
A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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 section to be appropriately designated
3 and to read as follows:

4 "§291E- Endangering a minor while operating a motor
5 vehicle while under the influence of an intoxicant. (a) A
6 person commits the offense of endangering a minor while
7 operating a vehicle while under the influence of an intoxicant
8 if the person, being eighteen years of age or older, operates or
9 assumes actual physical control of a vehicle with a passenger,
10 in or on the vehicle, who is younger than fifteen years of age:

11 (1) While under the influence of alcohol in an amount
12 sufficient to impair the person's normal mental
13 faculties or ability to care for the person and guard
14 against casualty;

15 (2) While under the influence of any drug that impairs the
16 person's ability to operate the vehicle in a careful
17 and prudent manner;



1 (3) With .08 or more grams of alcohol per two hundred ten
2 liters of breath; or

3 (4) With .08 or more grams of alcohol per one hundred
4 milliliters or cubic centimeters of blood.

5 (b) Endangering a minor while operating a vehicle under
6 the influence of an intoxicant is a class C felony."

7 SECTION 2. Section 291E-61, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) A person committing the offense of operating a
10 vehicle under the influence of an intoxicant shall be sentenced
11 as follows:

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

15 (A) A fourteen-hour minimum substance abuse
16 rehabilitation program, including education and
17 counseling, or other comparable program deemed
18 appropriate by the court;

19 (B) One-year revocation of license and privilege to
20 operate a vehicle during the revocation period
21 and installation during the revocation period of



- 1 an ignition interlock device on any vehicle
- 2 operated by the person;
- 3 (C) Any one or more of the following:
- 4 (i) Seventy-two hours of community service work;
- 5 (ii) Not less than forty-eight hours and not more
- 6 than five days of imprisonment; or
- 7 (iii) A fine of not less than \$150 but not more
- 8 than \$1,000;
- 9 (D) A surcharge of \$25 to be deposited into the
- 10 neurotrauma special fund; and
- 11 (E) May be charged a surcharge of up to \$25 to be
- 12 deposited into the trauma system special fund if
- 13 the court so orders;
- 14 (2) For an offense that occurs within five years of a
- 15 prior conviction for an offense under this section or
- 16 section 291E-4(a), and notwithstanding section 706-
- 17 623, by probation for not less than eighteen months
- 18 nor more than two years on the following conditions:
- 19 (A) Revocation of license and privilege to operate a
- 20 vehicle during the probation period and
- 21 installation during the probation period of an

1 ignition interlock device on any vehicle operated
2 by the person;

3 (B) Either one of the following:

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

6 (ii) Not more than five days of imprisonment of
7 which at least forty-eight hours shall be
8 served consecutively;

9 (C) A fine of not less than \$500 but not more than
10 \$1,500;

11 (D) A surcharge of \$25 to be deposited into the
12 neurotrauma special fund; and

13 (E) May be charged a surcharge of up to \$50 to be
14 deposited into the trauma system special fund if
15 the court so orders;

16 (3) For an offense that occurs within five years of two
17 prior convictions for offenses under this section or
18 section 291E-4(a), and notwithstanding section 706-
19 623, by probation for two years on the following
20 conditions:

21 (A) A fine of not less than \$500 but not more than
22 \$2,500;



1 (B) Revocation of license and privilege to operate a
2 vehicle during the probation period and
3 installation during the probation period of an
4 ignition interlock device on any vehicle operated
5 by the person;

6 (C) Up to five days imprisonment of which at least
7 forty-eight hours shall be served consecutively;

8 (D) A surcharge of \$25 to be deposited into the
9 neurotrauma special fund; and

10 (E) May be charged a surcharge of up to \$50 to be
11 deposited into the trauma system special fund if
12 the court so orders; and

13 ~~[(4) In addition to a sentence imposed under paragraphs (1)~~
14 ~~through (3), any person eighteen years of age or older~~
15 ~~who is convicted under this section and who operated a~~
16 ~~vehicle with a passenger, in or on the vehicle, who~~
17 ~~was younger than fifteen years of age, shall be~~
18 ~~sentenced to an additional mandatory fine of \$500 and~~
19 ~~an additional mandatory term of imprisonment of forty-~~
20 ~~eight hours; provided that the total term of~~
21 ~~imprisonment for a person convicted under this~~
22 ~~paragraph shall not exceed the maximum term of~~



1 ~~imprisonment provided in paragraph (1), (2), or (3),~~
2 ~~as applicable. Notwithstanding paragraph (2), the~~
3 ~~probation period for a person sentenced under this~~
4 ~~paragraph shall be not less than two years; and~~

5 ~~(5)]~~ (4) If the person demonstrates to the court that the
6 person:

7 (A) Does not own or have the use of a vehicle in
8 which the person can install an ignition
9 interlock device during the probation period; or

10 (B) Is otherwise unable to drive during the probation
11 period,

12 the person shall be absolutely prohibited from driving during

13 the period of probation provided in paragraphs (1) to [~~(4)]~~

14 (3); provided that the court shall not issue an ignition

15 interlock permit pursuant to subsection (i) and the person shall

16 be subject to the penalties provided by section 291E-62 if the

17 person drives during the probation period."

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.



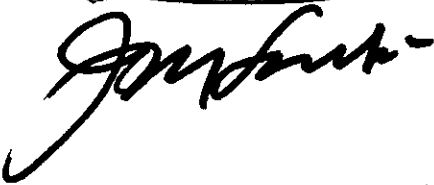


H.B. NO. 2121

1 SECTION 5. This Act shall take effect on January 1, 2011.

2

INTRODUCED BY:

JAN 20 2010



Report Title:

Impaired Driving; Minor Passengers

Description:

Makes it a class C felony for a person over age 18 to operate a vehicle under the influence of an intoxicant with a passenger who is a minor who is under age 15.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

