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# A BILL FOR AN ACT

RELATING TO IGNITION INTERLOCK DEVICES.

**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-           Ignition interlock device; violations;  
5 penalties; compliance. (a) Notwithstanding any provision of  
6 this chapter to the contrary, no person convicted under section  
7 291E-41, 291E-61, or 291E-61.5 shall be eligible for a driver's  
8 license without providing proof of compliance from the director  
9 of transportation that the person:

10           (1) For the first violation within ten years of a previous  
11 violation, has had an ignition interlock device  
12 installed for a period of           days without any  
13 violations;

14           (2) For a second violation within ten years of a previous  
15 violation, has had an ignition interlock device  
16 installed for a period of           days without any  
17 violations; or



- 1        (3) For habitual and subsequent violations within ten  
2        years, has had no violations for one consecutive year.
- 3        (b) A person violates this section by:
- 4        (1) Providing a sample of 0.02 or more in blood alcohol  
5        content when starting the vehicle;
- 6        (2) Providing a sample of 0.02 or more in blood alcohol  
7        content on a rolling retest;
- 8        (3) Failing to provide a rolling retest;
- 9        (4) Violating section 291E-66; or
- 10       (5) Failing to provide a photo of the person when the  
11       person blows into the ignition interlock device.
- 12       (c) Any violation that occurs during the period in which  
13 the ignition interlock device is installed shall constitute non-  
14 compliance. The time required to prove compliance shall  
15 commence again after any violation until compliance is proven.
- 16       (d) The requirements of subsection (a) shall be in  
17 addition to any penalty required for a violation of section  
18 291E-41, 291E-61, or 291E-61.5. The requirements of this  
19 section shall be an administrative requirement of being eligible  
20 to apply for a driver's license."



1 SECTION 2. Section 291E-62, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) No person whose license and privilege to operate a  
5 vehicle have been revoked, suspended, or otherwise restricted  
6 pursuant to this section or to part III or section 291E-61 or  
7 291E-61.5, or to part VII or part XIV of chapter 286 or section  
8 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those provisions  
9 were in effect on December 31, 2001, shall operate or assume  
10 actual physical control of any vehicle:

- 11 (1) In violation of any restrictions placed on the  
12 person's license;
- 13 (2) While the person's license or privilege to operate a  
14 vehicle remains suspended or revoked;
- 15 (3) Without installing an ignition interlock device  
16 required by this chapter; or
- 17 (4) With an ignition interlock permit unless the person  
18 has the ignition interlock permit and a valid  
19 government-issued photo identification in the person's  
20 immediate possession. As used in this paragraph,  
21 "valid government-issued photo identification" means:



- 1            (i) A passport issued by the United States of
- 2                            America;
- 3            (ii) A driver's license issued pursuant to any state
- 4                            or District of Columbia law;
- 5            (iii) An identification card issued by any state or
- 6                            local government or the Bureau of Indian Affairs;
- 7                            or
- 8            (iv) An identification card issued by any branch of
- 9                            the Armed Forces of the United States of
- 10                           America."

11            2. By amending subsection (c) to read:

12            "(c) Any person convicted of violating this section shall

13 be sentenced as follows without possibility of probation or

14 suspension of sentence:

15            (1) For a first offense, or any offense not preceded

16                            within a [~~five-year~~] ten-year period by conviction for

17                            an offense under this section, section 291E-66, or

18                            section 291-4.5 as that section was in effect on

19                            December 31, 2001:

20            (A) A term of imprisonment of not less than three

21                            consecutive days but not more than thirty days;



- 1 (B) A fine of not less than \$250 but not more than
- 2 \$1,000;
- 3 (C) Revocation of license and privilege to operate a
- 4 vehicle for an additional year; and
- 5 (D) Loss of the privilege to operate a vehicle
- 6 equipped with an ignition interlock device, if
- 7 applicable;
- 8 (2) For an offense that occurs within [~~five~~] ten years of
- 9 a prior conviction for an offense under this section,
- 10 section 291E-66, or section 291-4.5 as that section
- 11 was in effect on December 31, 2001:
- 12 (A) Thirty days imprisonment;
- 13 (B) A \$1,000 fine;
- 14 (C) Revocation of license and privilege to operate a
- 15 vehicle for an additional two years; and
- 16 (D) Loss of the privilege to operate a vehicle
- 17 equipped with an ignition interlock device, if
- 18 applicable; [~~and~~]
- 19 (3) For an offense that occurs within [~~five~~] ten years of
- 20 two or more prior convictions for offenses under this
- 21 section, section 291E-66, or section 291-4.5 as that



