vehicles  
5 operated by, the respondent during the revocation period.

6 Except as provided in section 291E-5, installation and  
7 maintenance of the ignition interlock device shall be at the  
8 respondent's expense. The periods of administrative revocation,  
9 with respect to a license [~~and privilege~~] to operate a vehicle,  
10 that shall be imposed under this part are as follows:

11           (1) A one year revocation of license [~~and privilege~~] to  
12 operate a vehicle, if the respondent's record shows no  
13 prior alcohol enforcement contact or drug enforcement  
14 contact during the [~~five~~] ten years preceding the date  
15 the notice of administrative revocation was issued;

16           (2) [~~An eighteen month~~] A two-year revocation of license  
17 [~~and privilege~~] to operate a vehicle, if the  
18 respondent's record shows one prior alcohol  
19 enforcement contact or drug enforcement contact during  
20 the [~~five~~] ten years preceding the date the notice of  
21 administrative revocation was issued;



- 1           (3) A [~~two-year~~] four-year revocation of license and  
2           privilege to operate a vehicle, if the respondent's  
3           record shows two or more prior alcohol enforcement  
4           contacts or drug enforcement contacts during the  
5           [~~five~~] ten years preceding the date the notice of  
6           administrative revocation was issued;
- 7           ~~[(4) A minimum of five years up to a maximum of ten years~~  
8           ~~revocation of license and privilege to operate a~~  
9           ~~vehicle, if the respondent's record shows three or~~  
10           ~~more prior alcohol enforcement contacts or drug~~  
11           ~~enforcement contacts during the ten years preceding~~  
12           ~~the date the notice of administrative revocation was~~  
13           ~~issued,]~~
- 14           (4) For a respondent who is a highly intoxicated driver,  
15           if the respondent's record shows no prior alcohol  
16           enforcement contact or drug enforcement contact during  
17           the ten years preceding the date the notice of  
18           administrative revocation was issued, an eighteen  
19           month revocation of license to operate a vehicle, with  
20           mandatory installation of an ignition interlock device  
21           in one or more vehicles registered to, and all



1           vehicles operated by the respondent during the  
2           revocation period;

3       (5) For a respondent who is a highly intoxicated driver,  
4           if the respondent's record shows one prior alcohol  
5           enforcement contact or drug enforcement contact during  
6           the ten years preceding the date the notice of  
7           administrative revocation was issued, a three-year  
8           revocation of license to operate a vehicle, with  
9           mandatory installation of an ignition interlock device  
10           in one or more vehicles registered to, and all  
11           vehicles operated by the respondent during the  
12           revocation period;

13       (6) For a respondent who is a highly intoxicated driver,  
14           if the respondent's record shows two or more prior  
15           alcohol enforcement contacts or drug enforcement  
16           contacts during the ten years preceding the date the  
17           notice of administrative revocation was issued, a  
18           six-year revocation of license to operate a vehicle,  
19           with mandatory installation of an ignition interlock  
20           device in one or more vehicles registered to, and all



1 vehicles operated by the respondent during the  
2 revocation period;

3 ~~[(5)]~~ (7) For respondents under the age of eighteen years  
4 who were arrested for a violation of section 291E-61  
5 or 291E-61.5, revocation of license ~~[and privilege]~~ to  
6 operate a vehicle for the appropriate revocation  
7 period provided in paragraphs (1) to ~~[(4)]~~ (3) or in  
8 subsection (c); provided that the respondent shall be  
9 prohibited from driving during the period preceding  
10 the respondent's eighteenth birthday and shall  
11 thereafter be subject to the ignition interlock  
12 requirement of this subsection for the balance of the  
13 revocation period; or

14 ~~[(6)]~~ (8) For respondents, other than those excepted  
15 pursuant to section 291E-44.5(c), who do not install  
16 an ignition interlock device in ~~[any vehicle the~~  
17 ~~respondent operates]~~ one or more vehicles registered  
18 to, and all vehicles operated by, the respondent  
19 during the revocation period, revocation of license  
20 ~~[and privilege]~~ to operate a vehicle for the period of





1 revocation provided in paragraphs (1) to [~~5~~] (4) or  
2 in subsection (c); provided that:

3 (A) The respondent shall be absolutely prohibited  
4 from driving during the revocation period and  
5 subject to the penalties provided by section  
6 291E-62 if the respondent drives during the  
7 revocation period; and

8 (B) The director shall not issue an ignition  
9 interlock permit to the respondent pursuant to  
10 section 291E-44.5;

11 provided that when more than one administrative revocation,  
12 suspension, or conviction arises out of the same arrest, it  
13 shall be counted as only one prior alcohol enforcement contact  
14 or drug enforcement contact, whichever revocation, suspension,  
15 or conviction occurs later."

