

JAN 19 2012

A BILL FOR AN ACT

RELATING TO USE OF INTOXICANTS.

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

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

3 "(b) Except as provided in paragraph (5) and in section
4 291E-44.5, the respondent shall keep an ignition interlock
5 device installed and operating in any vehicle the respondent
6 operates during the revocation period. Except as provided in
7 section 291E-5, installation and maintenance of the ignition
8 interlock device shall be at the respondent's own expense. The
9 periods of administrative revocation with respect to a license
10 and privilege to operate a vehicle, and motor vehicle
11 registration if applicable, that shall be imposed under this
12 part are as follows:

13 (1) A one year revocation of license and privilege to
14 operate a vehicle, if the respondent's record shows no
15 prior alcohol enforcement contact or drug enforcement
16 contact during the five years preceding the date the
17 notice of administrative revocation was issued;



- 1 (2) An eighteen month revocation of license and privilege
2 to operate a vehicle and of the registration of any
3 motor vehicle registered to the respondent, if the
4 respondent's record shows one prior alcohol
5 enforcement contact or drug enforcement contact during
6 the five years preceding the date the notice of
7 administrative revocation was issued;
- 8 (3) A two-year revocation of license and privilege to
9 operate a vehicle and of the registration of any motor
10 vehicle registered to the respondent, if the
11 respondent's record shows two prior alcohol
12 enforcement contacts or drug enforcement contacts
13 during the five years preceding the date the notice of
14 administrative revocation was issued;
- 15 (4) A minimum of five years up to a maximum of ten years
16 revocation of license and privilege to operate a
17 vehicle and of the registration of any motor vehicle
18 registered to the respondent, if the respondent's
19 record shows three or more prior alcohol enforcement
20 contacts or drug enforcement contacts during the ten
21 years preceding the date the notice of administrative
22 revocation was issued;



1 (5) For respondents under the age of eighteen years who
2 were arrested for a violation of section 291E-61 or
3 291E-61.5, revocation of license and privilege to
4 operate a vehicle for the appropriate revocation
5 period provided in paragraphs (1) to (4) or in
6 subsection (d); provided that the respondent shall be
7 prohibited from driving during the period preceding
8 the respondent's eighteenth birthday and shall
9 thereafter be subject to the ignition interlock
10 requirement of this subsection for the balance of the
11 revocation period; [~~or~~]

12 (6) For respondents, other than those excepted pursuant to
13 section [+]291E-44.5(b) [+], who do not install an
14 ignition interlock device in any vehicle the
15 respondent operates during the revocation period,
16 revocation of license and privilege to operate a
17 vehicle for the period of revocation provided in
18 paragraphs (1) to (5) or in subsection [+(d) +];
19 provided that:

20 (A) The respondent shall be absolutely prohibited
21 from driving during the revocation period and
22 subject to the penalties provided by section



1 291E-62 if the respondent drives during the
2 revocation period; and
3 (B) The director shall not issue an ignition
4 interlock permit to the respondent pursuant to
5 section 291E-44.5; or

6 (7) Lifetime revocation of license and privilege to
7 operate a vehicle and of the registration of any motor
8 vehicle registered to the respondent and a lifetime
9 prohibition on any subsequent registration of motor
10 vehicles by the respondent, if the respondent's record
11 shows a conviction for operating a vehicle under the
12 influence of an intoxicant under section 291E-61 that
13 results in the death or serious bodily injury of
14 another person;

15 provided that when more than one administrative revocation,
16 suspension, or conviction arises out of the same arrest, it
17 shall be counted as only one prior alcohol enforcement contact
18 or drug enforcement contact, whichever revocation, suspension,
19 or conviction occurs later.

20 For purposes of this subsection, "serious bodily injury"
21 means an injury that causes serious, permanent disfigurement or

1 protracted loss, or eternal impairment of the function of any
2 bodily member or organ of another person."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

6

INTRODUCED BY: *JLM*

Randy de Beck



Report Title:

Use of Intoxicants; License Revocation

Description:

Imposes a lifetime revocation of a person's driver's license upon a conviction of operating a vehicle under the influence of an intoxicant that results in the death or serious bodily injury of another person.

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