- 1 section was in effect on December 31, 2001, or any  
2 combination thereof:
- 3 (A) ~~[One year]~~ No less than six months but no more  
4 than one year of imprisonment;
- 5 (B) A \$2,000 fine;
- 6 (C) Permanent revocation of the person's license and  
7 privilege to operate a vehicle; and
- 8 (D) Loss of the privilege to operate a vehicle  
9 equipped with an ignition interlock device, if  
10 applicable[-]; and
- 11 (4) In addition to a sentence imposed under paragraphs (1)  
12 through (3), any person who is convicted under this  
13 section and also convicted under section 291E-61 or  
14 291E-61.5, for an offense based on the same conduct or  
15 arising from the same incident, shall be sentenced to  
16 terms of imprisonment for both offenses, which shall  
17 be served consecutively."

18 SECTION 3. Section 291E-66, Hawaii Revised Statutes, is  
19 amended by amending subsections (a) and (b) to read as follows:



1           "(a) No person whose driving privileges have been  
2 restricted to operating a vehicle equipped with an ignition  
3 interlock device shall knowingly:

4           (1) Request, solicit, direct, or authorize another person  
5 to blow into an ignition interlock device or start a  
6 vehicle equipped with the device for the purpose of  
7 providing an operable vehicle to a person who has been  
8 restricted by law to operating only a vehicle so  
9 equipped; [~~or~~]

10          (2) Tamper with an ignition interlock device with the  
11 intent to render it inaccurate or inoperable[~~-~~]; or

12          (3) Obscure a camera lens associated with an ignition  
13 interlock device.

14          (b) Any person required under subsection (a) to drive  
15 using an ignition interlock device, who violates subsection (a)  
16 shall be sentenced without possibility of probation or  
17 suspension of sentence as follows:

18          (1) For a first offense, or any offense not preceded  
19 within a [~~five-year~~] ten-year period by conviction  
20 under this section or section 291E-62(a)(3):



- 1 (A) A term of imprisonment of not less than three
- 2 consecutive days but not more than thirty days;
- 3 (B) A fine of not less than \$250 but not more than
- 4 \$1,000; and
- 5 (C) Loss of the privilege to operate a vehicle
- 6 equipped with an ignition interlock device;
- 7 (2) For an offense that occurs within five years of a
- 8 prior conviction for an offense under this section or
- 9 section 291E-62(a)(3):
- 10 (A) Thirty days imprisonment;
- 11 (B) A \$1,000 fine; and
- 12 (C) Loss of the privilege to operate a vehicle
- 13 equipped with an ignition interlock device; and
- 14 (3) For an offense that occurs within five years of two or
- 15 more prior convictions for offenses under this section
- 16 or section 291E-62(a)(3), or any combination thereof:
- 17 (A) One year imprisonment;
- 18 (B) A \$2,000 fine; and
- 19 (C) Loss of the privilege to operate a vehicle
- 20 equipped with an ignition interlock device."





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

3 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Ignition Interlock Devices; Compliance; Sentencing

**Description:**

Establishes a system of graduated penalties for violations of the ignition interlock law. Requires proof of compliance with the ignition interlock law to be eligible to apply for a driver's license. Requires consecutive terms of imprisonment for anyone convicted as a repeat or habitual offender if arising from same conduct as conviction for operating a vehicle without an interlock ignition device. Requires any person operating a vehicle with an ignition interlock to have valid government-issued photo identification in immediate possession. Expands the lookback period under provisions relating to ignition interlock requirements from five to ten years. Amends the sentencing guideline to be between six months and one year. Expands the offense of circumventing or tampering with an ignition interlock to include obscuring the camera lens. Effective 7/1/2050. (HD1)

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