16 2. By amending subsection (c) to read:

17 "(c) If a respondent has refused to be tested after being  
18 informed:

19 (1) That the person may refuse to submit to testing in  
20 compliance with section 291E-11; and



1 (2) Of the sanctions of this part and then asked if the  
 2 person still refuses to submit to a breath, blood, or  
 3 urine test, in compliance with the requirements of  
 4 section 291E-15,  
 5 the revocation imposed under subsection (b) (1), (2), or (3) [~~or~~  
 6 ~~(4)~~] shall be for a period of two years, [~~three years,~~] four  
 7 years, or [~~ten~~] eight years, respectively."

8 SECTION 4. Section 291E-61, Hawaii Revised Statutes, is  
 9 amended as follows:

10 1. By amending subsection (b) to read:

11 "(b) A person committing the offense of operating a  
 12 vehicle under the influence of an intoxicant shall be sentenced  
 13 without possibility of probation or suspension of sentence as  
 14 follows:

15 (1) [~~For~~] Except as provided in section 291E-61(b)(4), for  
 16 the first offense, or any offense not preceded within  
 17 a ten-year period by a conviction for an offense under  
 18 this section or section 291E-4(a):

19 (A) A fourteen-hour minimum substance abuse  
 20 rehabilitation program, including education and



- 1                   counseling, or other comparable program deemed
- 2                   appropriate by the court;
- 3           (B)   One-year revocation of license [~~and privilege~~] to
- 4                   operate a vehicle [~~during the revocation period~~
- 5                   ~~and installation during~~];
- 6           (C)   During the revocation period of an ignition
- 7                   interlock device on [~~any vehicle~~] one or more
- 8                   vehicles registered to, and all vehicles operated
- 9                   by, the person;
- 10       [~~(C)~~]   (D)   Any one or more of the following:
- 11                   (i)   Seventy-two hours of community service work;
- 12                   (ii)   No less than forty-eight hours and no more
- 13                         than five days of imprisonment; or
- 14                   (iii)   A fine of no less than \$250 but no more than
- 15                         \$1,000;
- 16       [~~(D)~~]   (E)   A surcharge of \$25 to be deposited into the
- 17                   neurotrauma special fund; and
- 18       [~~(E)~~]   (F)   A surcharge, if the court so orders, of up
- 19                   to \$25 to be deposited into the trauma system
- 20                   special fund;



1 (2) For an offense that occurs within ten years of a prior  
2 conviction for an offense under this section [~~of~~  
3 ~~section 291E-4(a)~~]:

4 (A) A thirty-six-hour minimum substance abuse  
5 rehabilitation program, including education and  
6 counseling, or other comparable program deemed  
7 appropriate by the court;

8 [~~(A)~~] (B) Revocation of license to operate a vehicle  
9 for no less than [~~twenty four months~~] two years  
10 nor more than three years [~~of license and~~  
11 privilege to operate a vehicle during the  
12 revocation period and installation];

13 (C) Installation during the revocation period of an  
14 ignition interlock device on [~~any vehicle~~] one or  
15 more vehicles registered to and all vehicles  
16 operated by the person;

17 [~~(B)~~] (D) Either one of the following:  
18 (i) No less than two hundred forty hours of  
19 community service work; or  
20 (ii) No less than five days but no more than  
21 thirty days of imprisonment, of which at



1                   least forty-eight hours shall be served  
2                   consecutively;

3           [~~(C)~~]   (E)   A fine of no less than \$1,000 but no more  
4                   than \$3,000;

5           [~~(D)~~]   (F)   A surcharge of \$25 to be deposited into the  
6                   neurotrauma special fund; and

7           [~~(E)~~]   (G)   A surcharge of up to \$50, if the court so  
8                   orders, to be deposited into the trauma system  
9                   special fund;

10          (3)   In addition to a sentence imposed under paragraphs (1)  
11               and (2), any person eighteen years of age or older who  
12               is convicted under this section and who operated a  
13               vehicle with a passenger, in or on the vehicle, who  
14               was younger than fifteen years of age, shall be  
15               sentenced to an additional mandatory fine of \$500 and  
16               an additional mandatory term of imprisonment of forty-  
17               eight hours; provided that the total term of  
18               imprisonment for a person convicted under this  
19               paragraph shall not exceed the maximum term of  
20               imprisonment provided in paragraph (1) or (2), as  
21               applicable. Notwithstanding paragraphs (1) and (2),



