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# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1           SECTION 1. The legislature finds that the amount of  
2 traffic fatalities is greatly reflected in the legal limit of  
3 blood alcohol concentration. Driving with a blood alcohol  
4 concentration of even .05 grams of alcohol per one hundred  
5 milliliters of blood can impair driving ability and lead to a  
6 greater chance of a fatal crash. The National Highway Traffic  
7 Safety Administration reported in 2022 that thirty-two per cent  
8 of all traffic crash fatalities in the United States involved  
9 drunk drivers. Over fifty countries around the world have a  
10 legal limit of .05 grams blood alcohol concentration including  
11 Belgium, Demark, Egypt, France, the Philippines, and more.  
12 Studies provide evidence that lower thresholds for driving under  
13 the influence citations help prevent crashes and deaths  
14 especially between .05 grams and .08 grams blood alcohol  
15 concentration, as people are more conscientious and wait longer  
16 before driving.



1           The legislature further finds that the blood alcohol  
2 concentration of .05 grams is beneficial for restaurant and bar  
3 business sales. As a result of increased precaution with lower  
4 blood alcohol limits, people feel they can freely order more  
5 drinks on average than they otherwise would because they may  
6 spend more time at restaurants and bars, and more frequently  
7 plan to arrange designated drivers, rideshares, or alternate  
8 transportation.

9           The legislature further notes that there is significant  
10 evidence at both the international and national level in  
11 countless cities, states, and countries that lowering the legal  
12 limit of blood alcohol concentration reduces drunk driving. In  
13 1980, more than half of the United States had a legal limit of  
14 .10 grams blood alcohol concentration, including Hawaii. In  
15 2000, only nineteen states had lowered their blood alcohol  
16 concentration limits to .08 grams, which became the new national  
17 standard four years later. A study funded by the National  
18 Institutes of Health found that between 1982 and 2014, states  
19 lowering their blood alcohol concentration limits to .08 grams  
20 reduced annual fatalities by 10.4 per cent.

21           Accordingly, the purpose of this Act is to:



- 1 (1) Increase safety and reduce deaths on Hawaii's roadways  
2 due to alcohol consumption by establishing a new  
3 traffic infraction for those driving with a blood  
4 alcohol concentration between .05 grams and .079  
5 grams;
- 6 (2) Establish a process to automatically suspend the  
7 license of a person arrested for driving under the  
8 influence;
- 9 (3) Allow a person whose license is automatically  
10 suspended for driving under the influence to contest  
11 the suspension;
- 12 (4) Amending the administrative process at the  
13 administrative driver's license revocation office; and
- 14 (5) Require the department of the attorney general to  
15 report certain information on cases relating to  
16 certain offenses related to impaired driving.

17 SECTION 2. Chapter 291E, Hawaii Revised Statutes, is  
18 amended by adding a new section to part IV to be appropriately  
19 designated and to read as follows:

20 "§291E- Operating a vehicle while impaired. (a) A  
21 person commits the offense of operating a vehicle while impaired



1 if the person operates or assumes actual physical control of a  
2 vehicle while having a blood alcohol concentration equal to or  
3 greater than .05 grams but less than .08 grams of alcohol per  
4 one hundred milliliters or cubic centimeters of blood, or .05  
5 grams but less than .08 grams of alcohol per two hundred ten  
6 liters of breath pursuant to proceedings under chapter 291D.

7 (b) A person committing the offense of operating a vehicle  
8 while impaired shall be fined \$ \_\_\_\_\_, in addition to any  
9 other civil or administrative penalty.

10 (c) The penalty established under this section shall be in  
11 addition to any other penalty established and imposed under this  
12 chapter."

