
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. 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; compliance; driver's
5 license eligibility. (a) Any person whose driver's license has
6 been revoked pursuant to section 291E-41 or who has been
7 convicted under section 291E-61 or 291E-61.5, and who has an
8 ignition interlock device installed in any vehicle operated by
9 the person, shall be eligible for a driver's license following
10 the expiration of the applicable revocation period only upon
11 proof of compliance to 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 prior offense, has had a period
15 of sixty consecutive days without any violations;



- 1 (2) For an offense that occurs within ten years of a prior
2 offense, has had a period of ninety consecutive days
3 without any violations; or
- 4 (3) For a habitual offense and subsequent offenses that
5 occur within ten years of two or more prior offenses,
6 has had a period of one-hundred eighty consecutive
7 days without any violations.
- 8 (b) A person violates this section by:
- 9 (1) Providing a sample of .04 or more grams of alcohol per
10 two hundred ten liters of breath when starting the
11 vehicle, unless a subsequent test performed within ten
12 minutes registers a breath alcohol concentration lower
13 than .02 and the digital image confirms the same
14 person provided both samples;
- 15 (2) Providing a sample of .04 or more grams of alcohol per
16 two hundred ten liters of breath on a rolling retest,
17 unless a subsequent test performed within ten minutes
18 registers a breath alcohol concentration lower than
19 .02 and the digital image confirms the same person
20 provided both samples;
- 21 (3) Failing to provide a rolling retest;



- 1 (4) Violating section 291E-66; or
- 2 (5) Failing to provide a clear photo of the person when
- 3 the person blows into the ignition interlock device.

4 (c) Any violation that occurs during the period in which
5 the ignition interlock device is installed shall constitute as
6 noncompliance. The time required to prove compliance shall
7 commence again after any violation until compliance is proven.

8 (d) The requirements of subsection (a) shall be in
9 addition to any sanction or penalty imposed pursuant to section
10 291E-41, 291E-61, or 291E-61.5. The requirements of this
11 section shall be an administrative requirement of being eligible
12 to apply for a driver's license.

13 (e) Notwithstanding any provision of this chapter to the
14 contrary, any person whose driver's license has been revoked
15 pursuant to section 291E-41 or who has been convicted under
16 section 291E-61 or 291E-61.5, shall be deemed eligible to apply
17 for a driver's license months following the
18 expiration of the revocation period."

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



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

5 (1) Except as provided in paragraph (4), for the first
6 offense, or any offense not preceded within a ten-year
7 period by a conviction for an offense under this
8 section or section 291E-4(a):

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

13 (B) [~~One-year revocation~~] Revocation of license to
14 operate a vehicle[+] for no less than one year
15 and no more than eighteen months;

16 (C) Installation during the revocation period of an
17 ignition interlock device on all vehicles
18 operated by the person;

19 (D) Any one or more of the following:

20 (i) Seventy-two hours of community service work;



- 1 (ii) No less than forty-eight hours and no more
2 than five days of imprisonment; or
3 (iii) A fine of no less than \$250 but no more than
4 \$1,000;
- 5 (E) A surcharge of \$25 to be deposited into the
6 neurotrauma special fund; and
7 (F) A surcharge, if the court so orders, of up to \$25
8 to be deposited into the trauma system special
9 fund;
- 10 (2) For an offense that occurs within ten years of a prior
11 conviction for an offense under this section:
- 12 (A) A substance abuse program of at least thirty-six
13 hours, including education and counseling or
14 other comparable programs deemed appropriate by
15 the court;
- 16 (B) Revocation of license to operate a vehicle for no
17 less than two years but no more than three years;
- 18 (C) Installation during the revocation period of an
19 ignition interlock device on all vehicles
20 operated by the person;
- 21 (D) Either one of the following:



- 1 (i) No less than two hundred forty hours of
- 2 community service work; or
- 3 (ii) No less than five days but no more than
- 4 thirty days of imprisonment, of which at
- 5 least forty-eight hours shall be served
- 6 consecutively;
- 7 (E) A fine of no less than \$1,000 but no more than
- 8 \$3,000, to be deposited into the state drug and
- 9 alcohol toxicology testing laboratory special
- 10 fund;
- 11 (F) A surcharge of \$25 to be deposited into the
- 12 neurotrauma special fund; and
- 13 (G) A surcharge of up to \$50, if the court so orders,
- 14 to be deposited into the trauma system special
- 15 fund;
- 16 (3) In addition to a sentence imposed under paragraphs (1)
- 17 and (2), any person eighteen years of age or older who
- 18 is convicted under this section and who operated a
- 19 vehicle with a passenger, in or on the vehicle, who
- 20 was younger than fifteen years of age, shall be
- 21 sentenced to an additional mandatory fine of \$500 and



