
A BILL FOR AN ACT

RELATING TO IGNITION INTERLOCK DEVICES.

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

1 SECTION 1. Chapter 291E, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:
4 "§291E- Ignition interlock device; violations;
5 penalties; compliance. (a) Notwithstanding any provision of
6 this chapter to the contrary, no person whose driver's license
7 has been revoked pursuant to section 291E-41, or who has been
8 convicted under section 291E-61 or 291E-61.5, and has an
9 ignition interlock installed in all vehicles the person drives,
10 shall be eligible for a driver's license without providing proof
11 of compliance from the director of transportation that the
12 person:
13 (1) For the first offense, or any offense not preceded
14 within ten years of a previous violation, has had an
15 ignition interlock device installed for a period of
16 sixty consecutive days without any violations;



- 1 (2) For an offense that occurs within ten years of a prior
- 2 conviction, has had an ignition interlock device
- 3 installed for a period of ninety consecutive days
- 4 without any violations; or
- 5 (3) For a habitual offense and subsequent offenses
- 6 convicted within ten years of two or more prior
- 7 convictions, has had an ignition interlock device
- 8 installed for a period of six months without any
- 9 violations.
- 10 (b) A person violates this section by:
- 11 (1) Providing a sample of .04 or more in blood alcohol
- 12 concentration when starting the vehicle;
- 13 (2) Providing a sample of .04 or more in blood alcohol
- 14 concentration on a rolling retest;
- 15 (3) Failing to provide a rolling retest;
- 16 (4) Violating section 291E-66; and
- 17 (5) Failing to provide a clear photo of the person when
- 18 the person blows into the ignition interlock device.
- 19 (c) Any violation that occurs during the period in which
- 20 the ignition interlock device is installed shall constitute



1 non-compliance. The time required to prove compliance shall
2 commence again after any violation until compliance is proven.

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

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

10 **"§286-104 Which persons shall not be licensed.** The
11 examiner of drivers shall not issue any license to any person:

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



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



1 upon satisfying the requirements of
2 section 286-102.6;

3 (C) Who is at least seventeen and less than eighteen
4 years of age may be granted a license upon
5 satisfying the requirements of section 286-102.6,
6 which license may be suspended or revoked by a
7 judge having jurisdiction over the holder of the
8 license. Upon revocation of the license, the
9 person shall not be eligible to operate a motor
10 vehicle on the highway until the person is
11 eighteen years of age and has again satisfied the
12 requirements of sections 286-108 and 286-109; or

13 (D) Who is an emancipated minor may be granted a
14 license upon satisfaction of all requirements of
15 this chapter applicable to persons eighteen years
16 of age or older;

17 (6) Who is not in compliance with section 286-102.5; [~~e~~]

18 (7) Who is required to comply with section 291E- , and
19 is not in compliance with that section; or

20 [~~(7)~~] (8) Who does not submit proof, satisfactory to the
21 director, that the applicant's presence in the United



1 States is authorized by federal law. The director
2 shall adopt rules in accordance with chapter 91 that
3 provide for standards of proof and for exemptions from
4 this requirement.

5 Any person denied a license under this or any other section
6 of this part shall have a right of appeal as provided in section
7 286-129."

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

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



1 various types of documentation for the purpose of establishing
2 the applicant's identity and residency in the State, which may
3 be established by more than one document. Acceptable
4 documentation includes:

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



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



- 1 (B) Foreign federal electoral photo card issued on or
- 2 after January 1, 1991;
- 3 (C) Foreign student identification card; or
- 4 (D) Foreign driver's license; or
- 5 (16) Other proof of Hawaii residency as designated by the
- 6 director."

7 SECTION 4. Section 291E-61, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

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

13 (1) For the first offense, or any offense not preceded
14 within a ten-year period by a conviction for an
15 offense under this section or section 291E-4(a):

16 (A) A fourteen-hour minimum substance abuse
17 rehabilitation program, including education and
18 counseling, or other comparable program deemed
19 appropriate by the court;

20 (B) One-year revocation of license and privilege to
21 operate a vehicle during the revocation period



- 1 and installation during the revocation period of
2 an ignition interlock device on any vehicle
3 operated by the person;
- 4 (C) Any one or more of the following:
- 5 (i) Seventy-two hours of community service work;
6 (ii) No less than forty-eight hours and no more
7 than five days of imprisonment; or
8 (iii) A fine of no less than \$250 but no more than
9 \$1,000;
- 10 (D) A surcharge of \$25 to be deposited into the
11 neurotrauma special fund; and
- 12 (E) A surcharge, if the court so orders, of up to \$25
13 to be deposited into the trauma system special
14 fund;
- 15 (2) For an offense that occurs within ten years of a prior
16 conviction for an offense under this section or
17 section 291E-4(a):
- 18 (A) Revocation for no less than twenty-four months
19 nor more than three years of license and
20 privilege to operate a vehicle during the
21 revocation period and installation during the



1 revocation period of an ignition interlock device
2 on any vehicle operated by the person;

3 (B) Either one of the following:

4 (i) No less than two hundred forty hours of
5 community service work; or

6 (ii) No less than five days but no more than
7 thirty days of imprisonment, of which at
8 least forty-eight hours shall be served
9 consecutively;

10 (C) A fine of no less than \$1,000 but no more than
11 \$3,000;

12 (D) A surcharge of \$25 to be deposited into the
13 neurotrauma special fund; and

14 (E) A surcharge of up to \$50, if the court so orders,
15 to be deposited into the trauma system special
16 fund;

17 (3) In addition to a sentence imposed under paragraphs (1)
18 and (2), any person eighteen years of age or older who
19 is convicted under this section and who operated a
20 vehicle with a passenger, in or on the vehicle, who
21 was younger than fifteen years of age, shall be



1 sentenced to an additional mandatory fine of \$500 and
2 an additional mandatory term of imprisonment of forty-
3 eight hours; provided that the total term of
4 imprisonment for a person convicted under this
5 paragraph shall not exceed the maximum term of
6 imprisonment provided in paragraph (1) or (2), as
7 applicable. Notwithstanding paragraphs (1) and (2),
8 the revocation period for a person sentenced under
9 this paragraph shall be no less than two years; and
10 (4) If the person demonstrates to the court that the
11 person:
12 (A) Does not own or have the use of a vehicle in
13 which the person can install an ignition
14 interlock device during the revocation period; or
15 (B) Is otherwise unable to drive during the
16 revocation period,
17 the person shall be absolutely prohibited from driving
18 during a period equal to one hundred fifty per cent of
19 the period of applicable revocation provided in
20 paragraphs (1) to (3); provided that the court shall
21 not issue an ignition interlock permit pursuant to



1 subsection (i) and the person shall be subject to the
2 penalties provided by section 291E-62 if the person
3 drives during the applicable revocation period[-];
4 provided further that the extended revocation period
5 shall not apply if a license and privilege to operate
6 a vehicle has been permanently revoked or if the
7 director has issued a permit authorizing the person to
8 operate a vehicle owned by the person's employer
9 pursuant to section 291E-44.5(c)."

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

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on January 1, 2022.



Report Title:

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

Description:

Establishes a system of graduated 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. (SD1)

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