13 SECTION 3. Section 287-20, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) Whenever a driver's license has been suspended or  
16 revoked:

17 (1) Pursuant to section 291E-65 or part III of chapter  
18 291E, except as provided in section [~~291E-41(f);~~]  
19 291E-41(e);

20 (2) Upon a conviction of any offense pursuant to law,  
21 except where the conduct giving rise to the instant



1 offense is also a violation of part III of  
2 chapter 291E and a requirement to furnish and maintain  
3 proof of financial responsibility has already been  
4 imposed pursuant to that part; or

5 (3) In the case of minors, pursuant to part V of  
6 chapter 571,  
7 the license shall not at any time thereafter be issued to the  
8 person whose license has been suspended or revoked, nor shall  
9 the person thereafter operate a motor vehicle, unless and until  
10 the person has furnished and thereafter maintains proof of  
11 financial responsibility; provided that this section shall not  
12 apply to a license suspended or revoked pursuant to section  
13 291E-61(b)(1) or 291E-64(b)(1), any conviction of a moving  
14 violation, any administrative license suspension pursuant to  
15 chapter 291A, or the first conviction within a five-year period  
16 for driving without a valid motor vehicle insurance policy.

17 This subsection shall not apply to a suspension or  
18 revocation of a provisional license under section 286-102.6(d)."

19 SECTION 4. Section 291E-31, Hawaii Revised Statutes, is  
20 amended to read as follows:



- 1           "§291E-31 Notice of administrative revocation; effect. As  
2 used in this part, the notice of administrative revocation:
- 3           (1) Establishes that the respondent's license and  
4           privilege to operate a vehicle in the State or on or  
5           in the waters of the State shall be terminated:
- 6           (A) Thirty days after the date the notice of  
7           administrative revocation is issued in the case  
8           of an alcohol related offense;
- 9           (B) Forty-four days after the date the notice of  
10          administrative revocation is issued in the case  
11          of a drug related offense; or
- 12          (C) Such later date as is established by the director  
13          under section 291E-38[~~7~~  
14          if the director administratively revokes the  
15          respondent's license and privilege];
- 16          (2) Establishes the date on which administrative  
17          revocation proceedings against the respondent were  
18          initiated;
- 19          (3) Serves as a temporary permit, if applicable, to  
20          operate a vehicle as provided in section 291E-33; and



1           (4) Notifies the respondent that the respondent shall  
2           obtain an ignition interlock permit and keep an  
3           ignition interlock device installed and operating in  
4           any vehicle the respondent operates during the  
5           revocation period if the respondent had a valid  
6           license at the time of the arrest."

7           SECTION 5. Section 291E-34, Hawaii Revised Statutes, is  
8           amended by amending subsections (b) through (e) to read as  
9           follows:

10           "(b) The notice, when completed by the law enforcement  
11           officer and issued to the respondent, shall contain at a minimum  
12           the following information relating to the incident that gives  
13           rise to the issuance of the notice of administrative revocation:

- 14           (1) Information identifying the respondent;
- 15           (2) The specific violation for which the respondent was  
16           arrested;
- 17           (3) The date issued and the date the administrative  
18           revocation is scheduled to go into effect;
- 19           (4) The expiration date of the temporary permit; and



1           (5) That the [~~issuance of the notice of administrative~~  
2           ~~revocation will be administratively reviewed.~~]  
3           respondent may request an administrative review.

4           (c) The notice shall provide, at a minimum, the following  
5 information relating to [~~the~~] an administrative review:

6           (1) That the review is not automatic[~~7~~] but will be done  
7           upon submission of a completed request from the  
8           respondent, if such request is submitted within eight  
9           days of the issuance of the notice of administrative  
10           revocation;

11           (2) That the respondent, [~~within three days of the~~  
12           ~~issuance of the notice of administrative revocation in~~  
13           ~~the case of an alcohol related offense and within~~  
14           ~~seventeen days of the issuance of the notice of~~  
15           ~~administrative revocation in the case of a drug~~  
16           ~~related offense,~~] along with the request for review,  
17           may submit written information demonstrating why the  
18           respondent's license and privilege to operate a  
19           vehicle should not be administratively revoked;

