
A BILL FOR AN ACT

RELATING TO THE STATEWIDE TRAFFIC CODE.

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 whose driver's license
7 has been revoked pursuant to section 291E-41 or who has been
8 convicted under section 291E-61 or 291E-61.5, and who has an
9 ignition interlock device installed in any vehicle operated by
10 the person, shall be eligible for a driver's license without
11 providing proof of compliance from the director of
12 transportation that the person:

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



1 (2) For an offense that occurs within ten years of a prior
2 offense, has had an ignition interlock device
3 installed for a period of ninety consecutive days
4 without any violations; or

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

10 (b) A person violates this section by:

11 (1) Providing a sample of .04 or more grams of alcohol per
12 two hundred ten liters of breath when starting the
13 vehicle;

14 (2) Providing a sample of .04 or more grams of alcohol per
15 two hundred ten liters of breath on a rolling retest;

16 (3) Failing to provide a rolling retest;

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

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

20 (c) Any violation that occurs during the period in which
21 the ignition interlock device is installed shall constitute



1 noncompliance. The time required to prove compliance shall
2 commence again after any violation until compliance is proven.

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

8 SECTION 2. Section 291E-61, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) A person committing the offense of operating a
11 vehicle under the influence of an intoxicant shall be sentenced
12 without possibility of probation or suspension of sentence as
13 follows:

14 (1) For the first offense, or any offense not preceded
15 within a ten-year period by a conviction for an
16 offense under this section or section 291E-4(a):

17 (A) A fourteen-hour minimum substance abuse
18 rehabilitation program, including education and
19 counseling, or other comparable program deemed
20 appropriate by the court;



1 (B) One-year revocation of license and privilege to
2 operate a vehicle during the revocation period
3 and installation during the revocation period of
4 an ignition interlock device on any vehicle
5 operated by the person;

6 (C) Any one or more of the following:

7 (i) Seventy-two hours of community service work;

8 (ii) No less than forty-eight hours and no more
9 than five days of imprisonment; or

10 (iii) A fine of no less than \$250 but no more than
11 \$1,000;

12 (D) A surcharge of \$25 to be deposited into the
13 neurotrauma special fund; and

14 (E) A surcharge, if the court so orders, of up to \$25
15 to be deposited into the trauma system special
16 fund;

17 (2) For an offense that occurs within ten years of a prior
18 conviction for an offense under this section or
19 section 291E-4(a):

20 (A) Revocation for no less than twenty-four months
21 nor more than three years of license and



1 privilege to operate a vehicle during the
2 revocation period and installation during the
3 revocation period of an ignition interlock device
4 on any vehicle operated by the person;

5 (B) Either one of the following:

6 (i) No less than two hundred forty hours of
7 community service work; or

8 (ii) No less than five days but no more than
9 thirty days of imprisonment, of which at
10 least forty-eight hours shall be served
11 consecutively;

12 (C) A fine of no less than \$1,000 but no more than
13 \$3,000;

14 (D) A surcharge of \$25 to be deposited into the
15 neurotrauma special fund; and

16 (E) A surcharge of up to \$50, if the court so orders,
17 to be deposited into the trauma system special
18 fund;

19 (3) In addition to a sentence imposed under paragraphs (1)
20 and (2), any person eighteen years of age or older who
21 is convicted under this section and who operated a



1 vehicle with a passenger, in or on the vehicle, who
2 was younger than fifteen years of age, shall be
3 sentenced to an additional mandatory fine of \$500 and
4 an additional mandatory term of imprisonment of
5 forty-eight hours; provided that the total term of
6 imprisonment for a person convicted under this
7 paragraph shall not exceed the maximum term of
8 imprisonment provided in paragraph (1) or (2), as
9 applicable. Notwithstanding paragraphs (1) and (2),
10 the revocation period for a person sentenced under
11 this paragraph shall be no less than two years; and

12 (4) If the person demonstrates to the court that the
13 person:

14 (A) Does not own or have the use of a vehicle in
15 which the person can install an ignition
16 interlock device during the revocation period; or

17 (B) Is otherwise unable to drive during the
18 revocation period,

19 the person shall be absolutely prohibited from driving
20 ~~[during the]~~ for a period of [applicable revocation
21 ~~provided in paragraphs (1) to (3),]~~ two years;



1 provided that the court shall not issue an ignition
2 interlock permit pursuant to subsection (i) and the
3 person shall be subject to the penalties provided by
4 section 291E-62 if the person drives during the
5 applicable revocation period."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

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

Description:

Prohibits any person whose driver's license has been
administratively revoked or who has been convicted for offenses
involving operating a vehicle under the influence of an
intoxicant from being eligible for a driver's license without
providing proof of compliance with the ignition interlock law.
Prohibits a person from driving for two years if the person does
not own or have the use of a vehicle for the installation of an
ignition interlock device or is otherwise unable to drive during
the revocation period. Effective 1/1/2050. (HD1)

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not legislation or evidence of legislative intent.*

