



GOV. MSG. NO. 1344

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 6, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2021, the following bill was signed into law:

SB0765 SD2 HD2 CD1

RELATING TO OPERATING A VEHICLE UNDER
THE INFLUENCE OF AN INTOXICANT.
ACT 216 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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
5 measurable amount of alcohol is:

6 (1) .15 or more grams of alcohol per one hundred
7 milliliters or cubic centimeters of the person's
8 blood; or

9 (2) .15 or more grams of alcohol per two hundred ten
10 liters of the person's breath."

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

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



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

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



1 of the alleged violation and shall give rise to the following
2 presumptions:

3 (1) If there were .05 or less grams of alcohol per
4 one hundred milliliters or cubic centimeters of
5 defendant's blood or .05 or less grams of alcohol per
6 two hundred ten liters of defendant's breath, it shall
7 be presumed that the defendant was not under the
8 influence of alcohol at the time of the alleged
9 violation; and

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



1 (c) In any criminal prosecution for a violation of
2 section 291E-61 or in any proceeding under part III:
3 (1) .15 or more grams of alcohol per one hundred
4 milliliters or cubic centimeters of the person's
5 blood; or
6 (2) .15 or more grams of alcohol per two hundred ten
7 liters of the person's breath,
8 within three hours after the time of the alleged violation as
9 shown by chemical analysis or other approved analytical
10 techniques of the person's blood or breath shall be competent
11 evidence that the person was a highly intoxicated driver at the
12 time of the alleged violation.

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

20 SECTION 3. Section 291E-38, Hawaii Revised Statutes, is
21 amended by amending subsection (d) to read as follows:



1 "(d) The director shall conduct the hearing and have
2 authority to:

- 3 (1) Administer oaths and affirmations;
- 4 (2) Examine witnesses and take testimony;
- 5 (3) Receive and determine the relevance of evidence;
- 6 (4) Issue subpoenas;
- 7 (5) Regulate the course and conduct of the hearing; and
- 8 ~~[(6) Impose up to the maximum license revocation period as~~
- 9 ~~specified under section 291E-41(b)(4); and~~
- 10 ~~(7)]~~ (6) Make a final ruling."

11 SECTION 4. Section 291E-41, Hawaii Revised Statutes, is
12 amended by amending subsections (a) through (d) to read as
13 follows:

14 "(a) Unless an administrative revocation is reversed or
15 the temporary permit is extended by the director, administrative
16 revocation shall become effective on the day specified in the
17 notice of administrative revocation. Except as provided in
18 section 291E-44.5, no license ~~[and privilege]~~ to operate a
19 vehicle shall be restored under any circumstances during the
20 administrative revocation period. Upon completion of the



1 administrative revocation period, the respondent may reapply and
2 be reissued a license pursuant to section 291E-45.

3 (b) Except as provided in [~~paragraph~~]
4 paragraphs (4)(A)(ii) and (5) and in section 291E-44.5, the
5 respondent shall keep an ignition interlock device installed and
6 operating in [~~any vehicle~~] all vehicles operated by the
7 respondent [~~operates~~] during the revocation period. Except as
8 provided in section 291E-5, installation and maintenance of the
9 ignition interlock device shall be at the respondent's expense.
10 The periods of administrative revocation, with respect to a
11 license [~~and privilege~~] to operate a vehicle, that shall be
12 imposed under this part are as follows:

- 13 (1) A one year revocation of license [~~and privilege~~] to
14 operate a vehicle, if the respondent's record shows no
15 prior alcohol enforcement contact or drug enforcement
16 contact during the [~~five~~] ten years preceding the date
17 the notice of administrative revocation was issued;
- 18 (2) [~~An eighteen month~~] A two-year revocation of license
19 [~~and privilege~~] to operate a vehicle, if the
20 respondent's record shows one prior alcohol
21 enforcement contact or drug enforcement contact during



1 the [~~five~~] ten years preceding the date the notice of
2 administrative revocation was issued;

3 (3) A [~~two-year~~] four-year revocation of license [~~and~~
4 ~~privilege~~] to operate a vehicle, if the respondent's
5 record shows two or more prior alcohol enforcement
6 contacts or drug enforcement contacts during the
7 [~~five~~] ten years preceding the date the notice of
8 administrative revocation was issued;

9 (4) [~~A minimum of five years up to a maximum of ten years~~
10 ~~revocation of license and privilege to operate a~~
11 ~~vehicle, if the respondent's record shows three or~~
12 ~~more prior alcohol enforcement contacts or drug~~
13 ~~enforcement contacts during the ten years preceding~~
14 ~~the date the notice of administrative revocation was~~
15 ~~issued,] For a respondent who is a highly intoxicated
16 driver:~~