20           (3) The address or location where the respondent may  
21           submit the request and information;



1 (4) That the respondent is not entitled to be present or  
2 represented at the administrative review; and

3 (5) That the administrative review decision shall be  
4 mailed to the respondent:

5 (A) No later than [~~eight~~] fourteen days after the  
6 date [~~of the issuance of the notice of~~  
7 ~~administrative revocation in the case of an~~  
8 ~~alcohol related offense; and~~] the request for  
9 administrative review was mailed or hand-  
10 delivered by the respondent in the case of an  
11 alcohol-related offense; and

12 (B) No later than [~~twenty-two~~] twenty-eight days  
13 after the date [~~of the issuance of the notice of~~  
14 ~~administrative revocation in the case of a drug~~  
15 ~~related offense.~~] the request for administrative  
16 review was mailed or hand-delivered by the  
17 respondent in the case of a drug related offense.

18 (d) The notice shall state that, if the administrative  
19 review determines that respondent's license and privilege to  
20 operate a vehicle [~~is~~] does not [~~administratively revoked after~~  
21 ~~the review,~~] meet the requirements for administrative



1 revocation, the respondent's license shall be returned, unless a  
2 subsequent alcohol or drug enforcement contact has occurred,  
3 along with a certified statement that the administrative  
4 revocation proceedings have been terminated.

5 (e) The notice shall state that, if the administrative  
6 review determines that respondent's license and privilege to  
7 operate a vehicle [~~is administratively revoked after the~~  
8 ~~review,~~] does meet the requirements for administrative  
9 revocation, a decision shall be mailed to the respondent, or to  
10 the parent or guardian of the respondent if the respondent is  
11 under the age of eighteen, that shall contain, at a minimum, the  
12 following information:

- 13 (1) The reasons why the respondent's license and privilege  
14 to operate a vehicle is administratively revoked;
- 15 (2) That the respondent may request the director, within  
16 six days of the date the decision is mailed, to  
17 schedule an administrative hearing to review the  
18 administrative revocation;
- 19 (3) That, if the respondent's request for an  
20 administrative hearing is received by the director



1 within six days of the date the decision was mailed,  
2 the hearing shall be scheduled to commence:

3 (A) No later than twenty-five days after the date [~~of~~  
4 ~~the issuance of the notice of administrative~~  
5 ~~revocation]~~ the request for administrative review  
6 was mailed or hand-delivered by the respondent in  
7 the case of an alcohol related offense; and

8 (B) No later than thirty-nine days after the date [~~of~~  
9 ~~the issuance of the notice of administrative~~  
10 ~~revocation]~~ the request for administrative review  
11 was mailed or hand-delivered by the respondent in  
12 the case of a drug related offense;

13 (4) The procedure to request an administrative hearing;

14 (5) That failure to request an administrative hearing  
15 within the time provided shall cause the  
16 administrative revocation to take effect for the  
17 period and under the conditions established by the  
18 director in the decision;

19 (6) That the respondent may regain the right to a hearing  
20 by requesting the director, within sixty days after  
21 the [~~issuance of the notice of administrative~~



1           ~~revocation,~~] date the request for administrative  
2           review was mailed or hand-delivered by the respondent,  
3           to schedule a hearing;

4           (7) That the director shall schedule the hearing to  
5           commence no later than thirty days after the date a  
6           request under paragraph (6) is received, but that,  
7           except as provided in section 291E-38(j), the  
8           temporary permit shall not be extended if the  
9           respondent fails to request an administrative hearing  
10          within the initial six-day period provided for that  
11          purpose;

12          (8) That failure to attend the hearing shall cause the  
13          administrative revocation to take effect for the  
14          period and under the conditions indicated;

15          (9) The duration of the administrative revocation and  
16          other conditions that may be imposed, including:  
17          referral to the driver's education program for an  
18          assessment of the respondent's substance abuse or  
19          dependence and the need for treatment; and

20          (10) That the respondent shall obtain an ignition interlock  
21          permit in order to operate a vehicle during the



1 revocation period if the respondent had a valid  
2 license at the time of the arrest."

