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## A BILL FOR AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 291E-33, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:  
3           "(c) Whenever a respondent under this section is a repeat  
4 intoxicated driver, or has submitted to a test that establishes  
5 the respondent's alcohol concentration was .15 or more, the  
6 arresting law enforcement officer shall take possession of the  
7 motor vehicle registration and, if the motor vehicle being  
8 driven by the respondent is registered to the respondent, remove  
9 the number plates and issue a temporary motor vehicle  
10 registration and temporary number plates for the motor vehicle.  
11 No temporary motor vehicle registration or temporary number  
12 plates shall be issued if the respondent's registration has  
13 expired or been revoked. The applicable police department, upon  
14 determining that the respondent is a repeat intoxicated driver,  
15 shall notify the appropriate county director of finance to enter  
16 a stopper on the motor vehicle registration files to prevent the  
17 respondent from conducting any motor vehicle transactions,  
18 except as permitted under this part."



1 SECTION 2. Section 291E-41, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) The periods of administrative revocation with respect  
4 to a license and privilege to operate a vehicle, and motor  
5 vehicle registration if applicable, that shall be imposed under  
6 this part are as follows:

7 (1) A minimum of three months up to a maximum of one year  
8 revocation of license and privilege to operate a  
9 vehicle, if the respondent's record shows no prior  
10 alcohol enforcement contact or drug enforcement  
11 contact during the five years preceding the date the  
12 notice of administrative revocation was issued;

13 (2) A minimum of one year up to a maximum of two years  
14 revocation of license and privilege to operate a  
15 vehicle and of the registration of any motor vehicle  
16 registered to the respondent, if the respondent's  
17 record shows one prior alcohol enforcement contact or  
18 drug enforcement contact during the five years  
19 preceding the date the notice of administrative  
20 revocation was issued[+] or if the respondent has  
21 submitted to a test that establishes the respondent's  
22 alcohol concentration was .15 or more;



- 1           (3) A minimum of two years up to a maximum of four years  
2           revocation of license and privilege to operate a  
3           vehicle and of the registration of any motor vehicle  
4           registered to the respondent, if the respondent's  
5           record shows two prior alcohol enforcement contacts or  
6           drug enforcement contacts during the seven years  
7           preceding the date the notice of administrative  
8           revocation was issued;
- 9           (4) Lifetime revocation of license and privilege to  
10          operate a vehicle and of the registration of any motor  
11          vehicle registered to the respondent and a lifetime  
12          prohibition on any subsequent registration of motor  
13          vehicles by the respondent, if the respondent's record  
14          shows three or more prior alcohol enforcement contacts  
15          or drug enforcement contacts during the ten years  
16          preceding the date the notice of administrative  
17          revocation was issued; or
- 18          (5) For respondents under the age of eighteen years who  
19          were arrested for a violation of section 291E-61 or  
20          291E-61.5, revocation of license and privilege to  
21          operate a vehicle either for the period remaining  
22          until the respondent's eighteenth birthday or, if



1 applicable, for the appropriate revocation period  
2 provided in paragraphs (1) to (4) or in subsection  
3 (d), whichever is longer and such respondents shall  
4 not qualify for a conditional permit;  
5 provided that when more than one administrative revocation,  
6 suspension, or conviction arises out of the same arrest, it  
7 shall be counted as only one prior alcohol enforcement contact  
8 or drug enforcement contact, whichever revocation, suspension,  
9 or conviction occurs later~~[-]~~; and provided further that if more  
10 than one paragraph in this subsection applies, the longest  
11 period of administrative revocation with respect to a license  
12 and privilege to operate a vehicle shall apply."