17 (A) If the respondent's record shows no prior alcohol
18 enforcement contact or drug enforcement contact
19 during the ten years preceding the date the
20 notice of administrative revocation was issued:



- 1 (i) An eighteen-month revocation of license to
2 operate a vehicle, with mandatory
3 installation of an ignition interlock device
4 in all vehicles operated by the respondent
5 during the revocation period; or
- 6 (ii) A two-year revocation of license to operate
7 a vehicle, without mandatory installation of
8 an ignition interlock device in all vehicles
9 operated by the respondent during the
10 revocation period;
- 11 (B) If the respondent's record shows one prior
12 alcohol enforcement contact or drug enforcement
13 contact during the ten years preceding the date
14 the notice of administrative revocation was
15 issued, a three-year revocation of license to
16 operate a vehicle, with mandatory installation of
17 an ignition interlock device in all vehicles
18 operated by the respondent during the revocation
19 period; and
- 20 (C) If the respondent's record shows two or more
21 prior alcohol enforcement contacts or drug



1 enforcement contacts during the ten years
2 preceding the date the notice of administrative
3 revocation was issued, a six-year revocation of
4 license to operate a vehicle, with mandatory
5 installation of an ignition interlock device in
6 all vehicles operated by the respondent during
7 the revocation period;

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

19 (6) For respondents, other than those excepted pursuant to
20 section 291E-44.5(c), who do not install an ignition
21 interlock device in [~~any vehicle~~] all vehicles



1 operated by the respondent [~~operates~~] during the
2 revocation period, revocation of license [~~and~~
3 ~~privilege~~] to operate a vehicle for the period of
4 revocation provided in paragraphs (1) to [~~+5~~] (4) (A)
5 or in subsection (c); provided that:

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

11 (B) The director shall not issue an ignition
12 interlock permit to the respondent pursuant to
13 section 291E-44.5;

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

19 (c) If a respondent has refused to be tested after being
20 informed:



- 1 (1) That the person may refuse to submit to testing in
2 compliance with section 291E-11; and
- 3 (2) Of the sanctions of this part and then asked if the
4 person still refuses to submit to a breath, blood, or
5 urine test, in compliance with the requirements of
6 section 291E-15,

7 the revocation imposed under subsection (b) (1), (2), or (3) [~~7~~
8 ~~or (4)~~] shall be for a period of two years, [~~three years,~~
9 four years, or [~~ten~~] eight years, respectively.

10 (d) Whenever a license [~~and privilege~~] to operate a
11 vehicle is administratively revoked under this part, the
12 respondent shall be referred to the driver's education program
13 for an assessment, by a certified substance abuse counselor, of
14 the respondent's substance abuse or dependence and the need for
15 treatment. The counselor shall submit a report with
16 recommendations to the director. If the counselor's assessment
17 establishes that the extent of the respondent's substance abuse
18 or dependence warrants treatment, the director shall so order.
19 All costs for assessment and treatment shall be paid by the
20 respondent."



1 SECTION 5. Section 291E-61, Hawaii Revised Statutes, is
2 amended to read as follows:

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

4 "(b) A person committing the offense of operating a
5 vehicle under the influence of an intoxicant shall be sentenced
6 without possibility of probation or suspension of sentence as
7 follows:

8 (1) [~~For~~] Except as provided in paragraph (4), for the
9 first offense, or any offense not preceded within a
10 ten-year period by a conviction for an offense under
11 this section or section 291E-4(a):

12 (A) A fourteen-hour minimum substance abuse
13 rehabilitation program, including education and
14 counseling, or other comparable program deemed
15 appropriate by the court;

16 (B) One-year revocation of license [~~and privilege~~] to
17 operate a vehicle [~~during the revocation period~~
18 ~~and installation~~];

19 (C) Installation during the revocation period of an
20 ignition interlock device on [~~any vehicle~~] all
21 vehicles operated by the person;



- 1 ~~[(C)]~~ (D) Any one or more of the following:
- 2 (i) Seventy-two hours of community service work;
- 3 (ii) No less than forty-eight hours and no more
- 4 than five days of imprisonment; or
- 5 (iii) A fine of no less than \$250 but no more than
- 6 \$1,000;
- 7 ~~[(D)]~~ (E) A surcharge of \$25 to be deposited into the
- 8 neurotrauma special fund; and
- 9 ~~[(E)]~~ (F) A surcharge, if the court so orders, of up
- 10 to \$25 to be deposited into the trauma system
- 11 special fund;
- 12 (2) For an offense that occurs within ten years of a prior
- 13 conviction for an offense under this section [~~or~~
- 14 ~~section 291E-4(a)~~]:
- 15 (A) A substance abuse program of at least
- 16 thirty-six hours, including education and
- 17 counseling or other comparable programs deemed
- 18 appropriate by the court;
- 19 ~~[(A)]~~ (B) Revocation of license to operate a vehicle
- 20 for no less than [~~twenty-four months nor~~
- 21 two years but no more than three years [~~or~~



