

JAN 21 2021

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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:**

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

1. By amending subsection (a) to read

"(a) No person whose license and privilege to operate a vehicle have been revoked, suspended, or otherwise restricted pursuant to this section or to part III or section 291E-61 or 291E-61.5, or to part VII or part XIV of chapter 286 or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

(1) In violation of any restrictions placed on the person's license;

(2) While the person's license or privilege to operate a vehicle remains suspended or revoked;

(3) Without installing an ignition interlock device required by this chapter; or



(4) With an ignition interlock permit unless the person has the ignition interlock permit and government-issued identification in the person's immediate possession. For purposes of this paragraph, "government-issued identification" means:

(A) A passport issued by the United States of America;

(B) A driver's license issued pursuant to any state or District of Columbia law;

(C) An identification card issued by any state or local government or the Bureau of Indian Affairs;  
or

(D) An identification card issued by any branch of the Armed Forces of the United States of America."

2. By amending subsection (c) to read:

"(c) Any person convicted of violating this section shall be sentenced as follows without possibility of probation or suspension of sentence:

(1) For a first offense, or any offense not preceded within a [~~five-year~~] ten-year period by conviction for



1 an offense under this section, section 291E-66, or  
2 section 291-4.5 as that section was in effect on  
3 December 31, 2001:

4 (A) A term of imprisonment of not less than three  
5 consecutive days but not more than thirty days;

6 (B) A fine of not less than \$250 but not more than  
7 \$1,000;

8 (C) Revocation of license and privilege to operate a  
9 vehicle for an additional year; and

10 (D) Loss of the privilege to operate a vehicle  
11 equipped with an ignition interlock device, if  
12 applicable;

13 (2) For an offense that occurs within [~~five~~] ten years of  
14 a prior conviction for an offense under this section,  
15 section 291E-66, or section 291-4.5 as that section  
16 was in effect on December 31, 2001:

17 (A) Thirty days imprisonment;

18 (B) A \$1,000 fine;

19 (C) Revocation of license and privilege to operate a  
20 vehicle for an additional two years; and



(D) Loss of the privilege to operate a vehicle equipped with an ignition interlock device, if applicable; ~~and~~

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

(A) ~~[One]~~ No less than six months and no more than one year imprisonment;

(B) A \$2,000 fine;

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

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

(4) In addition to a sentence imposed under paragraphs (1) through (3), any person who is convicted under this section and also convicted under section 291E-61 or 291E-61.5, for an offense based on the same conduct or arising from the same episode, shall be sentenced to



1           terms of imprisonment for both offenses, which shall  
2           be served consecutively."

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

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

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

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

16          (3) Obscure a camera lens associated with an ignition  
17          interlock device; or

18          (4) Fail to provide a picture of the driver."


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



# S.B. NO. 150

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, 2021.

4  
INTRODUCED BY: 



**Report Title:**

Ignition Interlock Devices; Sentencing

**Description:**

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 ignition interlock device. Requires any person operating a vehicle with an ignition interlock to have government issued identification in their immediate possession. Extends the lookback period under provisions relating to ignition interlock requirements from five to ten years. Expands the offense of circumventing or tampering with an ignition interlock to include obscuring the camera lens or not providing a picture of the driver.

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

