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# A BILL FOR AN ACT

RELATING TO TESTING FOR INTOXICANTS.

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

1           SECTION 1. Section 291E-15, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§~~291E-15 Refusal to submit to breath, blood, or urine  
4 test; subject to administrative revocation proceedings. If a  
5 person under arrest refuses to submit to a breath, blood, or  
6 urine test, none shall be given, except as provided in section  
7 291E-21. Upon the law enforcement officer's determination that  
8 the person under arrest has refused to submit to a breath,  
9 blood, or urine test, if applicable, then a law enforcement  
10 officer shall:

11           (1) Inform the person under arrest of the sanctions under  
12 section 291E-41 [7] or 291E-65 [~~7~~ ~~or~~ ~~291E-68~~]; and

13           (2) Ask the person if the person still refuses to submit  
14 to a breath, blood, or urine test, thereby subjecting  
15 the person to the procedures and sanctions under part  
16 III or section 291E-65, as applicable;



1 provided that if the law enforcement officer fails to comply  
2 with paragraphs (1) and (2), the person shall not be subject to  
3 the refusal sanctions under part III or IV."

4 SECTION 2. Section 291E-68, Hawaii Revised Statutes, is  
5 repealed.

6 [~~§291E-68 Refusal to submit to a breath, blood, or urine~~  
7 ~~test; penalty. Except as provided in section 291E-65, refusal~~  
8 ~~to submit to a breath, blood, or urine test as required by part~~  
9 ~~II is a petty misdemeanor.~~"]

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

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 Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY:

*[Signature]*

*[Signature]*  
*[Signature]*

*[Signature]*  
*[Signature]*  
*[Signature]*



# S.B. NO. 2246

**Report Title:**

Driver's Licensing; Penalties; Refusal to Submit to Testing

**Description:**

Repeals section 291E-68, Hawaii Revised Statutes, regarding refusing to submit to a breath, blood, or urine test for those arrested for the use of intoxicants while operating a vehicle. Makes conforming amendments to section 291E-15, Hawaii Revised Statutes.

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

