
A BILL FOR AN ACT

RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

1 SECTION 1. Chapter 291E, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§291E- Illegal operation of a vehicle while under court
5 order of revocation of privilege to operate a vehicle. (a) A
6 person commits the offense of illegal operation of a vehicle
7 while under court order of revocation of license and privilege
8 to operate a vehicle if the person operates or assumes actual
9 physical control of a vehicle after the person has had the
10 person's license and privilege to operate a vehicle revoked by a
11 court order pursuant to this chapter, or revoked by a court
12 order pursuant to section 200-81, 291-4, 291-4.4, 291-4.5, or
13 291-7 as those provisions were in effect on December 31, 2001.

14 (b) It is an affirmative defense that the person had the
15 person's license and privilege to operate a vehicle restored by
16 court order prior to the date of violation of this section.

17 (c) A violation of this section shall be a class C felony;
18 provided that:



1 (1) If the person convicted of violating this section has
2 been previously sentenced under section 291E-61.5, the
3 sentence shall be:

4 (A) Mandatory permanent revocation of license and
5 privilege to operate a vehicle; and

6 (B) An indeterminate term of imprisonment of five
7 years, without possibility of suspension of
8 sentence or probation; or

9 (2) If paragraph (1) does not apply to the person, the
10 sentence shall be:

11 (A) Mandatory revocation of license and privilege to
12 operate a vehicle for a period of five years, to
13 commence upon the release of the person from the
14 period of imprisonment imposed pursuant to
15 subparagraph (B) of this paragraph; and

16 (B) An indeterminate term of imprisonment of five
17 years, or a five-year term of probation with
18 terms and conditions to include, but not be
19 limited to, ninety days of imprisonment, which
20 shall not be suspended.

21 **§291E- Illegal operation of a vehicle while under court**
22 **order of suspension of privilege to operate a vehicle.** (a) A

1 person commits the offense of illegal operation of a vehicle
2 while under court order of suspension of license and privilege
3 to operate a vehicle if the person operates or assumes actual
4 physical control of a vehicle during a period of time for which
5 the person has had the person's license and privilege to operate
6 a vehicle suspended by a court order pursuant to this chapter,
7 or suspended by a court order pursuant to section 200-81, 291-4,
8 291-4.4, 291-4.5, or 291-7 as those provisions were in effect on
9 December 31, 2001.

10 (b) A violation of this section shall be a misdemeanor;
11 provided that the sentence shall be:

12 (1) For a first offense not preceded within a five-year
13 period by conviction under this section:

14 (A) A mandatory term of imprisonment of not less than
15 three consecutive days but not more than thirty
16 days, which shall not be suspended;

17 (B) A fine of not less than \$250 but not more than
18 \$1,000; and

19 (C) Suspension of license and privilege to operate a
20 vehicle for an additional year, to be served
21 consecutively with the suspension the person was
22 under at the time of the offense, excluding the



1 period of imprisonment imposed pursuant to this
2 paragraph;

3 (2) For an offense that occurs within five years of a
4 prior conviction under this section:

5 (A) A mandatory thirty consecutive days imprisonment,
6 which shall not be suspended;

7 (B) A \$1,000 fine; and

8 (C) Suspension of license and privilege to operate a
9 vehicle for an additional two years, to be served
10 consecutively with the suspension the person was
11 under at the time of the offense, and excluding
12 the period of imprisonment imposed pursuant to
13 this paragraph;

14 (3) For an offense that occurs within five years of two or
15 more prior convictions for offenses under this
16 section:

17 (A) A mandatory one year imprisonment, which shall
18 not be suspended;

19 (B) A \$2,000 fine; and

20 (C) Permanent revocation of the person's license and
21 privilege to operate a vehicle."



1 SECTION 2. Section 291E-62, Hawaii Revised Statutes, is
2 amended by amending the title and subsection (a) to read as
3 follows:

4 "**§291E-62 Operating a vehicle after license and privilege**
5 **have been administratively suspended or revoked for operating a**
6 **vehicle under the influence of an intoxicant; penalties.** (a)

7 No person whose license and privilege to operate a vehicle have
8 been revoked, suspended, or otherwise restricted pursuant to
9 this section or to part III [~~or section 291E-61~~] of this chapter
10 or 291E-61.5, or to part VII or part XIV of chapter 286 or
11 section 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those
12 provisions were in effect on December 31, 2001, shall operate or
13 assume actual physical control of any vehicle:

14 (1) In violation of any restrictions placed on the
15 person's license; or

16 (2) While the person's license or privilege to operate a
17 vehicle remains suspended or revoked."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun, before its effective date.

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



S.B. NO. 2211

1 SECTION 5. This Act, upon its approval, shall take effect
2 retroactive to January 1, 2006.

3

INTRODUCED BY: *Tommy G. Thompson*
Will Evers
DiKanno
Rosalyn H. Baker

4



SB2211

Report Title:

Motor Vehicles; Use of Intoxicants

Description:

Creates new offenses of illegal operation of a vehicle while under court order of revocation of privilege to operate a vehicle and of illegal operation of a vehicle while under court order of suspension of privilege to operate a vehicle.