1 ~~license and privilege to operate a vehicle during~~
2 ~~the revocation period and installation];~~

3 (C) Installation during the revocation period of an
4 ignition interlock device on [~~any vehicle~~] all
5 vehicles operated by the person;

6 [~~(B)~~] (D) Either one of the following:

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

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

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

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

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

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



1 is convicted under this section and who operated a
2 vehicle with a passenger, in or on the vehicle, who
3 was younger than fifteen years of age, shall be
4 sentenced to an additional mandatory fine of \$500 and
5 an additional mandatory term of imprisonment of
6 forty-eight hours; provided that the total term of
7 imprisonment for a person convicted under this
8 paragraph shall not exceed the maximum term of
9 imprisonment provided in paragraph (1) or (2), as
10 applicable. Notwithstanding paragraphs (1) and (2),
11 the revocation period for a person sentenced under
12 this paragraph shall be no less than two years; [and]
13 (4) In addition to a sentence imposed under paragraph (1),
14 for a first offense under this section, or an offense
15 not preceded within a ten-year period by a conviction
16 for an offense, any person who is convicted under this
17 section and was a highly intoxicated driver at the
18 time of the subject incident shall be sentenced to an
19 additional mandatory term of imprisonment for
20 forty-eight consecutive hours and an additional
21 mandatory revocation period of six months; provided



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



1 [~~(4)~~] (6) If the person demonstrates to the court that the
2 person:
3 (A) Does not own or have the use of a vehicle in
4 which the person can install an ignition
5 interlock device during the revocation period; or
6 (B) Is otherwise unable to drive during the
7 revocation period,
8 the person shall be absolutely prohibited from driving
9 during the period of applicable revocation provided in
10 paragraphs (1) to (3); provided that the court shall
11 not issue an ignition interlock permit pursuant to
12 subsection (i) and the person shall be subject to the
13 penalties provided by section 291E-62 if the person
14 drives during the applicable revocation period."
15 2. By amending subsections (g) and (h) to read:
16 "(g) Notwithstanding any other law to the contrary, any:
17 (1) Conviction under this section, section 291E-4(a), or
18 section 291E-61.5;
19 (2) Conviction in any other state or federal jurisdiction
20 for an offense that is comparable to operating or
21 being in physical control of a vehicle while having



1 either an unlawful alcohol concentration or an
2 unlawful drug content in the blood or urine or while
3 under the influence of an intoxicant or habitually
4 operating a vehicle under the influence of an
5 intoxicant; or

6 (3) Adjudication of a minor for a law violation that, if
7 committed by an adult, would constitute a violation of
8 this section or an offense under section 291E-4(a), or
9 section 291E-61.5,

10 shall be considered a prior conviction for the purposes of
11 imposing sentence under this section. Any judgment on a verdict
12 or a finding of guilty, a plea of guilty or nolo contendere, or
13 an adjudication, in the case of a minor, that at the time of the
14 offense has not been expunged by pardon, reversed, or set aside
15 shall be deemed a prior conviction under this section. [No
16 ~~license and privilege revocation shall be imposed pursuant to~~
17 ~~this section if the person's license and privilege to operate a~~
18 ~~vehicle has previously been administratively revoked pursuant to~~
19 ~~part III for the same act; provided that, if the administrative~~
20 ~~revocation is subsequently reversed, the person's license and~~
21 ~~privilege to operate a vehicle shall be revoked as provided in~~



~~1 this section. There shall be no requirement for the
2 installation of an ignition interlock device pursuant to this
3 section if the requirement has previously been imposed pursuant
4 to part III for the same act; provided that, if the requirement
5 is subsequently reversed, a requirement for the installation of
6 an ignition interlock device shall be imposed as provided in
7 this section.]~~

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

19 SECTION 6. Section 291E-61.5, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§291E-61.5 Habitually operating a vehicle under the
2 influence of an intoxicant. (a) A person commits the offense
3 of habitually operating a vehicle under the influence of an
4 intoxicant if:

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

7 (2) The person operates or assumes actual physical control
8 of a vehicle:

9 (A) While under the influence of alcohol in an amount
10 sufficient to impair the person's normal mental
11 faculties or ability to care for the person and
12 guard against casualty;

13 (B) While under the influence of any drug that
14 impairs the person's ability to operate the
15 vehicle in a careful and prudent manner;

16 (C) With .08 or more grams of alcohol per two hundred
17 ten liters of breath; or

18 (D) With .08 or more grams of alcohol per one hundred
19 milliliters or cubic centimeters of blood.

