

ACT 6

H.B. NO. 2251

A Bill for an Act Relating to Chapter 291E.

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

SECTION 1. Section 291E-62, Hawaii Revised Statutes, is amended to read as follows:

**“§291E-62 Operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant; penalties.** (a) No person whose license and privilege to operate a vehicle have been revoked, suspended, or otherwise restricted pursuant to this section or to part III or section 291E-61, or to part VII or part XIV of chapter 286 or section

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200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those provisions were in effect on December 31, 2001, shall operate or assume actual physical control of any vehicle:

- (1) In violation of any restrictions placed on the person's license; or
  - (2) While the person's license or privilege to operate a vehicle remains suspended or revoked.
- (b) Any person convicted of violating this section shall be sentenced as follows:
- (1) For a first offense, or any offense not preceded within a five-year period by conviction for an offense under this section[;] or under section 291-4.5 as that section was in effect on December 31, 2001:
    - (A) A term of imprisonment of not less than three consecutive days but not more than thirty days;
    - (B) A fine of not less than \$250 but not more than \$1,000; and
    - (C) Revocation of license and privilege to operate a vehicle for an additional year;
  - (2) For an offense that occurs within five years of a prior conviction for an offense under this section[;] or under section 291-4.5 as that section was in effect on December 31, 2001:
    - (A) Thirty days imprisonment;
    - (B) A \$1,000 fine; and
    - (C) Revocation of license and privilege to operate a vehicle for an additional two years; and
  - (3) For an offense that occurs within five years of two or more prior convictions for offenses under this section[;] or under section 291-4.5 as that section was in effect on December 31, 2001:
    - (A) One year imprisonment;
    - (B) A \$2,000 fine; and
    - (C) Permanent revocation of the person's license and privilege to operate a vehicle.

The period of revocation shall commence upon the release of the person from the period of imprisonment imposed pursuant to this section.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

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

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

(Approved April 16, 2004.)