3 SECTION 6. Section 291E-37, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsections (a) and (b) to read:

6 "(a) The director [~~automatically~~] shall review the  
7 issuance of a notice of administrative revocation upon receipt  
8 of a completed request for administrative review, and shall  
9 issue a written decision [~~administratively revoking~~] confirming  
10 administrative revocation of the license and privilege to  
11 operate a vehicle or rescinding the notice of administrative  
12 revocation. The written review decision shall be mailed to the  
13 respondent, or to the parent or guardian of the respondent if  
14 the respondent is under the age of eighteen, no later than:

15 (1) [~~Eight~~] Fourteen days after the date the [~~notice was~~  
16 ~~issued~~] request for administrative review was mailed  
17 or hand-delivered by the respondent in a case  
18 involving an alcohol related offense; or

19 (2) [~~Twenty-two~~] Twenty-eight days after the date the  
20 [~~notice was issued~~] request for administrative review



1           was mailed or hand-delivered by the respondent in a  
2           case involving a drug related offense.

3           (b) The respondent shall have the opportunity to  
4           demonstrate in writing why the respondent's license and  
5           privilege to operate a vehicle should not be administratively  
6           revoked and, within [~~three~~] eight days of receiving the notice  
7           of administrative revocation, [~~as provided in section 291E-33,~~  
8           ~~shall~~] may submit any written information[~~7~~] together with the  
9           completed request for administrative review, either by mail or  
10          in person, to the director's office or to any office or address  
11          designated by the director for that purpose."

12          2. By amending subsection (d) to read:

13          "(d) The director shall [~~administratively revoke~~] confirm  
14          administrative revocation of the respondent's license and  
15          privilege to operate a vehicle if the director determines that:

16          (1) There existed reasonable suspicion to stop the  
17                vehicle, the vehicle was stopped at an intoxicant  
18                control roadblock established and operated in  
19                compliance with sections 291E-19 and 291E-20, or the  
20                person was tested pursuant to section 291E-21;



1 (2) There existed probable cause to believe that the  
2 respondent operated the vehicle while under the  
3 influence of an intoxicant; and

4 (3) The evidence proves by a preponderance that:

5 (A) The respondent operated the vehicle while under  
6 the influence of an intoxicant; or

7 (B) The respondent operated the vehicle and refused  
8 to submit to a breath, blood, or urine test after  
9 being informed:

10 (i) That the person may refuse to submit to  
11 testing in compliance with section 291E-11;  
12 and

13 (ii) Of the sanctions of this part and then asked  
14 if the person still refuses to submit to a  
15 breath, blood, or urine test, in compliance  
16 with the requirements of section 291E-15."

17 3. By amending subsections (f) and (g) to read:

18 "(f) If the director [~~administratively revokes~~] confirms  
19 administrative revocation of the respondent's license and  
20 privilege to operate a vehicle, the director shall mail a  
21 written review decision to the respondent, or to the parent or



1 guardian of the respondent if the respondent is under the age of  
2 eighteen. The written review decision shall:

3 (1) State the reasons for confirming the administrative  
4 revocation;

5 (2) Indicate that the respondent has six days from the  
6 date the decision is mailed to request an  
7 administrative hearing to [~~review~~] reconsider the  
8 director's decision;

9 (3) Explain the procedure by which to request an  
10 administrative hearing;

11 (4) Be accompanied by a form, postage prepaid, that the  
12 respondent may fill out and mail in order to request  
13 an administrative hearing;

14 (5) Inform the respondent of the right to [~~review~~] view  
15 and copy all documents considered at the review,  
16 including the arrest report and the sworn statements  
17 of law enforcement officers or other persons, prior to  
18 the hearing; and