20 (b) Habitually operating a vehicle while under the
21 influence of an intoxicant is a class C felony.



1 (c) For a conviction under this section, the sentence
2 shall be either:

3 (1) An indeterminate term of imprisonment of five years;
4 or

5 (2) A term of probation of five years, with conditions to
6 include:

7 (A) Mandatory revocation of license [~~and privilege~~]
8 to operate a vehicle for a period no less than
9 three years but no more than five years[~~;~~], with
10 mandatory installation of an ignition interlock
11 device in all vehicles operated by the respondent
12 during the revocation period;

13 (B) No less than ten days imprisonment, of which at
14 least forty-eight hours shall be served
15 consecutively;

16 (C) A fine of no less than \$2,000 but no more than
17 \$5,000;

18 (D) Referral to a certified substance abuse counselor
19 as provided in subsection [~~(d)~~;~~;~~] (e);

20 (E) A surcharge of \$25 to be deposited into the
21 neurotrauma special fund; and



1 (F) ~~[May be charged a]~~ A surcharge of up to \$50 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 [~~provided that the department of~~
7 ~~transportation shall provide storage for vehicles forfeited~~
8 ~~under this subsection~~].

9 (d) For any person who is convicted under this section and
10 was a highly intoxicated driver at the time of the subject
11 incident, the offense shall be a class B felony and the person
12 shall be sentenced to the following:

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

14 (2) A term of probation of five years, with conditions to
15 include the following:

16 (A) Permanent revocation of license to operate a
17 vehicle;

18 (B) No less than eighteen months imprisonment;

19 (C) A fine of no less than \$5,000 but no more than
20 \$25,000; and



1 (D) Referral to a certified substance abuse counselor
2 as provided in subsection (e).

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

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

16 [~~e~~] (f) Notwithstanding any other law to the contrary,
17 whenever a court revokes a person's driver's license pursuant to
18 this section, the examiner of drivers shall not grant to the
19 person a new driver's license until expiration of the period of
20 revocation determined by the court. After the period of
21 revocation is complete, the person may apply for and the



1 examiner of drivers may grant to the person a new driver's
2 license.

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

9 ~~(g)~~ (h) As used in this section:

10 "Convicted one or more times for offenses of habitually
11 operating a vehicle under the influence" means that, at the time
12 of the behavior for which the person is charged under this
13 section, the person had one or more times within ten years of
14 the instant offense:

15 (1) A judgment on a verdict or a finding of guilty, or a
16 plea of guilty or nolo contendere, for a violation of
17 this section or section 291-4.4 as that section was in
18 effect on December 31, 2001;

19 (2) A judgment on a verdict or a finding of guilty, or a
20 plea of guilty or nolo contendere, for an offense that



1 is comparable to this section or section 291-4.4 as
2 that section was in effect on December 31, 2001; or
3 (3) An adjudication of a minor for a law or probation
4 violation that, if committed by an adult, would
5 constitute a violation of this section or
6 section 291-4.4 as that section was in effect on
7 December 31, 2001,
8 that, at the time of the instant offense, had not been expunged
9 by pardon, reversed, or set aside. All convictions that have
10 been expunged by pardon, reversed, or set aside before the
11 instant offense shall not be deemed prior convictions for the
12 purposes of proving the person's status as a habitual operator
13 of a vehicle while under the influence of an intoxicant.

14 "Convicted two or more times for offenses of operating a
15 vehicle under the influence" means that, at the time of the
16 behavior for which the person is charged under this section, the
17 person had two or more times within ten years of the instant
18 offense:

19 (1) A judgment on a verdict or a finding of guilty, or a
20 plea of guilty or nolo contendere, for a violation of
21 section [~~291-4, 291-4.4, or 291-7 as those sections~~



1 ~~were in effect on December 31, 2001, or~~
2 ~~section]~~ 291E-61 or 707-702.5;

3 (2) A judgment on a verdict or a finding of guilty, or a
4 plea of guilty or nolo contendere, for an offense that
5 is comparable to section [~~291-4, 291-4.4, or 291-7 as~~
6 ~~those sections were in effect on December 31, 2001, or~~
7 ~~section]~~ 291E-61 or 707-702.5; or

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

19 "Examiner of drivers" has the same meaning as provided in
20 section 286-2.



1 "Habitual operator of a vehicle while under the influence
2 of an intoxicant" means that the person was convicted:

3 (1) Two or more times for offenses of operating a vehicle
4 under the influence; or

5 (2) One or more times for offenses of habitually operating
6 a vehicle under the influence."

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

10 SECTION 8. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 9. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 10. This Act shall take effect on July 1, 2021.

APPROVED this 06 day of JUL , 2021




GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate

SB No. 765, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives