

JAN 21 2021

A BILL FOR AN ACT

RELATING TO THE STATEWIDE TRAFFIC CODE.

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

SECTION 1. Chapter 291E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§291E- Ignition interlock device; violations; penalties; compliance. (a) Notwithstanding any provision of this chapter to the contrary, no person whose driver's license has been revoked pursuant to section 291E-41 or who has been convicted under section 291E-61 or 291E-61.5 shall be eligible for a driver's license without providing proof of compliance from the director of transportation that the person:

(1) For the first offense, or any offense not preceded within ten years of a previous violation, has had an ignition interlock device installed for a period of sixty consecutive days without any violations;

(2) For an offense that occurs within ten years of a prior conviction, has had an ignition interlock device



1 installed for a period of ninety consecutive days
2 without any violations; or

3 (3) For a habitual offense and subsequent offenses
4 convicted within ten years of two or more convictions
5 has had an ignition interlock device installed for a
6 period of one-hundred eighty consecutive days without
7 any violations.

8 (b) A person violates this section by:

9 (1) Providing a sample of .04 or more in blood alcohol
10 concentration when starting the vehicle;

11 (2) Providing a sample of .04 or more in blood alcohol
12 concentration on a rolling retest;

13 (3) Failing to provide a rolling retest;

14 (4) Violating section 291E-66; or

15 (5) Failing to provide a clear photo of the person when
16 the person blows into the ignition interlock device.

17 (c) Any violation that occurs during the period in which
18 the ignition interlock device is installed shall constitute
19 noncompliance. The time required to prove compliance shall
20 commence again after any violation until compliance is proven.



1 (d) The requirements of subsection (a) shall be in
2 addition to any sanction or penalty imposed pursuant to section
3 291E-41, 291E-61, or 291E-61.5. The requirements of this
4 section shall be an administrative requirement of being eligible
5 to apply for a driver's license."

6 SECTION 2. Section 286-104, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§286-104 Which persons shall not be licensed. The**
9 **examiner of drivers shall not issue any license to any person:**

10 (1) Whose license has been suspended by a court of
11 competent jurisdiction during the suspension period,
12 nor to any person whose license has been revoked until
13 the expiration of one year after the date of the
14 revocation, or until the expiration of the period of
15 revocation specified by law, whichever is greater,
16 except as provided under sections 286-102.6(d) and
17 286-102.6(e) for suspensions and revocations of a
18 provisional license; nor to any person who, while
19 unlicensed, has within two years been convicted of
20 operating a vehicle under the influence of an



intoxicant or, prior to January 1, 2002, of driving
under the influence of alcohol or drugs;

(2) Who is required by this part to take an examination,
unless the person has successfully passed the
examination;

(3) Who is required under the motor vehicle financial
responsibility laws of this State to deposit proof of
financial responsibility and who has not deposited the
proof;

(4) Who the examiner of drivers has good cause to believe
would not be able to operate a motor vehicle with
safety upon the highways by reason of physical or
mental disability;

(5) Who is under eighteen years of age; provided that a
person:

(A) Who is fifteen years and six months of age may be
granted an instruction permit;

(B) Who is at least sixteen and less than eighteen
years of age may be granted a provisional license
upon satisfying the requirements of section
286-102.6;



1 (C) Who is at least seventeen and less than eighteen
2 years of age may be granted a license upon
3 satisfying the requirements of section 286-102.6,
4 which license may be suspended or revoked by a
5 judge having jurisdiction over the holder of the
6 license. Upon revocation of the license, the
7 person shall not be eligible to operate a motor
8 vehicle on the highway until the person is
9 eighteen years of age and has again satisfied the
10 requirements of sections 286-108 and 286-109; or

11 (D) Who is an emancipated minor may be granted a
12 license upon satisfaction of all requirements of
13 this chapter applicable to persons eighteen years
14 of age or older;

15 (6) Who is not in compliance with section 286-102.5; ~~[or]~~

16 (7) Who has had their driver's license revoked pursuant to
17 section 291E-41 or who has been convicted under
18 section 291E-61 or 291E-61.5 and is not in compliance
19 with 291E- ; or

20 ~~[-7-]~~ (8) Who does not submit proof, satisfactory to the
21 director, that the applicant's presence in the United



1 States is authorized by federal law. The director
2 shall adopt rules in accordance with chapter 91 that
3 provide for standards of proof and for exemptions from
4 this requirement.

5 Any person denied a license under this or any other section
6 of this part shall have a right of appeal as provided in section
7 286-129."

8 SECTION 3. Section 286-104.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Notwithstanding section [~~286-104(7)~~] 286-104(8) to
11 the contrary, every person who submits an application for a
12 driver's license, provisional driver's license, or instruction
13 permit that satisfies the requirements of this chapter except
14 for the applicant's inability or refusal to provide satisfactory
15 proof of authorized presence in the United States under federal
16 law shall be issued a limited purpose driver's license, a
17 limited purpose provisional driver's license, or a limited
18 purpose instruction permit that is uniquely identified in
19 compliance with the REAL ID Act of 2005 upon satisfactory proof
20 to the examiner of drivers of the applicant's identity and
21 residency in the State. The examiner of drivers shall accept



1 various types of documentation for the purpose of establishing
2 the applicant's identity and residency in the State, which may
3 be established by more than one document. Acceptable
4 documentation includes:

- 5 (1) A valid, unexpired consular identification document
6 issued by a consulate from the applicant's country of
7 citizenship or a valid, unexpired passport from the
8 applicant's country of citizenship;
- 9 (2) An original birth certificate or other proof of age,
10 as designated by the examiner of drivers;
- 11 (3) A current home utility bill, lease, or rental
12 agreement, or deed or title to real property in the
13 State, as designated by the examiner of drivers;
- 14 (4) A United States Department of Homeland Security Form
15 I-589, Application for Asylum and for Withholding of
16 Removal;
- 17 (5) An official school or college transcript that includes
18 the applicant's date of birth or a foreign school
19 record that is sealed and includes a photograph of the
20 applicant at the age the record was issued;



(6) An official school or college identification card that includes the applicant's full name and a photograph of the applicant at the time the identification was issued;

(7) A United States Department of Homeland Security Form I-20 or Form DS-2019;

(8) A United States Customs and Immigration Services Deferred Action for Childhood Arrival Approval Letter;

(9) A valid identification card for health benefits;

(10) A valid identification card for an assistance or social services program;

(11) A current voter registration card issued by the State;

(12) A wage stub issued in the last six months;

(13) An income tax return filed in the last two years;

(14) A social security card;

(15) One of the following documents which, if in a language other than English, shall be accompanied by a certified translation or an affidavit of translation into English:

(A) Marriage license or divorce certificate;



- 1 (B) Foreign federal electoral photo card issued on or
2 after January 1, 1991;
3 (C) Foreign student identification card; or
4 (D) Foreign driver's license; or
5 (16) Other proof of Hawaii residency as designated by the
6 director."

7 SECTION 4. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

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

12 SECTION 6. This Act shall take effect on January 1, 2022.

13

INTRODUCED BY:



S.B. NO. 153

Report Title:

Ignition Interlock; Operating a Vehicle Under the Influence of an Intoxicant; Penalties; Compliance

Description:

Establishes 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. Effective 1/1/2022.

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