19 (6) State that the respondent may be represented by  
20 counsel at the hearing, submit evidence, give



1 testimony, and present and cross-examine witnesses,  
2 including the arresting law enforcement officer.  
3 (g) Failure of the respondent to request a hearing within  
4 the time provided in section 291E-38(a) shall cause the  
5 administrative revocation to take effect for the period and  
6 under the conditions provided in the administrative review  
7 decision issued by the director under this section. The  
8 respondent may regain the right to an administrative hearing by  
9 requesting the director, within sixty days of the [~~issuance of~~  
10 ~~the notice of administrative revocation as provided in section~~  
11 ~~291E-33,~~] date the request for administrative review was mailed  
12 or hand-delivered by the respondent, to schedule an  
13 administrative hearing. The administrative hearing shall then  
14 be scheduled to commence no later than thirty days after the  
15 date the request for hearing is received by the director. The  
16 administrative review decision issued by the director under this  
17 section shall explain clearly the consequences of failure to  
18 request an administrative hearing and the procedure by which the  
19 respondent may regain the right to a hearing."

20 SECTION 7. Section 291E-38, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:

1           "(a) If the director [~~administratively revokes~~] confirms  
2 administrative revocation of the respondent's license and  
3 privilege to operate a vehicle after the administrative review,  
4 the respondent may request an administrative hearing to [review]  
5 reconsider the decision [within six days of the date the  
6 administrative review decision is mailed]. If the request for  
7 hearing is received by the director within six days of the date  
8 the administrative review decision is mailed, the hearing shall  
9 be scheduled to commence no later than:

10           (1) Twenty-five days from the date the [~~notice of~~  
11 ~~administrative revocation was issued~~] request for  
12 administrative review was mailed or hand-delivered by  
13 the respondent in a case involving an alcohol related  
14 offense; or

15           (2) Thirty-nine days from the date the [~~notice of~~  
16 ~~administrative revocation was issued~~] request for  
17 administrative review was mailed or hand-delivered by  
18 the respondent in a case involving a drug related  
19 offense.

20 The director may continue the hearing only as provided in  
21 subsection (j)."



1 SECTION 8. Section 291E-41, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291E-41 Effective date, conditions, and period of**  
4 **administrative revocation; criteria.** (a) Unless an  
5 administrative revocation is rescinded or reversed or the  
6 temporary permit is extended by the director, administrative  
7 revocation shall become effective on the day specified in the  
8 notice of administrative revocation. Except as provided in  
9 section 291E-44.5, no license to operate a vehicle shall be  
10 restored under any circumstances during the administrative  
11 revocation period. Upon completion of the administrative  
12 revocation period, the respondent may reapply and be reissued a  
13 license pursuant to section 291E-45.

14 (b) Except as provided in [~~paragraphs (4)(A)(ii) and~~  
15 paragraph (5) and in section 291E-44.5, the respondent shall  
16 keep an ignition interlock device installed and operating in all  
17 vehicles operated by the respondent during the revocation  
18 period. Except as provided in section 291E-5, installation and  
19 maintenance of the ignition interlock device shall be at the  
20 respondent's expense. The periods of administrative revocation,



1 with respect to a license to operate a vehicle, that shall be  
2 imposed under this part are as follows:

3 (1) [A] If the respondent's record shows no prior alcohol  
4 enforcement contact or drug enforcement contact during  
5 the ten years preceding the date the notice of  
6 administrative revocation was issued:

7 (A) A one year revocation of license to operate a  
8 vehicle [~~, if the respondent's record shows no~~  
9 ~~prior alcohol enforcement contact or drug~~  
10 ~~enforcement contact during the ten years~~  
11 ~~preceding the date the notice of administrative~~  
12 ~~revocation was issued]; or~~

13 (B) An eighteen-month revocation of license to  
14 operate a vehicle if the respondent is a highly  
15 intoxicated driver;