1 the revocation period for a person sentenced under  
2 this paragraph shall be no less than two years; [and]  
3 (4) In addition to a sentence imposed under paragraph (1),  
4 any person who is convicted under this section and was  
5 a highly intoxicated driver at the time of the subject  
6 incident, shall be sentenced to an additional  
7 mandatory term of imprisonment of forty-eight  
8 consecutive hours and an additional mandatory  
9 revocation period of six months; provided that the  
10 total term of imprisonment for a person convicted  
11 under this paragraph shall not exceed the maximum term  
12 of imprisonment provided in paragraph (1).  
13 Notwithstanding paragraph (1), the revocation period  
14 for a person sentenced under this paragraph shall be  
15 no less than eighteen months; and  
16 (5) In addition to a sentence imposed under paragraph (2),  
17 any person who is convicted under this section and was  
18 a highly intoxicated driver at the time of the subject  
19 incident, shall be sentenced to an additional  
20 mandatory term of imprisonment of ten consecutive days  
21 and additional mandatory revocation period of one



1 year; provided that the total term of imprisonment for  
2 a person convicted under this paragraph shall not  
3 exceed the maximum term of imprisonment provided in  
4 paragraph (2), as applicable. Notwithstanding  
5 paragraph (2), the revocation period for a person  
6 sentenced under this paragraph shall be no less than  
7 three years; and

8 [~~4~~] (6) If the person demonstrates to the court that the  
9 person:

10 (A) Does not own or have the use of a vehicle in  
11 which the person can install an ignition  
12 interlock device during the revocation period; or

13 (B) Is otherwise unable to drive during the  
14 revocation period,

15 the person shall be absolutely prohibited from driving  
16 during the period of applicable revocation provided in  
17 paragraphs (1) to [~~3~~] (4); provided that the court  
18 shall not issue an ignition interlock permit pursuant  
19 to subsection (i) and the person shall be subject to  
20 the penalties provided by section 291E-62 if the



1 person drives during the applicable revocation  
2 period."

3 2. By amending subsections (g) and (h) to read:

4 "(g) Notwithstanding any other law to the contrary, any:

5 (1) Conviction under this section, section 291E-4(a), or  
6 section 291E-61.5;

7 (2) Conviction in any other state or federal jurisdiction  
8 for an offense that is comparable to operating or  
9 being in physical control of a vehicle while having  
10 either an unlawful alcohol concentration or an  
11 unlawful drug content in the blood or urine or while  
12 under the influence of an intoxicant or habitually  
13 operating a vehicle under the influence of an  
14 intoxicant; or

15 (3) Adjudication of a minor for a law violation that, if  
16 committed by an adult, would constitute a violation of  
17 this section or an offense under section 291E-4(a), or  
18 section 291E-61.5,

19 shall be considered a prior conviction for the purposes of  
20 imposing sentence under this section. Any judgment on a verdict  
21 or a finding of guilty, a plea of guilty or nolo contendere, or





1 an adjudication, in the case of a minor, that at the time of the  
2 offense has not been expunged by pardon, reversed, or set aside  
3 shall be deemed a prior conviction under this section. [~~No~~  
4 ~~license and privilege revocation shall be imposed pursuant to~~  
5 ~~this section if the person's license and privilege to operate a~~  
6 ~~vehicle has previously been administratively revoked pursuant to~~  
7 ~~part III for the same act; provided that, if the administrative~~  
8 ~~revocation is subsequently reversed, the person's license and~~  
9 ~~privilege to operate a vehicle shall be revoked as provided in~~  
10 ~~this section. There shall be no requirement for the~~  
11 ~~installation of an ignition interlock device pursuant to this~~  
12 ~~section if the requirement has previously been imposed pursuant~~  
13 ~~to part III for the same act; provided that, if the requirement~~  
14 ~~is subsequently reversed, a requirement for the installation of~~  
15 ~~an ignition interlock device shall be imposed as provided in~~  
16 ~~this section.]~~

17 (h) Whenever a court sentences a person pursuant to  
18 subsection (b), it also shall require that the offender be  
19 referred to the driver's education program for an assessment, by  
20 a certified substance abuse counselor[~~7~~] deemed appropriate by  
21 the court, of the offender's substance abuse or dependence and



1 the need for appropriate treatment. The counselor shall submit  
2 a report with recommendations to the court. The court shall  
3 require the offender to obtain appropriate treatment if the  
4 counselor's assessment establishes the offender's substance  
5 abuse or dependence. All costs for assessment and treatment  
6 shall be borne by the offender."

