

ACT 74

H.B. NO. 2003

A Bill for an Act Relating to Driving While Intoxicated.

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

SECTION 1. Section 291E-44.5, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

“(d) A request made pursuant to subsection (c) shall be accompanied by:

- (1) A sworn statement from the respondent containing facts establishing that the respondent currently is employed in a position that requires driving and that the respondent will be discharged if prohibited from driving a vehicle not equipped with an ignition interlock device; and
- (2) A sworn statement from the respondent’s employer establishing that the employer will, in fact, discharge the respondent if the respondent ~~[is prohibited from driving a vehicle]~~ cannot drive a vehicle that is not equipped with an ignition interlock device and identifying the specific vehicle or vehicles the respondent will drive for the purposes of employment and the hours of the day [the respondent will drive], not to exceed twelve hours per day, or the period of the specified assigned hours of work, the respondent will drive the vehicle or vehicles for purposes of employment.

(e) A permit issued pursuant to subsection (c) shall include restrictions allowing the respondent to drive:

- (1) Only during specified hours of employment, not to exceed twelve hours per day, ~~or the period of the specified assigned hours of work,~~ and only for activities solely within the scope of the employment;
- (2) Only the vehicles specified; and
- (3) Only if the permit is kept in the respondent’s possession while operating the employer’s vehicle.

In addition, the director may impose other appropriate restrictions.”

SECTION 2. Section 291E-61, Hawaii Revised Statutes, is amended by amending subsections (e) and (f) to read as follows:

by: “(e) A request made pursuant to subsection (d) shall be accompanied

- (1) A sworn statement from the defendant containing facts establishing that the defendant currently is employed in a position that requires driving and that the defendant will be discharged if prohibited from driving a vehicle not equipped with an ignition interlock device; and
- (2) A sworn statement from the defendant’s employer establishing that the employer will, in fact, discharge the defendant if the defendant ~~[is prohibited from driving a vehicle]~~ cannot drive a vehicle that is not equipped with an ignition interlock device and identifying the specific vehicle the defendant will drive for purposes of employment and the hours of the day, not to exceed twelve hours per day, or the period of the specified assigned hours of work, the defendant will drive the vehicle for purposes of employment.

(f) A permit issued pursuant to subsection (d) shall include restrictions allowing the defendant to drive:

- (1) Only during specified hours of employment, not to exceed twelve hours per day, or the period of the specified assigned hours of work, and only for activities solely within the scope of the employment;
- (2) Only the vehicle specified; and
- (3) Only if the permit is kept in the defendant’s possession while operating the employer’s vehicle.”

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

SECTION 4. This Act shall take effect on July 1, 2018.

(Approved June 29, 2018.)