

JAN 21 2011

A BILL FOR AN ACT

RELATING TO DRIVING WHILE UNDER THE INFLUENCE.

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- Operating a vehicle under the influence of an
5 intoxicant by a person who has been restricted to operating a
6 vehicle equipped with an ignition interlock device; additional
7 penalties. (a) A person who has been restricted to operating a
8 vehicle equipped with an ignition interlock device pursuant to
9 section 291E-61 or 291E-61.5, who is convicted under 219E-61 or
10 291E-62 for operating a vehicle under the influence of an
11 intoxicant shall be subject to the following:

12 (1) In addition to any other penalties authorized in
13 219E-61 or 291E-62, the court shall order the
14 immobilization of all vehicles registered to the
15 person convicted for the entire length of the
16 applicable license revocation period to commence upon
17 conviction and persist during the entire driver's
18 license suspension period; and



1 (2) In lieu of the privilege to operate a vehicle during
2 the revocation period and installation during the
3 revocation period of an ignition interlock device on
4 any vehicle operated by the person, the court shall
5 order the loss of the privilege to operate a vehicle
6 equipped with an ignition interlock device during the
7 applicable revocation period.

8 (b) Notwithstanding subsection (a), if other licensed
9 drivers living in the person's household are dependent upon the
10 vehicle subject to immobilization for necessary transportation,
11 the court may order the installation of an ignition interlock
12 device on the vehicle in lieu of immobilization.

13 (c) The cost associated with the immobilization shall be
14 paid by the person convicted. While immobilized, a vehicle may
15 be stored at the residence of the person convicted or in an area
16 of a designee of the person convicted."

17 SECTION 2. Section 291E-44.5, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) (1) Except as provided in paragraph (2), upon proof that
20 the respondent has installed an ignition interlock
21 device in the respondent's vehicle, the director shall
22 issue an ignition interlock permit that will allow the



1 respondent to drive a vehicle equipped with an
2 ignition interlock device during the revocation
3 period; or

4 (2) Notwithstanding any other law to the contrary, the
5 director shall not issue an ignition interlock permit
6 to:

7 (A) A respondent whose license is expired, suspended,
8 or revoked as a result of action other than the
9 instant revocation;

10 (B) A respondent who does not hold a valid license at
11 the time of arrest for the violation of section
12 291E-61; [~~or~~]

13 (C) A respondent who is subject to an order of
14 immobilization pursuant to section 291E- ; or

15 [~~(C)~~] (D) A respondent who holds either a category 4
16 license under section 286-102(b) or a commercial
17 driver's license under section 286-239(b) unless
18 the ignition interlock permit is restricted to a
19 category 1, 2, or 3 license under section
20 286-102(b)."



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

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

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

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INTRODUCED BY:

Will Egan

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Report Title:

DUI; Sentencing; Vehicle Immobilization

Description:

Requires a court to order the immobilization of all vehicles registered to a person convicted of operating a vehicle while intoxicated when the person has been allowed to operate a vehicle using an ignition interlock system. Authorizes an exemption when other licensed drivers living in the person's household are dependent on the vehicle for necessary transportation.

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