7 SECTION 5. Section 291E-61.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§291E-61.5 Habitually operating a vehicle under the**  
10 **influence of an intoxicant.** (a) A person commits the offense  
11 of habitually operating a vehicle under the influence of an  
12 intoxicant if:

13 (1) The person is a habitual operator of a vehicle while  
14 under the influence of an intoxicant; and

15 (2) The person operates or assumes actual physical control  
16 of a vehicle:

17 (A) While under the influence of alcohol in an amount  
18 sufficient to impair the person's normal mental  
19 faculties or ability to care for the person and  
20 guard against casualty;



- 1 (B) While under the influence of any drug that
- 2 impairs the person's ability to operate the
- 3 vehicle in a careful and prudent manner;
- 4 (C) With .08 or more grams of alcohol per two hundred
- 5 ten liters of breath; or
- 6 (D) With .08 or more grams of alcohol per one hundred
- 7 milliliters or cubic centimeters of blood.
- 8 (b) For the purposes of this section:
- 9 (1) "Convicted two or more times for offenses of operating
- 10 a vehicle under the influence" means that, at the time
- 11 of the behavior for which the person is charged under
- 12 this section, the person had two or more times within
- 13 ten years of the instant offense:
- 14 (A) A judgment on a verdict or a finding of guilty,
- 15 or a plea of guilty or nolo contendere, for [a
- 16 ~~violation of section 291-4, 291-4.4, or 291-7 as~~
- 17 ~~those sections were in effect on December 31,~~
- 18 ~~2001, or] section 291E-61 or 707-702.5;~~
- 19 (B) A judgment on a verdict or a finding of guilty,
- 20 or a plea of guilty or nolo contendere, for an
- 21 offense that is comparable to [~~section 291-4,~~



1           ~~291-4.4, or 291-7 as those sections were in~~  
2           ~~effect on December 31, 2001, or]~~ section 291E-61  
3           or 707-702.5; or  
4           (C) An adjudication of a minor for a law or probation  
5           violation that, if committed by an adult, would  
6           constitute a violation of section [~~291-4, 291-~~  
7           ~~4.4, or 291-7 as those sections were in effect on~~  
8           ~~December 31, 2001, or]~~ section 291E-61 or  
9           707-702.5,  
10          that, at the time of the instant offense, had not been  
11          expunged by pardon, reversed, or set aside. All  
12          convictions that have been expunged by pardon,  
13          reversed, or set aside before the instant offense  
14          shall not be deemed prior convictions for the purposes  
15          of proving that the person is a habitual operator of a  
16          vehicle while under the influence of an intoxicant.  
17          (2) "Convicted one or more times for offenses of  
18          habitually operating a vehicle under the influence"  
19          means that, at the time of the behavior for which the  
20          person is charged under this section, the person had



1 one or more times within ten years of the instant  
2 offense:

3 (A) A judgment on a verdict or a finding of guilty,  
4 or a plea of guilty or nolo contendere, for a  
5 violation of this section or section 291-4.4 as  
6 that section was in effect on December 31, 2001;

7 (B) A judgment on a verdict or a finding of guilty,  
8 or a plea of guilty or nolo contendere, for an  
9 offense that is comparable to this section or  
10 section 291-4.4 as that section was in effect on  
11 December 31, 2001; or

12 (C) An adjudication of a minor for a law or probation  
13 violation that, if committed by an adult, would  
14 constitute a violation of this section or section  
15 291-4.4 as that section was in effect on  
16 December 31, 2001,

17 that, at the time of the instant offense, had not been  
18 expunged by pardon, reversed, or set aside. All  
19 convictions that have been expunged by pardon,  
20 reversed, or set aside before the instant offense  
21 shall not be deemed prior convictions for the purposes



1 of proving the person's status as a habitual operator  
2 of a vehicle while under the influence of an  
3 intoxicant.

4 (3) "Habitual operator of a vehicle while under the  
5 influence of an intoxicant" means that the person:

6 (A) Was convicted two or more times for offenses of  
7 operating a vehicle under the influence; or

8 (B) Was convicted one or more times for offenses of  
9 habitually operating a vehicle under the  
10 influence.

