

JAN 17 2008

A BILL FOR AN ACT

RELATING TO DRIVING AFTER THE CONSUMPTION OF ALCOHOL.

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

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

4 "PART . IGNITION INTERLOCK DEVICES

5 **§291E-A Definitions.** As used in this part:

6 "Ignition interlock device" or "device" means a constant
7 monitoring device, of a type approved by the director, that
8 prevents a motor vehicle from being started at any time without
9 first determining the blood alcohol level of the operator of the
10 vehicle by testing a breath sample.

11 "Violation" means any alcohol-related act resulting in the
12 revocation, suspension, or other restriction of a person's
13 license and privilege to operate a motor vehicle pursuant to
14 part III or section 291E-61, 291E-61.5, or 291E-64.

15 "Violator" means a person who commits a violation.

16 **§291E-B Device requirement for violators.** (a) Any
17 violator whose license and privilege to operate a motor vehicle
18 has been revoked, suspended, or otherwise restricted pursuant to



1 part III or section 291E-61, 291E-61.5 or 291E-64, shall have an
2 ignition interlock device installed and operating on all motor
3 vehicles driven by the violator, pursuant to rules adopted by
4 the director. Unless determined by the director to be indigent,
5 the violator shall pay all costs associated with the
6 installation of any ignition interlock device.

7 (b) The violator shall only operate a motor vehicle
8 equipped with an ignition interlock device for:

9 (1) A period of one year, for a first violation;

10 (2) A period of two years, for a second violation;

11 (3) A period of three years, for a third violation; or

12 (4) The remainder of the violator's life, subject to

13 section 291E-C, for a fourth or subsequent violation.

14 **§291E-C Removal of lifetime device requirement.** Five
15 years from the date that a violator's license and privilege to
16 operate a motor vehicle is initially revoked, suspended, or
17 otherwise restricted under section 291E-B(b)(4), the violator
18 may apply to a court of competent jurisdiction for an order for
19 removal of the ignition interlock device. The court may, for
20 good cause shown, order the removal of the ignition interlock
21 device; provided that a violator who commits another violation
22 following installation of the ignition interlock device during



1 that same period or is convicted of tampering with the proper
2 and intended operation of an ignition interlock device shall not
3 be eligible to apply for an order authorizing removal under this
4 section. Good cause may include an alcohol screening and proof
5 from the vendor of the ignition interlock device that the
6 violator has complied with all terms relating to installation
7 and use of the device.

8 **§291E-D Monitoring of device use.** The use of any ignition
9 interlock device required under this part shall be monitored by
10 the vendor of the device for proper use and accuracy at least
11 quarterly, as the director may require. A report of that
12 monitoring shall be issued by the vendor to the director within
13 fourteen days of each monitoring.

14 **§291E-E Maintenance of device.** Any violator required
15 under this part to install and use an ignition interlock device
16 shall maintain the device, keep up-to-date records in the motor
17 vehicle equipped with the device showing the completion of
18 required service and calibrations, and provide the records upon
19 the request of the director or a law enforcement officer.

20 **§291E-F Tampering.** No person shall intentionally or
21 knowingly circumvent, tamper, or otherwise interfere with the
22 proper and intended operation of an ignition interlock device.



1 **§291E-G Penalty.** Any person convicted of a violation of
2 this part shall be guilty of a misdemeanor.

3 **§291E-H Rules.** The director shall adopt rules to carry
4 out the purposes of this part."

5 SECTION 2. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2008-2009 to carry
8 out the purposes of this Act.

9 The sum appropriated shall be expended by the judiciary for
10 the purposes of this Act.

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 4. In codifying the new part added to chapter
15 291E, Hawaii Revised Statutes, by section 1 of this Act, the
16 revisor of statutes shall substitute appropriate section numbers
17 for the letters used in designating the new sections in this
18 Act.

19 SECTION 5. This Act shall take effect on July 1, 2008.

20

INTRODUCED BY: *Shiranne Chun O'Connell*



Report Title:

Ignition Interlock Devices; Driving; Alcohol

Description:

Requires the use of a vehicle ignition interlock device following administrative or criminal revocation or suspension of a driver's license for driving after the consumption of alcohol.

