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# A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE DRIVERS LICENSE REVOCATION.

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

1           SECTION 1. The legislature finds that extending the  
2 deadlines for the Hawaii administrative drivers license  
3 revocation office (ADLRO) to issue its initial decision,  
4 regarding whether to revoke the drivers license of an individual  
5 suspected of operating a vehicle under the influence of an  
6 intoxicant (OVUII), is in the best interests of public health,  
7 safety, and welfare.

8           Each year, hundreds of people across Hawaii are injured and  
9 dozens are killed in motor vehicle collisions involving a driver  
10 who tests positive for drugs or alcohol. Effective law  
11 enforcement can help to deter would-be offenders from OVUII, and  
12 part of that enforcement effort includes testing any breath or  
13 blood samples provided by drivers suspected of OVUII. Aside  
14 from criminal cases, these test results, if obtained within the  
15 time period set by statute, may also be referenced by the ADLRO,  
16 to potentially revoke the person's drivers license. The sooner  
17 the ADLRO can issue its initial decision regarding a potential



1 license revocation, the sooner those individuals can be kept off  
2 the road or required to install an ignition interlock device if  
3 they wish to continue driving.

4 The legislature acknowledges that while it is certainly  
5 important for ADLRO to issue these decisions quickly, Hawaii is  
6 one of the few states that has a statutory deadline for  
7 decisions to be issued. Of those states that do have a deadline  
8 set by statute, the deadlines appear to be significantly longer  
9 than Hawaii's deadline. Oregon, for example, requires their  
10 ADLRO to issue decisions within thirty days from arrest, or  
11 sixty days from the time positive blood test results are  
12 received. Notably, Oregon has in-state labs that can test blood  
13 for the presence of drugs, while Hawaii does not.

14 The legislature further finds that a 2024 nationwide survey  
15 of toxicology laboratories, conducted by The Center for Forensic  
16 Science Research & Education, fifty per cent of the labs  
17 reported testing for alcohol within fifteen days or less, while  
18 only fourteen per cent complete their testing in under six days.  
19 When testing for drugs other than alcohol, the timeframe varies  
20 greatly, but thirty-two per cent of labs reported testing in  
21 thirty days or less, while another thirty-two per cent complete



1 their testing within thirty-one to sixty days. Only fourteen  
2 per cent reported testing for drugs within twenty days or less.  
3 These timeframes do not include the time needed for a specimen  
4 to be shipped to the lab, which is an additional factor for law  
5 enforcement agencies in Hawaii, especially those in the counties  
6 of Maui, Kauai, and Hawaii who need to ship all of their blood  
7 and urine specimens to Honolulu, after which any specimens to be  
8 tested for drugs then to be shipped from Honolulu to the  
9 continental United States.

10 The legislature concludes that establishing more reasonable  
11 deadlines for ADLRO to issue its decisions, which account for  
12 the realities of technology, and are more in-line with national  
13 timeframes to test specimens for the presence of drugs and  
14 alcohol, would allow ADLRO to issue more decisions that are  
15 based on physical evidence and thus more just and reliable in  
16 their outcome.

17 Therefore, the purpose of this Act is to extend the written  
18 review decision deadline for the issuance of a notice of  
19 administrative revocation of a drivers license.

20 SECTION 2. Section 291E-37, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "(a) The director automatically shall review the issuance  
2 of a notice of administrative revocation and shall issue a  
3 written decision administratively revoking the license and  
4 privilege to operate a vehicle or rescinding the notice of  
5 administrative revocation. The written review decision shall be  
6 mailed to the respondent, or to the parent or guardian of the  
7 respondent if the respondent is under the age of eighteen, no  
8 later than:

- 9           (1) [~~Eight~~] Fifteen days after the date the notice was  
10                           issued in a case involving an alcohol related offense;  
11                           or  
12           (2) [~~Twenty-two~~] Thirty days after the date the notice was  
13                           issued in a case involving a drug related offense."

14           SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16           SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY: 

# S.B. NO. 597

**Report Title:**

ADLRO; Written Notice; Decisions

**Description:**

Extends the time restriction in which the Hawaii Administrative Drivers License Revocation Office is required to issue a written review decision of a notice of administrative revocation of a person's driver license.

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

