
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 administrative driver's license revocation
3 office to issue its initial decision, regarding whether to
4 revoke the driver's license of an individual suspected of
5 operating a vehicle under the influence of an intoxicant, is in
6 the best interests of public health, safety, and welfare.

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



1 license. The sooner the administrative driver's license
2 revocation office can issue its initial decision regarding a
3 potential license revocation, the sooner those individuals can
4 be kept off the road or required to install an ignition
5 interlock device if they wish to continue driving.

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

18 The legislature further finds that a 2024 nationwide survey
19 of toxicology laboratories, conducted by The Center for Forensic
20 Science Research & Education, found that fifty per cent of the
21 labs reported testing for alcohol within fifteen days or less,



1 while only fourteen per cent complete their testing in under six
2 days. When testing for drugs other than alcohol, the timeframe
3 varies greatly, but thirty-two per cent of labs reported testing
4 in thirty days or less, while another thirty-two per cent
5 complete their testing within thirty-one to sixty days. Only
6 fourteen per cent reported testing for drugs within twenty days
7 or less. These timeframes do not include the time needed for a
8 specimen to be shipped to the lab, which is an additional factor
9 for law enforcement agencies in Hawaii, especially those in the
10 counties of Maui, Kauai, and Hawaii who need to ship all of
11 their blood and urine specimens to Honolulu, after which any
12 specimens to be tested for drugs then to be shipped from
13 Honolulu to the continental United States.

14 The legislature concludes that establishing more reasonable
15 deadlines for administrative driver's license revocation office
16 to issue its decisions, which account for the realities of
17 technology, and are more in-line with national timeframes to
18 test specimens for the presence of drugs and alcohol, would
19 allow administrative driver's license revocation office to issue
20 more decisions that are based on physical evidence and thus more
21 just and reliable in their outcome.



1 Therefore, the purpose of this Act is to extend the written
2 review decision deadline for the issuance of a notice of
3 administrative revocation of a driver's license.

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

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

14 (1) ~~[Eight]~~ Fourteen days after the date the notice was
15 issued in a case involving an alcohol related offense;
16 or

17 (2) ~~[Twenty-two]~~ Twenty-eight days after the date the
18 notice was issued in a case involving a drug related
19 offense."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Administrative Driver's License Revocation Office; Written
Notice; Decisions

Description:

Extends the time restriction in which the Administrative
Driver's License Revocation Office is required to issue a
written review decision of a notice of administrative revocation
of a person's driver license. Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

