

ACT 146

S.B. NO. 597

A Bill for an Act Relating to Administrative Drivers License Revocation.

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

SECTION 1. The legislature finds that extending the deadlines for the administrative driver's license revocation office to issue its initial decision, regarding whether to revoke the driver's license of an individual suspected of operating a vehicle under the influence of an intoxicant, is in the best interests of public health, safety, and welfare.

Each year, hundreds of people across Hawaii are injured and dozens are killed in motor vehicle collisions involving a driver who tests positive for drugs or alcohol. Effective law enforcement can help to deter would-be offenders from operating a vehicle under the influence of an intoxicant, and part of that enforcement effort includes testing any breath or blood samples provided by drivers suspected of operating a vehicle under the influence of an intoxicant. Aside from criminal cases, these test results, if obtained within the time period set by statute, may also be used by the administrative driver's license revocation office to potentially revoke the person's driver's license. The sooner the administrative driver's license revocation office can issue its initial decision regarding a potential license revocation, the sooner those individuals can be kept off the road or required to install an ignition interlock device if they wish to continue driving.

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

The legislature further finds that a 2024 nationwide survey of toxicology laboratories, conducted by The Center for Forensic Science Research & Education, found that fifty per cent of the labs reported testing for alcohol within fifteen days or less, while only fourteen per cent complete their testing in under

six days. When testing for drugs other than alcohol, the timeframe varies greatly. Thirty-two per cent of labs reported testing in thirty days or less, while another thirty-two per cent complete their testing within thirty-one to sixty days. Only fourteen per cent reported testing for drugs within twenty days or less. These timeframes do not include the time needed for a specimen to be shipped to the lab, which is an additional factor for law enforcement agencies in Hawaii, especially those in the counties of Maui, Kauai, and Hawaii who need to ship all of their blood and urine specimens to Honolulu. Any specimens to be tested for drugs are then shipped from Honolulu to the continental United States.

The legislature concludes that establishing more reasonable deadlines for the administrative driver's license revocation office to issue its decisions, which account for technological realities and align with national timeframes for testing specimens for drugs and alcohol, would enable the administrative driver's license revocation office to issue decisions that are based on physical evidence, resulting in more just and reliable outcomes.

Therefore, the purpose of this Act is to extend the written review decision deadline for the issuance of a notice of administrative revocation of a license to operate a vehicle.

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

“(a) The director [~~automatically~~] shall automatically review the issuance of a notice of administrative revocation and shall issue a written decision administratively revoking the license and privilege to operate a vehicle or rescinding the notice of administrative revocation. The written review decision shall be mailed to the respondent, or to the parent or guardian of the respondent if the respondent is under the age of eighteen, no later than:

- (1) [~~Eight~~] Fourteen days after the date the notice was issued in a case involving an alcohol related offense; or
- (2) [~~Twenty-two~~] Twenty-eight days after the date the notice was issued in a case involving a drug related offense.”

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 May 30, 2025.)