16 (2) [~~A two-year revocation of license to operate a~~  
17 ~~vehicle, if] If the respondent's record shows one  
18 prior alcohol enforcement contact or drug enforcement  
19 contact during the ten years preceding the date the  
20 notice of administrative revocation was issued[~~+~~]:~~



- 1           (A) A two-year revocation of license to operate a  
2           vehicle; or  
3           (B) A three-year revocation of license to operate a  
4           vehicle if the respondent is a highly intoxicated  
5           driver; and

6           (3) [~~A four-year revocation of license to operate a~~  
7           ~~vehicle, if~~] If the respondent's record shows two or  
8           more prior alcohol enforcement contacts or drug  
9           enforcement contacts during the ten years preceding  
10          the date the notice of administrative revocation was  
11          issued[~~+~~]:

- 12          (A) A four-year revocation of license to operate a  
13          vehicle; or  
14          (B) A six-year revocation of license to operate a  
15          vehicle if the respondent is a highly intoxicated  
16          driver.

17          [~~(4) For a respondent who is a highly intoxicated driver:~~  
18          ~~(A) If the respondent's record shows no prior alcohol~~  
19          ~~enforcement contact or drug enforcement contact~~  
20          ~~during the ten years preceding the date the~~  
21          ~~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 (4) If a respondent has refused to be tested after being  
9 informed:

10 (A) That the person may refuse to submit to testing  
11 in compliance with section 291E-11; and

12 (B) Of the sanctions of this part and then asked if  
13 the person still refuses to submit to a breath,  
14 blood, or urine test, in compliance with the  
15 requirements of section 291E-15,

16 the revocation imposed under subsection (b) (1), (2),  
17 or (3) shall be for a period of two years, four years,  
18 or eight years, respectively.

19 (5) For respondents under the age of eighteen years who  
20 were arrested for a violation of section 291E-61 or  
21 291E-61.5, revocation of license and privilege to



1 operate a vehicle for the appropriate revocation  
2 period provided in paragraphs (1) to [~~(3) or in~~  
3 ~~subsection (c);~~] (4); provided that the respondent  
4 shall be prohibited from driving during the period  
5 preceding the respondent's eighteenth birthday and  
6 shall thereafter be subject to the ignition interlock  
7 requirement of this subsection for the balance of the  
8 revocation period; or

9 (6) For respondents, other than those excepted pursuant to  
10 section 291E-44.5(c), who do not install an ignition  
11 interlock device in all vehicles operated by the  
12 respondent during the revocation period, revocation of  
13 license to operate a vehicle for the period of  
14 revocation provided in paragraphs (1) to [~~(4)(A) or in~~  
15 ~~subsection (c);~~] (4); provided that:

16 (A) The respondent shall be absolutely prohibited  
17 from driving during the revocation period and  
18 subject to the penalties provided by section  
19 291E-62 if the respondent drives during the  
20 revocation period; and



1 (B) The director shall not issue an ignition  
2 interlock permit to the respondent pursuant to  
3 section 291E-44.5;  
4 provided further that when more than one  
5 administrative revocation, suspension, or conviction  
6 arises out of the same arrest, it shall be counted as  
7 only one prior alcohol enforcement contact or drug  
8 enforcement contact, whichever revocation, suspension,  
9 or conviction occurs later.

10 ~~[(c) If a respondent has refused to be tested after being~~  
11 ~~informed:~~

- 12 ~~(1) That the person may refuse to submit to testing in~~  
13 ~~compliance with section 291E-11; and~~
- 14 ~~(2) Of the sanctions of this part and then asked if the~~  
15 ~~person still refuses to submit to a breath, blood, or~~  
16 ~~urine test, in compliance with the requirements of~~  
17 ~~section 291E-15,~~  
18 ~~the revocation imposed under subsection (b) (1), (2), or (3)~~  
19 ~~shall be for a period of two years, four years, or eight years,~~  
20 ~~respectively.~~



