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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 ninety 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 one-hundred eighty days  
17 without any 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 .02 or more in blood alcohol  
5           content when starting the vehicle;

6       (2) Providing a sample of .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  
14       noncompliance. 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           (A) A passport issued by the United States of
- 2                   America;
- 3           (B) A driver's license issued pursuant to any state
- 4                   or District of Columbia law;
- 5           (C) An identification card issued by any state or
- 6                   local government or the Bureau of Indian Affairs;
- 7                   or
- 8           (D) 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:



- 1 (A) A term of imprisonment of [~~not~~] no less than  
2 three consecutive days but [~~not~~] no more than  
3 thirty days;
- 4 (B) A fine of [~~not~~] no less than \$250 but [~~not~~] no  
5 more than \$1,000;
- 6 (C) Revocation of license and privilege to operate a  
7 vehicle for an additional year; and
- 8 (D) Loss of the privilege to operate a vehicle  
9 equipped with an ignition interlock device, if  
10 applicable;
- 11 (2) For an offense that occurs within [~~five~~] ten years of  
12 a prior conviction for an offense under this section,  
13 section 291E-66, or section 291-4.5 as that section  
14 was in effect on December 31, 2001:
- 15 (A) Thirty days imprisonment;
- 16 (B) A \$1,000 fine;
- 17 (C) Revocation of license and privilege to operate a  
18 vehicle for an additional two years; and
- 19 (D) Loss of the privilege to operate a vehicle  
20 equipped with an ignition interlock device, if  
21 applicable; [~~and~~]



1 (3) For an offense that occurs within [~~five~~] ten years of  
2 two or more prior convictions for offenses under this  
3 section, section 291E-66, or section 291-4.5 as that  
4 section was in effect on December 31, 2001, or any  
5 combination thereof:

6 (A) [~~One year~~] No less than six months but no more  
7 than one year of imprisonment;

8 (B) A \$2,000 fine;

9 (C) Permanent revocation of the person's license and  
10 privilege to operate a vehicle; and

11 (D) Loss of the privilege to operate a vehicle  
12 equipped with an ignition interlock device, if  
13 applicable[~~-~~]; and

14 (4) In addition to a sentence imposed under paragraphs (1)  
15 through (3), any person who is convicted under this  
16 section and also convicted under section 291E-61 or  
17 291E-61.5, for an offense based on the same conduct or  
18 arising from the same incident, shall be sentenced to  
19 terms of imprisonment for both offenses, which shall  
20 be served consecutively."



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

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

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

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

14 (3) Obscure a camera lens associated with an ignition  
15 interlock device.

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



- 1           (1) For a first offense, or any offense not preceded  
2           within a [~~five-year~~] ten-year period by conviction  
3           under this section or section 291E-62(a) (3):
- 4           (A) A term of imprisonment of [~~not~~] no less than  
5           three consecutive days but [~~not~~] no more than  
6           thirty days;
- 7           (B) A fine of [~~not~~] no less than \$250 but [~~not~~] no  
8           more than \$1,000; and
- 9           (C) Loss of the privilege to operate a vehicle  
10           equipped with an ignition interlock device;
- 11          (2) For an offense that occurs within five years of a  
12          prior conviction for an offense under this section or  
13          section 291E-62(a) (3):
- 14          (A) Thirty days imprisonment;
- 15          (B) A \$1,000 fine; and
- 16          (C) Loss of the privilege to operate a vehicle  
17          equipped with an ignition interlock device; and
- 18          (3) For an offense that occurs within five years of two or  
19          more prior convictions for offenses under this section  
20          or section 291E-62(a) (3), or any combination thereof:
- 21          (A) One year imprisonment;





1 (B) A \$2,000 fine; and

2 (C) Loss of the privilege to operate a vehicle

3 equipped with an ignition interlock device."

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 on July 1, 2021.



**Report Title:**

Ignition Interlock Devices; Compliance; Sentencing

**Description:**

Requires proof of compliance with ignition interlock laws to be eligible for a driver's license. Requires any person operating a vehicle with an ignition interlock to have valid government-issued photo identification in their immediate possession. Amends the sentencing requirements for certain offenses involving driving during a suspension or revocation period and circumventing or tampering with ignition interlock devices. Prohibits a person who is restricted to driving a vehicle equipped with an ignition interlock device from knowingly obscuring a camera lens associated with the device. Effective 7/1/2021. (HD2)

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