1 an additional mandatory term of imprisonment of forty-
2 eight hours; provided that the total term of
3 imprisonment for a person convicted under this
4 paragraph shall not exceed the maximum term of
5 imprisonment provided in paragraph (1) or (2), as
6 applicable. Notwithstanding paragraphs (1) and (2),
7 the revocation period for a person sentenced under
8 this paragraph shall be no less than two years;

9 (4) In addition to a sentence imposed under paragraph (1),
10 for a first offense under this section, or an offense
11 not preceded within a ten-year period by a conviction
12 for an offense, any person who is convicted under this
13 section and was a highly intoxicated driver at the
14 time of the subject incident shall be sentenced to an
15 additional mandatory term of imprisonment for forty-
16 eight consecutive hours and an additional mandatory
17 revocation period of six months; provided that the
18 total term of imprisonment for a person convicted
19 under this paragraph shall not exceed the maximum term
20 of imprisonment provided in paragraph (1).
21 Notwithstanding paragraph (1), the revocation period



1 for a person sentenced under this paragraph shall be
2 no less than eighteen months;

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

18 (6) A person sentenced pursuant to paragraph (1)(B) may
19 file a motion for early termination of the applicable
20 revocation period if the person:



1 (A) Was not sentenced to any additional mandatory
2 revocation period pursuant to paragraphs (3) or
3 (4);

4 (B) Actually installed and maintained an ignition
5 interlock device on all vehicles operated by the
6 person for a continuous period of six months,
7 after which the person maintained the ignition
8 interlock device on all vehicles operated by the
9 person for a continuous period of three months
10 without violation, as that term is defined in
11 rules established by the department of
12 transportation; and

13 (C) The person has complied with all other sentencing
14 requirements.

15 Nothing in this paragraph shall require a court to
16 grant early termination of the revocation period if
17 the court finds that continued use of the ignition
18 interlock device will further the person's
19 rehabilitation or compliance with this section; and

20 ~~[-6-]~~ (7) If the person demonstrates to the court that the
21 person:



1 (A) Does not own or have the use of a vehicle in
2 which the person can install an ignition
3 interlock device during the revocation period; or
4 (B) Is otherwise unable to drive during the
5 revocation period,
6 the person shall be absolutely prohibited from driving
7 during the period of applicable revocation provided in
8 paragraphs (1) to [~~(3)~~] (5); provided that the person
9 shall be sentenced to the maximum license revocation
10 period, the court shall not issue an ignition
11 interlock permit pursuant to subsection (i), and the
12 person shall be subject to the penalties provided by
13 section 291E-62 if the person drives during the
14 applicable revocation period."

15 SECTION 3. Act 216, Session Laws of Hawaii 2021, is
16 amended by amending section 10 to read as follows:

17 "SECTION 10. This Act shall take effect on July 1,
18 2021~~[-]~~; provided that the amendments made to sections 291E-61
19 and 291E-61.5, Hawaii Revised Statutes, by sections 5 and 6,
20 respectively, of this Act shall not be repealed when those



1 sections are reenacted on June 30, 2026, pursuant to section 11
2 of Act 196, Session Laws of Hawaii 2021."

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

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

8 SECTION 6. This Act shall take effect upon its approval;
9 provided that the amendments made to section 291E-61, Hawaii
10 Revised Statutes, by section 2 of this Act shall not be repealed
11 when that section is reenacted on June 30, 2026, pursuant to
12 section 11 of Act 196, Session Laws of Hawaii 2021.

13



Report Title:

Operating a Vehicle Under the Influence of an Intoxicant;
Ignition Interlock Device; Driver's License Revocation

Description:

Requires proof of compliance with ignition interlock laws to be eligible for a driver's license following the license revocation period. Amends the driver's license revocation period for first time offenders convicted of operating a vehicle under the influence of an intoxicant and people who do not own or have a vehicle or are unable to drive. Allows early termination of driver's license revocation. (HD1)

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