1       ~~(d)~~ (c) Whenever a license to operate a vehicle is  
2 administratively revoked under this part, the respondent shall  
3 be referred to the driver's education program for an assessment,  
4 by a certified substance abuse counselor, of the respondent's  
5 substance abuse or dependence and the need for treatment. The  
6 counselor shall submit a report with recommendations to the  
7 director. If the counselor's assessment establishes that the  
8 extent of the respondent's substance abuse or dependence  
9 warrants treatment, the director shall so order. All costs for  
10 assessment and treatment shall be paid by the respondent.

11       ~~(e)~~ (d) Alcohol and drug enforcement contacts that  
12 occurred prior to January 1, 2002, shall be counted in  
13 determining the administrative revocation period.

14       ~~(f)~~ (e) The requirement to provide proof of financial  
15 responsibility pursuant to section 287-20 shall not be based  
16 upon a revocation under subsection ~~[(b)(1)].~~ (b)(1)(A)."

17       SECTION 9. (a) The department of the attorney general  
18 shall submit a report to the legislature no later than thirty  
19 days prior to the convening of the regular sessions of 2026,  
20 2027, and 2028 that includes, for each county prosecuting  
21 attorney and the department of the attorney general:



- 1           (1) The number of cases referred by any state or local law  
2           enforcement agency, for operating a vehicle under the  
3           influence of an intoxicant pursuant to section  
4           291E-61, Hawaii Revised Statutes, and the number of  
5           cases charged, including a breakdown by type of charge  
6           if other than section 291E-61, Hawaii Revised  
7           Statutes;
- 8           (2) The number of cases referred by any state or local law  
9           enforcement agency, for habitually operating a vehicle  
10          under the influence of an intoxicant pursuant to  
11          section 291E-61.5, Hawaii Revised Statutes, and the  
12          number of cases charged, including a breakdown by type  
13          of charge if other than 291E-61.5, Hawaii Revised  
14          Statutes;
- 15          (3) The number of cases under paragraphs (1) and (2) that  
16          resulted in a conviction as charged;
- 17          (4) The number of cases under paragraphs (1) and (2) that  
18          were dismissed by the court;
- 19          (5) The number of cases under paragraphs (1) and (2) that  
20          ultimately pled to a different charge by agreement,  
21          and a breakdown by type of charge;



1 (6) The number of cases referred pursuant to section  
2 291D-13, Hawaii Revised Statutes, for operating a  
3 vehicle while impaired, under section 291E- , Hawaii  
4 Revised Statutes;

5 (7) A breakdown of outcomes for cases under paragraph (6);  
6 and

7 (8) Any other relevant information that the county  
8 prosecuting attorneys or the department of the  
9 attorney general may wish to include.

10 (b) No later than November 1 of 2025, 2026, and 2027, the  
11 prosecuting attorney of each county shall provide the department  
12 of the attorney general with the data to enable the department  
13 to complete the report under subsection (a); provided that the  
14 data and report submitted prior to the convening of the regular  
15 session of 2026, all required data shall be provided for both  
16 2024 and 2025.

17 SECTION 10. This Act does not affect rights and duties  
18 that matured, penalties that were incurred, and proceedings that  
19 were begun before its effective date.

20 SECTION 11. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 12. This Act shall take effect on April 23, 2057.



**Report Title:**

DOT; AG; ADLRO; Automatic License Revocation; Impaired Driving; Blood Alcohol Concentration; Prohibited; Penalties; Reports

**Description:**

Establishes the offense of operating a vehicle while impaired and penalties. Establishes process to automatically suspend the license of a person arrested for driving under the influence. Allows a person whose license is automatically suspended for driving under the influence to contest the suspension. Amends the administrative process at the Administrative Driver's License Revocation Office. Requires the Department of the Attorney General to submit reports to the Legislature. Effective 4/23/2057. (SD2)

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