13 SECTION 3. Section 291E-61, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) A person committing the offense of operating a  
16 vehicle under the influence of an intoxicant shall be sentenced  
17 as follows without possibility of probation or suspension of  
18 sentence:

19 (1) For the first offense, or any offense not preceded  
20 within a five-year period by a conviction for an  
21 offense under this section or section 291E-4(a):



- 1           (A) A fourteen-hour minimum substance abuse
- 2                   rehabilitation program, including education and
- 3                   counseling, or other comparable program deemed
- 4                   appropriate by the court;
- 5           (B) Ninety-day prompt suspension of license and
- 6                   privilege to operate a vehicle during the
- 7                   suspension period, or the court may impose, in
- 8                   lieu of the ninety-day prompt suspension of
- 9                   license, a minimum thirty-day prompt suspension
- 10                  of license with absolute prohibition from
- 11                  operating a vehicle and, for the remainder of the
- 12                  ninety-day period, a restriction on the license
- 13                  that allows the person to drive for limited work-
- 14                  related purposes and to participate in substance
- 15                  abuse treatment programs;
- 16           (C) Any one or more of the following:
- 17                   (i) Seventy-two hours of community service work;
- 18                   (ii) Not less than forty-eight hours and not more
- 19                          than five days of imprisonment; or
- 20                   (iii) A fine of not less than \$150 but not more
- 21                          than \$1,000; and

1 (D) A surcharge of \$25 to be deposited into the  
2 neurotrauma special fund;  
3 provided that a person committing the offense of  
4 operating a vehicle under the influence of an  
5 intoxicant with .15 or more grams of alcohol per two  
6 hundred ten liters of breath or with .15 or more grams  
7 of alcohol per one hundred milliliters or cubic  
8 centimeters of blood who would otherwise be sentenced  
9 under this paragraph shall be sentenced under  
10 paragraph (2);

11 (2) For an offense that occurs within five years of a  
12 prior conviction for an offense under this section or  
13 section 291E-4(a) by:

14 (A) Prompt suspension of license and privilege to  
15 operate a vehicle for a period of one year with  
16 an absolute prohibition from operating a vehicle  
17 during the suspension period;

18 (B) Either one of the following:

19 (i) Not less than two hundred forty hours of  
20 community service work; or

21 (ii) Not less than five days but not more than  
22 fourteen days of imprisonment of which at



- 1                   least forty-eight hours shall be served  
2                   consecutively;
- 3           (C) A fine of not less than \$500 but not more than  
4                 \$1,500; and
- 5           (D) A surcharge of \$25 to be deposited into the  
6                 neurotrauma special fund;
- 7       (3) For an offense that occurs within five years of two  
8         prior convictions for offenses under this section or  
9         section 291E-4(a):
- 10        (A) A fine of not less than \$500 but not more than  
11                 \$2,500;
- 12        (B) Revocation of license and privilege to operate a  
13                 vehicle for a period not less than one year but  
14                 not more than five years;
- 15        (C) Not less than ten days but not more than thirty  
16                 days imprisonment of which at least forty-eight  
17                 hours shall be served consecutively; and
- 18        (D) A surcharge of \$25 to be deposited into the  
19                 neurotrauma special fund; and
- 20        (E) Forfeiture under chapter 712A of the vehicle  
21                 owned and operated by the person committing the  
22                 offense, provided that the department of

1 transportation shall provide storage for vehicles  
2 forfeited under this subsection; and

3 (4) Any person eighteen years of age or older who is  
4 convicted under this section and who operated a  
5 vehicle with a passenger, in or on the vehicle, who  
6 was younger than fifteen years of age, shall be  
7 sentenced to an additional mandatory fine of \$500 and  
8 an additional mandatory term of imprisonment of forty-  
9 eight hours; provided that the total term of  
10 imprisonment for a person convicted under this  
11 paragraph shall not exceed the maximum term of  
12 imprisonment provided in paragraphs (1), (2), or (3)."

13 SECTION 4. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun, before its effective date.

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.  
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HB 2191

**Report Title:**

DUI; Elevated Alcohol Concentration

**Description:**

Establishes increased licensing and vehicle registration penalties for persons who drive with alcohol concentration of .15 or more.

