

A Bill for an Act Relating to Driving Under the Influence of Alcohol.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 286-151, Hawaii Revised Statutes, is amended to read as follows:

**“§286-151 Implied consent of driver of motor vehicle to submit to testing to determine alcoholic content of blood.** Any person who operates a motor vehicle on the public highways of the State shall be deemed to have given consent, subject to this part, to a test approved by the director of transportation of the person’s breath or blood for the purpose of determining the alcoholic content of the person’s blood; such person shall have the option to take a test of the person’s breath or blood, or both. The test or tests shall be administered at the request of a police officer having reasonable grounds to believe the person driving or in actual physical control of a motor vehicle upon the public highways is under the influence of intoxicating liquor only after (1) a lawful arrest, and (2) the police officer has informed the person of the sanctions of section 286-155.”

SECTION 2. Section 286-155, Hawaii Revised Statutes, is amended to read as follows:

**“§286-155 Revocation of privilege to drive motor vehicle upon refusal to submit to testing.** If a person under arrest refuses to submit to a breath or blood test,

none shall be given, except as provided in section 286- , but the arresting officer shall, as soon as practicable, submit an affidavit to a district judge of the circuit in which the arrest was made, stating:

- (1) That at the time of the arrest, the arresting officer had reasonable grounds to believe the arrested person had either been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor;
- (2) That the arrested person had been informed of the sanctions of this section; and
- (3) That the person had refused to submit to a breath or blood test.

Upon receipt of the affidavit, the district judge shall hold a hearing as provided in section 286-156, and shall determine whether the statements contained in the affidavit are true and correct. If the district judge finds the statements contained in the affidavit are true, the judge shall revoke the arrested person's license, permit, or any nonresident operating privilege for a period of six months.

If the arrested person is a resident without a license or permit to operate a motor vehicle in the State, the district judge shall send notice of the results of the hearing to the examiners of drivers of all counties. The examiners of drivers shall deny the person the issuance of a license or permit for the period of six months.

The penalties provided by this section are additional penalties and not substitutes for other penalties provided by law."

SECTION 3. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§286- Applicable scope of part VII chapter 286.** Nothing in this part shall be construed to prevent the police from obtaining a sample of breath or blood as evidence of intoxication from the driver of any vehicle involved in an accident resulting in injury to or death of any person."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 28, 1981.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.