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# 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7       has been revoked pursuant to section 291E-41 or who has been  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 all vehicles that the  
10      person owns or drives, shall be eligible for a driver's license  
11      without 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 previous violation, 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        conviction, 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  
6        convicted within ten years of two or more convictions  
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 in blood alcohol  
12       concentration when starting the vehicle;

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

15       (3) Failing to provide a rolling retest;

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

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

19       (c) Any violation that occurs during the period in which  
20       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 section  
5 291E-41, 291E-61, or 291E-61.5. The requirements of this  
6 section shall be an administrative requirement of being eligible  
7 to apply for a driver's license."

8 SECTION 2. Section 291E-5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§291E-5 Ignition interlock user affordability.** The  
11 director of transportation shall contract with the selected  
12 ignition interlock vendor to provide [~~partial financial relief~~]  
13 at no cost for the installation and the periodic calibration  
14 charges to offenders who apply for such assistance and who are  
15 recipients, at the time of license revocation or suspension, of  
16 either food stamps under the Supplemental Nutrition Assistance  
17 Program, or free services under the Older Americans Act or  
18 Developmentally Disabled Assistance and Bill of Rights Act."

19 SECTION 3. Section 291E-61, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



1       "(b) A person committing the offense of operating a  
2 vehicle under the influence of an intoxicant shall be sentenced  
3 without possibility of probation or suspension of sentence as  
4 follows:

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

8       (A) A fourteen-hour minimum substance abuse  
9 rehabilitation program, including education and  
10 counseling, or other comparable program deemed  
11 appropriate by the court;

12       (B) One-year revocation of license and privilege to  
13 operate a vehicle during the revocation period  
14 and installation during the revocation period of  
15 an ignition interlock device on any vehicle  
16 operated by the person;

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

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

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



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

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

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

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

(A) Revocation for no less than twenty-four months nor more than three years of license and privilege to operate a vehicle during the revocation period and installation during the revocation period of an ignition interlock device on any vehicle operated by the person;

(B) Either one of the following:

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

(ii) No less than five days but no more than thirty days of imprisonment, of which at



1                   least forty-eight hours shall be served  
2                   consecutively;

3           (C)   A fine of no less than \$1,000 but no more than  
4               \$3,000;

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

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

10       (3)   In addition to a sentence imposed under paragraphs (1)  
11           and (2), any person eighteen years of age or older who  
12           is convicted under this section and who operated a  
13           vehicle with a passenger, in or on the vehicle, who  
14           was younger than fifteen years of age, shall be  
15           sentenced to an additional mandatory fine of \$500 and  
16           an additional mandatory term of imprisonment of forty-  
17           eight hours; provided that the total term of  
18           imprisonment for a person convicted under this  
19           paragraph shall not exceed the maximum term of  
20           imprisonment provided in paragraph (1) or (2), as  
21           applicable. Notwithstanding paragraphs (1) and (2),



1 the revocation period for a person sentenced under  
2 this paragraph shall be no less than two years; and

3 (4) If the person demonstrates to the court that the  
4 person:

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

8 (B) Is otherwise unable to drive during the  
9 revocation period,

10 the person shall be absolutely prohibited from driving  
11 during ~~[the]~~ a period of time equal to twice that of  
12 the applicable revocation provided in paragraphs (1)  
13 to (3); provided that the court shall not issue an  
14 ignition interlock permit pursuant to subsection (i)  
15 and the person shall be subject to the penalties  
16 provided by section 291E-62 if the person drives  
17 during the applicable revocation period."

18 SECTION 4. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.



1       SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3       SECTION 6. 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:**

Establishes penalties for violations of the ignition interlock device law. Requires proof of compliance with the ignition interlock device law to be eligible to apply for a driver's license. Requires the Department of Transportation to provide ignition interlock device installation and services to qualifying individuals at no cost. Doubles the revocation period for those who do not own a vehicle in which to place an ignition interlock device. Effective 1/1/2050. (SD2)

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

