

ACT 171

H.B. NO. 1727-86

A Bill for an Act Relating to Traffic Violations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291-1, Hawaii Revised Statutes, is amended by renumbering it as Section 291-2, Hawaii Revised Statutes.

“§291-~~1~~2 Reckless driving of vehicle or riding of animals; penalty. Whoever operates any vehicle or rides any animal recklessly in disregard of the safety of persons or property is guilty of reckless driving of vehicle or reckless riding of an animal, as appropriate, and shall be fined not more than \$1,000 or imprisoned not more than one year or both.”

SECTION 2. Chapter 291, Hawaii Revised Statutes, is amended by adding a new section to be designated and to read as follows:

“§291-1 Definitions. As used in this part:

"Intoxicating liquor" means the same as the term is defined in section 281-1.

"Public street, road, or highway" includes the entire width, including beam and shoulder, of every road, alley, street, way, lane, trail, highway, bikeway, bridge, when any part thereof is open for use by the public, including any bicycle lane, bicycle path, bikeway, controlled access highway, laned roadway, roadway, or street, as defined in section 291C-1, and any public highway, as defined in section 264-1.

"Scenic lookout" includes any area within or adjoining a public street, road, or highway which is intended for use by motorists as a stopping or parking area attendant to the enjoyment of the surrounding scenery or a view."

SECTION 3. Section 291-3.1, Hawaii Revised Statutes, is amended to read as follows:

"[[§291-3.1]] Consuming or possessing intoxicating liquor while operating motor vehicle. (a) No person shall consume any intoxicating liquor while operating a motor vehicle upon any public street, road, or highway.

(b) No person shall possess, while operating a motor vehicle upon any public street, road, or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed.

[(c) As used in this section, "intoxicating liquor" means the same as the term is defined in section 281-1.]

[(d)] (c) This section shall not apply to the living quarters of a trailer or camper.

[(e)] (d) Any person violating this section shall be guilty of a misdemeanor."

SECTION 4. Section 291-3.2, Hawaii Revised Statutes, is amended to read as follows:

"[[§291-3.2]] Consuming or possessing intoxicating liquor while a passenger in a motor vehicle. (a) No person shall consume any intoxicating liquor while a passenger in any motor vehicle upon any public street, road, or highway.

(b) No person shall possess, while a passenger in a motor vehicle upon any public street, road, or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed.

[(c) As used in this section, "intoxicating liquor" means the same as the term is defined in section 281-1.]

[(d)] (c) This section shall not apply to the living quarters of a trailer or camper.

[(e)] (d) Any person violating this section shall be guilty of a petty misdemeanor."

SECTION 5. Section 291-3.3, Hawaii Revised Statutes, is amended to read as follows:

"[[§291-3.3]] Storage of opened container containing intoxicating liquor or consumption at scenic lookout. (a) No person shall keep in a motor vehicle, when such vehicle is upon any public street, road, or highway[,] or at any scenic lookout, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed or fully removed, unless such container is

ACT 171

kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(b) [As used in this section, "intoxicating liquor" means the same as the term is defined in section 281-1.] No person shall consume any intoxicating liquor at any scenic lookout.

(c) [This] Subsection (a) of this section shall not apply to a recreational or other vehicle not having a separate trunk compartment, or to the living quarters of a trailer or camper.

(d) Any person violating this section shall be guilty of a violation."

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved May 17, 1986.)

Note

1. Edited pursuant to HRS §23G-16.5.