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# A BILL FOR AN ACT

RELATING TO THE STATEWIDE TRAFFIC CODE.

**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 be appropriately designated  
3 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7 has been revoked pursuant to section 291E-41 or who has been  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 who has an  
9 ignition interlock device installed in any vehicle operated by  
10 the person, shall be eligible for a driver's license without  
11 providing proof of compliance from the director of  
12 transportation that the person:

13           (1) For the first offense, or any offense not preceded  
14           within ten years of a prior offense, 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        offense, 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 that  
6        occur within ten years of two or more prior offenses,  
7        has had an ignition interlock device installed for a  
8        period of one-hundred eighty consecutive days without  
9        any violations.
- 10       (b) A person violates this section by:
- 11       (1) Providing a sample of .04 or more grams of alcohol per  
12       two hundred ten liters of breath when starting the  
13       vehicle;
- 14       (2) Providing a sample of .04 or more grams of alcohol per  
15       two hundred ten liters of breath on a rolling retest;
- 16       (3) Failing to provide a rolling retest;
- 17       (4) Violating section 291E-66; or
- 18       (5) Failing to provide a clear photo of the person when  
19       the person blows into the ignition interlock device.
- 20       (c) Any violation that occurs during the period in which  
21       the ignition interlock device is installed shall constitute



1 noncompliance. 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 being  
7 eligible to apply for a driver's license."

8 SECTION 2. Section 291E-61, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

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

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

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



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



1 privilege to operate a vehicle during the  
2 revocation period and installation during the  
3 revocation period of an ignition interlock device  
4 on any vehicle operated by the person;

5 (B) Either one of the following:

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

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

12 (C) A fine of no less than \$1,000 but no more than  
13 \$3,000;

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

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

19 (3) In addition to a sentence imposed under paragraphs (1)  
20 and (2), any person eighteen years of age or older who  
21 is convicted under this section and who operated a



1 vehicle with a passenger, in or on the vehicle, who  
2 was younger than fifteen years of age, shall be  
3 sentenced to an additional mandatory fine of \$500 and  
4 an additional mandatory term of imprisonment of  
5 forty-eight hours; provided that the total term of  
6 imprisonment for a person convicted under this  
7 paragraph shall not exceed the maximum term of  
8 imprisonment provided in paragraph (1) or (2), as  
9 applicable. Notwithstanding paragraphs (1) and (2),  
10 the revocation period for a person sentenced under  
11 this paragraph shall be no less than two years; and

- 12 (4) If the person demonstrates to the court that the  
13 person:
- 14 (A) Does not own or have the use of a vehicle in  
15 which the person can install an ignition  
16 interlock device during the revocation period; or
  - 17 (B) Is otherwise unable to drive during the  
18 revocation period,
- 19 the person shall be absolutely prohibited from driving  
20 ~~[during the]~~ for a period of [applicable revocation  
21 ~~provided in paragraphs (1) to (3);]~~ two years;



1 provided that the court shall not issue an ignition  
2 interlock permit pursuant to subsection (i) and the  
3 person shall be subject to the penalties provided by  
4 section 291E-62 if the person drives during the  
5 applicable revocation period."

6 SECTION 3. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on January 1, 2050.



**Report Title:**

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

**Description:**

Prohibits any person whose driver's license has been administratively revoked or who has been convicted for offenses involving operating a vehicle under the influence of an intoxicant from being eligible for a driver's license without providing proof of compliance with the ignition interlock law. Prohibits a person from driving for two years if the person does not own or have the use of a vehicle for the installation of an ignition interlock device or is otherwise unable to drive during the revocation period. Effective 1/1/2050. (HD1)

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

