

ACT 258

H.B. NO. 329

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

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

SECTION 1. Chapter 291, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§291- Driving after license suspended or revoked for driving under the influence of intoxicating liquor; penalties.** No person whose driver’s license has been revoked, suspended, or otherwise restricted pursuant to sections 291-4 or 286-155 shall operate a motor vehicle upon the highways of this State while such license remains suspended, revoked, or in violation of the restrictions placed on the license. Any person convicted of violating this section shall be sentenced to a term of imprisonment of at least three consecutive days but not more than thirty days, shall be fined not less than \$250 but not more than \$1,000, and that person’s driver’s license shall be suspended or revoked for an additional period of one year. The court for good cause may extend imprisonment up to sixty days. The period of suspension or revocation shall commence upon the release of the person from the period of imprisonment imposed pursuant to this section.”

SECTION 2. Section 286-104, Hawaii Revised Statutes, is amended to read as follows:

**“§286-104 What persons shall not be licensed.** The examiner of drivers shall not issue any license hereunder:

- (1) To any person whose license has been suspended by a court of competent jurisdiction during the suspension period[.]; nor to any person whose license has been revoked until the expiration of one year after the date of the revocation[.]; or until the expiration of the period of revocation specified by law, whichever is greater; nor to

- any person who, while unlicensed, has within two years been convicted of driving while drunk;
- (2) To any person who is required by this part to take an examination, unless such person has successfully passed the examination;
  - (3) To any person who is required under the motor vehicle financial responsibility laws of this State to deposit proof of financial responsibility and who has not deposited such proof;
  - (4) To any person when the examiner of drivers has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways;
  - (5) To any person who is under seventeen years of age; provided that a person who is fifteen or sixteen years of age may be granted a special license upon satisfying the requirements of sections 286-108 and 286-109, which license may be suspended or revoked by a judge having jurisdiction over the holder of the special license. Upon revocation of the special license, the person shall not be eligible to operate a motor vehicle on the highway until he is seventeen years of age and has again satisfied the requirements of sections 286-108 and 286-109;
  - (6) To any person who has been ordered to be hospitalized under chapter 334 or committed under chapter 333 unless the director of health certifies to the examiner of drivers that the person is mentally competent and may be examined to determine his fitness to operate a motor vehicle.

Any person denied a license under this or any other section of this part shall have a right of appeal as hereinafter provided."

SECTION 3. Section 286-132, Hawaii Revised Statutes, is amended to read as follows:

**"§286-132 Driving while license suspended or revoked; penalty.** [Any] Except as provided in section 291-, any [person] resident or nonresident whose driver's license, [or driving privilege as a nonresident] right, or privilege to operate a motor vehicle in this State has been canceled, suspended, or revoked, and who drives any motor vehicle upon the highways of this State while such license, right, or privilege remains canceled, suspended, or revoked, shall be fined not less than \$250 but not more than \$1,000 or imprisoned not more than one year."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

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

(Approved June 5, 1985.)

**Note**

1. Edited pursuant to HRS §23G-16.5.