11 [~~(c) Habitually operating a vehicle while under the  
12 influence of an intoxicant is a class C felony.~~]

13 [~~(d)~~] (c) [~~For a conviction under this section, the  
14 sentence shall be either.~~] For a first offense, or any offense  
15 not preceded within a ten-year period by a conviction for an  
16 offense under this section, the offense shall be a class C  
17 felony, and the person shall be sentenced to:

18 (1) An indeterminate term of imprisonment of five years;  
19 or

20 (2) A term of probation of five years, with conditions to  
21 include:



- 1 (A) Mandatory revocation of license [~~and privilege~~]  
2 to operate a vehicle for a period no less than  
3 three years but no more than five years[~~;~~], with  
4 mandatory installation of an ignition interlock  
5 device in one or more vehicles registered to, and  
6 all vehicles operated by the respondent during  
7 the revocation period;
- 8 (B) No less than ten days imprisonment, of which at  
9 least forty-eight hours shall be served  
10 consecutively;
- 11 (C) A fine of no less than \$2,000 but no more than  
12 \$5,000;
- 13 (D) Referral to a certified substance abuse counselor  
14 deemed appropriate by the court, as provided in  
15 section [~~291E-61(d);~~] 291E-61(h);
- 16 (E) A surcharge of \$25 to be deposited into the  
17 neurotrauma special fund; and
- 18 (F) May be charged a surcharge of up to \$50 to be  
19 deposited into the trauma system special fund if  
20 the court so orders.



1 In addition to the foregoing, any vehicle owned and operated by  
2 the person committing the offense shall be subject to forfeiture  
3 pursuant to chapter 712A [~~provided that the department of~~  
4 ~~transportation shall provide storage for vehicles forfeited~~  
5 ~~under this subsection~~].

6 (d) For an offense that occurs within ten years of a prior  
7 conviction for an offense under this section, the offense shall  
8 be a class B felony, and the person shall be sentenced to:

9 (1) An indeterminate term of imprisonment of ten years; or

10 (2) A term of probation of five years, with conditions to  
11 include:

12 (A) Permanent revocation of license to operate a  
13 vehicle;

14 (B) No less than eighteen months imprisonment;

15 (C) A fine of no less than \$5,000 but no more than  
16 \$25,000;

17 (D) Referral to a certified substance abuse counselor  
18 deemed appropriate by the court, as provided in  
19 section 291E-61(h);

20 (E) A surcharge of \$50 to be deposited into the  
21 neurotrauma special fund; and





1           (F) May be charged a surcharge of up to \$100 to be  
2           deposited into the trauma system special fund if  
3           the court so orders.

4 In addition to the foregoing, any vehicle owned and operated by  
5 the person committing the offense shall be subject to forfeiture  
6 pursuant to chapter 712A.

7           (e) Whenever a court sentences a person under this  
8 section, it shall also require that the offender be referred to  
9 the driver's education program for an assessment, by a certified  
10 substance abuse counselor, of the offender's substance abuse or  
11 dependence and the need for appropriate treatment. The  
12 counselor shall submit a report with recommendations to the  
13 court. The court shall require the offender to obtain  
14 appropriate treatment if the counselor's assessment establishes  
15 the offender's substance abuse or dependence. All costs for  
16 assessment and treatment shall be borne by the offender.

17           (f) Notwithstanding any other law to the contrary,  
18 whenever a court revokes a person's driver's license pursuant to  
19 this section, the examiner of drivers shall not grant to the  
20 person a new driver's license until expiration of the period of  
21 revocation determined by the court. After the period of



1 revocation is complete, the person may apply for and the  
2 examiner of drivers may grant to the person a new driver's  
3 license.

4 (g) Any person sentenced under this section may be ordered  
5 to reimburse the county for the cost of any blood or urine tests  
6 conducted pursuant to section 291E-11. The court shall order  
7 the person to make restitution in a lump sum, or in a series of  
8 prorated installments, to the police department or other agency  
9 incurring the expense of the blood or urine test.

10 (h) As used in this section, the term "examiner of  
11 drivers" has the same meaning as provided in section 286-2."

12 SECTION 6. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 7. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval.



**Report Title:**

Operating a Vehicle Under the Influence of an Intoxicant;  
Penalty Increases

**Description:**

Defines "highly intoxicated driver". Establishes higher penalties for operating a vehicle under the influence of an intoxicant (OVUII) as a "highly intoxicated driver". Increases license revocation periods ordered by ADLRO, and applicable lookback periods. Requires that ignition interlock devices be installed and maintained on one or more vehicles registered to, and all vehicles operated by, anyone convicted of operating a vehicle under the influence of an intoxicant, during their applicable period of license revocation. Establishes higher penalties for repeat OVUII offenders and habitual OVUII offenders. (SD1)

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

