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# A BILL FOR AN ACT

RELATING TO DRIVER EDUCATION.

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

1 PART I.

2 SECTION 1. The Hawaii Revised Statutes is amended by  
3 adding a new chapter to title 17 to be appropriately designated  
4 and to read as follows:

5 "CHAPTER

6 MOTOR VEHICLE SAFETY DRIVER EDUCATION FUND

7 § -1 Definitions. As used in this chapter:

8 "Conviction" includes, in the case of a minor, not only a  
9 conviction of the offense but also an adjudication of  
10 delinquency by a family court, and any disposition of the case  
11 which involves an admission on the commission of the offense.

12 "Driver" and "vehicle" have the meanings defined by section  
13 291C-1.

14 § -2 Motor vehicle safety driver education fund;

15 established. (a) There is established in the state treasury a  
16 special fund to be known as the motor vehicle safety driver  
17 education fund to be administered by the motor vehicle safety  
18 office of the department of transportation. The fund shall



1 consist of moneys raised pursuant to the surcharges levied upon  
2 persons convicted under sections 291E-61 and 291E-61.5.

3 (b) The fund shall be used to for the purpose of funding  
4 driver education programs administered by the motor vehicle  
5 safety office."

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

8 "(b) A person committing the offense of operating a  
9 vehicle under the influence of an intoxicant shall be sentenced  
10 without possibility of probation or suspension of sentence as  
11 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) A surcharge of up to \$200 to be deposited into  
12                 the motor vehicle safety driver education fund;  
13                 and
- 14           [~~(E)~~] (F) A surcharge, if the court so orders, of up  
15                         to \$25 to be deposited into the trauma system  
16                         special fund;
- 17           (2) For an offense that occurs within five years of a  
18                 prior conviction for an offense under this section or  
19                 section 291E-4(a):
- 20                 (A) Revocation for not less than eighteen months nor  
21                         more than two years of license and privilege to  
22                         operate a vehicle during the revocation period



1 and installation during the revocation period of  
2 an ignition interlock device on any vehicle  
3 operated by the person;

4 (B) Either one of the following:

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

7 (ii) Not less than five days but not more than  
8 thirty days of imprisonment, of which at  
9 least forty-eight hours shall be served  
10 consecutively;

11 (C) A fine of not less than \$500 but not more than  
12 \$1,500;

13 (D) A surcharge of \$25 to be deposited into the  
14 neurotrauma special fund; [and]

15 (E) A surcharge of up to \$200 to be deposited into  
16 the motor vehicle safety driver education fund;

17 and

18 [~~(E)~~] (F) A surcharge of up to \$50 if the court so  
19 orders, to be deposited into the trauma system  
20 special fund;



- 1           (3) For an offense that occurs within five years of two  
2           prior convictions for offenses under this section or  
3           section 291E-4(a):
- 4           (A) A fine of not less than \$500 but not more than  
5                 \$2,500;
- 6           (B) Revocation for two years of license and privilege  
7                 to operate a vehicle during the revocation period  
8                 and installation during the revocation period of  
9                 an ignition interlock device on any vehicle  
10                operated by the person;
- 11          (C) Not less than ten days but not more than thirty  
12                 days imprisonment, of which at least forty-eight  
13                 hours shall be served consecutively;
- 14          (D) A surcharge of \$25 to be deposited into the  
15                 neurotrauma special fund; [~~and~~]
- 16          (E) A surcharge of up to \$200 to be deposited into  
17                 the motor vehicle safety driver education fund;  
18                 and
- 19          [~~(E)~~] (F) A surcharge of up to \$50 if the court so  
20                 orders, to be deposited into the trauma system  
21                 special fund;



1           (4) In addition to a sentence imposed under paragraphs (1)  
2           through (3), any person eighteen years of age or older  
3           who is convicted under this section and who operated a  
4           vehicle with a passenger, in or on the vehicle, who  
5           was younger than fifteen years of age, shall be  
6           sentenced to an additional mandatory fine of \$500 and  
7           an additional mandatory term of imprisonment of forty-  
8           eight hours; provided that the total term of  
9           imprisonment for a person convicted under this  
10          paragraph shall not exceed the maximum term of  
11          imprisonment provided in paragraph (1), (2), or (3),  
12          as applicable. Notwithstanding paragraphs (1) and  
13          (2), the revocation period for a person sentenced  
14          under this paragraph shall be not less than two years;  
15          and

16          (5) If the person demonstrates to the court that the  
17          person:

18                (A) Does not own or have the use of a vehicle in  
19                which the person can install an ignition  
20                interlock device during the revocation period; or

21                (B) Is otherwise unable to drive during the  
22                revocation period,



1 the person shall be absolutely prohibited from driving during  
2 the period of applicable revocation provided in paragraphs (1)  
3 to (4); provided that the court shall not issue an ignition  
4 interlock permit pursuant to subsection (i) and the person shall  
5 be subject to the penalties provided by section 291E-62 if the  
6 person drives during the applicable revocation period."

7 SECTION 3. Section 291E-61.5, Hawaii Revised Statutes, is  
8 amended by amending subsection (d) to read as follows:

9 "(d) For a conviction under this section, the sentence  
10 shall be either:

11 (1) An indeterminate term of imprisonment of five years;  
12 or

13 (2) A term of probation of five years, with conditions to  
14 include:

15 (A) Mandatory revocation of license and privilege to  
16 operate a vehicle for a period not less than one  
17 year but not more than five years;

18 (B) Not less than ten days imprisonment, of which at  
19 least forty-eight hours shall be served  
20 consecutively;

21 (C) Referral to a certified substance abuse counselor  
22 as provided in section 291E-61(d);



1 (D) A surcharge of \$25 to be deposited into the  
2 neurotrauma special fund; [~~and~~]

3 (E) A surcharge of up to \$200 to be deposited into  
4 the motor vehicle safety driver education fund;  
5 and

6 [~~(E)~~] (F) May be charged a surcharge of up to \$50 to  
7 be deposited into the trauma system special fund  
8 if the court so orders.

9 In addition to the foregoing, any vehicle owned and operated by  
10 the person committing the offense shall be subject to forfeiture  
11 pursuant to chapter 712A, provided that the department of  
12 transportation shall provide storage for vehicles forfeited  
13 under this subsection."

14 PART II.

15 SECTION 4. (a) The motor vehicle safety office of the  
16 department of transportation shall establish a statewide driver  
17 education program in cooperation with the department of  
18 education.

19 (b) The program shall include:

20 (1) A campaign to increase awareness of the dangers of  
21 drunk driving; and





1           (2) An information program to encourage students and young  
 2           drivers to utilize safe driving practices; provided  
 3           that the program shall include curricula to prevent  
 4           drunk driving.

PART III.

6           SECTION 5. This Act does not affect rights and duties that  
 7           matured, penalties that were incurred, and proceedings that were  
 8           begun before its effective date.

9           SECTION 6. Statutory material to be repealed is bracketed  
 10          and stricken. New statutory material is underscored.

11          SECTION 7. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:

Cindy Evans

Denny Goff

[Signature]

[Signature]

JAN 21 2011



**Report Title:**

Driver Education; Operating a Vehicle Under the Influence of an Intoxicant

**Description:**

Imposes a surcharge for operating a vehicle under the influence of an intoxicant. Establishes a special fund to be administered by the motor vehicle safety office. Establishes a driver education program to increase awareness of the dangers of drunk driving and encourage safe driving practices in students and young drivers.

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

