

1 installed for a period of consecutive days
2 without any violations; or

3 (3) For a habitual offense and subsequent offenses
4 convicted within ten years of two or more convictions
5 has had an ignition interlock device installed for a
6 period of consecutive days without any
7 violations.

8 (b) A person violates this section by:

9 (1) Providing a sample of .04 or more in blood alcohol
10 concentration when starting the vehicle;

11 (2) Providing a sample of .04 or more in blood alcohol
12 concentration on a rolling retest;

13 (3) Failing to provide a rolling retest;

14 (4) Violating section 291E-66; and

15 (5) Failing to provide a clear photo of the person when
16 the person blows into the ignition interlock device.

17 (c) Any violation that occurs during the period in which
18 the ignition interlock device is installed shall constitute non-
19 compliance. The time required to prove compliance shall
20 commence again after any violation until compliance is proven.



1 (d) The requirements of subsection (a) shall be in
2 addition to any sanction or penalty imposed pursuant to section
3 291E-41, 291E-61, or 291E-61.5. The requirements of this
4 section shall be an administrative requirement of eligibility to
5 apply for a driver's license."

6 SECTION 2. Section 286-104, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§286-104 Which persons shall not be licensed.** The
9 examiner of drivers shall not issue any license to any person:

10 (1) Whose license has been suspended by a court of
11 competent jurisdiction during the suspension period,
12 nor to any person whose license has been revoked until
13 the expiration of one year after the date of the
14 revocation, or until the expiration of the period of
15 revocation specified by law, whichever is greater,
16 except as provided under sections 286-102.6(d) and
17 286-102.6(e) for suspensions and revocations of a
18 provisional license; nor to any person who, while
19 unlicensed, has within two years been convicted of
20 operating a vehicle under the influence of an



- 1 intoxicant or, prior to January 1, 2002, of driving
2 under the influence of alcohol or drugs;
- 3 (2) Who is required by this part to take an examination,
4 unless the person has successfully passed the
5 examination;
- 6 (3) Who is required under the motor vehicle financial
7 responsibility laws of this State to deposit proof of
8 financial responsibility and who has not deposited the
9 proof;
- 10 (4) Who the examiner of drivers has good cause to believe
11 would not be able to operate a motor vehicle with
12 safety upon the highways by reason of physical or
13 mental disability;
- 14 (5) Who is under eighteen years of age; provided that a
15 person:
- 16 (A) Who is fifteen years and six months of age may be
17 granted an instruction permit;
- 18 (B) Who is at least sixteen and less than eighteen
19 years of age may be granted a provisional license
20 upon satisfying the requirements of section
21 286-102.6;



- 1 (C) Who is at least seventeen and less than eighteen
2 years of age may be granted a license upon
3 satisfying the requirements of section 286-102.6,
4 which license may be suspended or revoked by a
5 judge having jurisdiction over the holder of the
6 license. Upon revocation of the license, the
7 person shall not be eligible to operate a motor
8 vehicle on the highway until the person is
9 eighteen years of age and has again satisfied the
10 requirements of sections 286-108 and 286-109; or
- 11 (D) Who is an emancipated minor may be granted a
12 license upon satisfaction of all requirements of
13 this chapter applicable to persons eighteen years
14 of age or older;
- 15 (6) Who is not in compliance with section 286-102.5; [~~e~~]
- 16 (7) Who is required to comply to section 291E- , and is
17 not in compliance with that section; or
- 18 [+7+] (8) Who does not submit proof, satisfactory to the
19 director, that the applicant's presence in the United
20 States is authorized by federal law. The director
21 shall adopt rules in accordance with chapter 91 that



1 provide for standards of proof and for exemptions from
2 this requirement.

3 Any person denied a license under this or any other section
4 of this part shall have a right of appeal as provided in section
5 286-129."

6 SECTION 3. Section 286-104.5, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Notwithstanding paragraph (8) of section [~~286-104(7)~~]
9 286-104 to the contrary, every person who submits an application
10 for a driver's license, provisional driver's license, or
11 instruction permit that satisfies the requirements of this
12 chapter except for the applicant's inability or refusal to
13 provide satisfactory proof of authorized presence in the United
14 States under federal law shall be issued a limited purpose
15 driver's license, a limited purpose provisional driver's
16 license, or a limited purpose instruction permit that is
17 uniquely identified in compliance with the REAL ID Act of 2005
18 upon satisfactory proof to the examiner of drivers of the
19 applicant's identity and residency in the State. The examiner
20 of drivers shall accept various types of documentation for the
21 purpose of establishing the applicant's identity and residency



1 in the State, which may be established by more than one
2 document. Acceptable documentation includes:

- 3 (1) A valid, unexpired consular identification document
4 issued by a consulate from the applicant's country of
5 citizenship or a valid, unexpired passport from the
6 applicant's country of citizenship;
- 7 (2) An original birth certificate or other proof of age,
8 as designated by the examiner of drivers;
- 9 (3) A current home utility bill, lease, or rental
10 agreement, or deed or title to real property in the
11 State, as designated by the examiner of drivers;
- 12 (4) A United States Department of Homeland Security Form
13 I-589, Application for Asylum and for Withholding of
14 Removal;
- 15 (5) An official school or college transcript that includes
16 the applicant's date of birth or a foreign school
17 record that is sealed and includes a photograph of the
18 applicant at the age the record was issued;
- 19 (6) An official school or college identification card that
20 includes the applicant's full name and a photograph of



- 1 the applicant at the time the identification was
2 issued;
- 3 (7) A United States Department of Homeland Security Form
4 I-20 or Form DS-2019;
- 5 (8) A United States Customs and Immigration Services
6 Deferred Action for Childhood Arrival Approval Letter;
- 7 (9) A valid identification card for health benefits;
- 8 (10) A valid identification card for an assistance or
9 social services program;
- 10 (11) A current voter registration card issued by the State;
- 11 (12) A wage stub issued in the last six months;
- 12 (13) An income tax return filed in the last two years;
- 13 (14) A social security card;
- 14 (15) One of the following documents which, if in a language
15 other than English, shall be accompanied by a
16 certified translation or an affidavit of translation
17 into English:
- 18 (A) Marriage license or divorce certificate;
- 19 (B) Foreign federal electoral photo card issued on or
20 after January 1, 1991;
- 21 (C) Foreign student identification card; or



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- 1 (D) Foreign driver's license; or
- 2 (16) Other proof of Hawaii residency as designated by the
- 3 director."

4 SECTION 4. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on January 1, 2022.

10

INTRODUCED BY: _____



JAN 27 2021



H.B. NO. 1263

Report Title:

Ignition Interlock; Operating a Vehicle Under the Influence of an Intoxicant; Penalties; Compliance

Description:

Establishes penalties for violations of the ignition interlock law. Requires proof of compliance with the ignition interlock law to be eligible to apply for a driver's license. Effective 1/1/2022.

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

