

A Bill for an Act Relating to Highway Safety.

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

SECTION 1. The legislature finds that Act 171, Session Laws of Hawaii 2008, was adopted to implement the use of an ignition interlock device to prevent drivers previously arrested for driving under the influence of intoxicants from starting or operating a motor vehicle with more than a minimal alcohol concentration while their case is pending or while their license is revoked. Rather than taking a punitive approach that prohibits driving, Act 171 takes a pragmatic approach that requires installation of an ignition interlock device shortly after arrest so that the person can drive, but is prevented from drinking and driving, during the pendency of the case and the revocation period thereafter.

Recognizing the need to resolve a number of outstanding issues in the transition to use of ignition interlock devices, the legislature delayed the effective date of Act 171 to July 1, 2010. The legislature also established a task force to study the issues identified in Act 171 during the interim and make recommendations for additional legislation necessary to implement use of the ignition interlock devices. The task force consists of two members each from the senate and the house of representatives; two members each representing the judiciary; one member representing each of the state departments of transportation, health, and the attorney general; one member representing the office of the public defender; one member representing the police departments in each of the four counties; one member representing the department of the prosecuting attorney in each of the four counties; one member representing the examiner of drivers in each of the four counties; two members representing Mothers Against Drunk Driving; and one member of the Hawaii association of criminal defense lawyers.

The task force addressed each of the issues identified in Act 171 and made recommendations on a number of them, while deferring the remainder until the 2010 session. The task force continued to stress a pragmatic approach, as opposed to a punitive one, with key positions including:

- (1) Installation of the ignition interlock device should be required for all offenders, not just repeat offenders, consistent with the national trend and similar laws that took effect on January 1, 2009, in Alaska, Nebraska, and Washington;
- (2) Unlike current law, which sanctions first offenders more severely if their alcohol level meets or exceeds .15, all first offenders should be treated the same way, regardless of their alcohol level, and no first offender should be required to post proof of financial responsibility;
- (3) Installation of the ignition interlock device should occur as soon after arrest as possible so that the offender learns that driving without the device is not permissible;
- (4) Stricter laws and increased enforcement are needed to deter those who would try to avoid installing the ignition interlock device and drive on a suspended or revoked license;
- (5) The offender should pay for the cost of installing and servicing the ignition interlock device, with the establishment of a fund to pay for those who are determined to be indigent according to specified criteria;
- (6) Use of the ignition interlock device should be overseen principally by the administrative driver's license revocation program, with support from judicial proceedings;

- (7) The alcohol level at which a driver is “locked out” — prevented from starting the vehicle or performing a rolling retest — should be .02 and no penalties should be imposed when a driver is “locked out” or fails to take a retest because the inability to start or keep operating the vehicle will act as the consequence for attempting to drive after drinking;
- (8) Offenders who circumvent or tamper with the ignition interlock device should be charged with another crime;
- (9) Offenders who refuse to be tested for alcohol content should be required to use the ignition interlock device for longer periods than those who take the test, and other strategies that make submitting to the test more appealing than refusal should be developed;
- (10) The department of transportation should select a single provider for installation and maintenance of the ignition interlock device to ensure statewide uniformity in the program; and
- (11) Clear expectations and performance standards should be established for the chosen ignition interlock device vendor.

The purpose of this Act is to enact recommendations made by the ignition interlock implementation task force pursuant to Act 171, Session Laws of Hawaii 2008.

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

“[H§291E-5]] Ignition interlock special fund; surcharge; indigents. (a) There is established in the state treasury a special fund to be known as the ignition interlock special fund to be administered by the director of transportation. The fund shall consist of amounts collected under this section and section 291E-6. Moneys in the fund shall be expended by the director of transportation to fund the cost of installing and operating ignition interlock devices in the vehicles of persons who are required to install the device but who are indigent persons, as determined under subsection (d).

(b) Every person who installs an ignition interlock device pursuant to this chapter shall pay the ignition interlock device vendor a surcharge of \$ 1 when the device is installed. The surcharge shall be remitted by the ignition interlock device vendor to the director of transportation within ten days following the end of the month in which the surcharge was collected. The surcharges collected by the vendor pursuant to this subsection shall not be subject to any tax, fee, or other assessment, nor are they considered revenue of the vendor. The director of transportation shall deposit the surcharge amounts into the ignition interlock special fund.

(c) The cost of installing and operating ignition interlock devices required by this chapter ~~[or chapter 804]~~ for indigent persons shall be paid by the director of transportation from the ignition interlock special fund. Whether a person is an indigent person shall be determined pursuant to subsection (d) by the director or the court, as appropriate.

(d) For purposes of this section, “indigent person” means:

- (1) Any individual whose income is not greater than one hundred twenty-five per cent of the official poverty line established by the Secretary of Health and Human Services under the Community Services Block Grant Act, 42 United States Code ~~[section]~~ Section 9902; or
- (2) Any individual who is eligible for free services under the Older Americans Act or Developmentally Disabled Act.

(e) The director of transportation shall adopt rules pursuant to chapter 91 for the purposes of this section.”

SECTION 3. Section 291E-6, Hawaii Revised Statutes, is amended by amending subsections (a) to (d) to read as follows:

“(a) The director of transportation shall establish and administer a statewide program relating to certification and monitoring of ignition interlock devices installed pursuant to chapter 291E ~~[or 804]~~ and ~~[the vendors who]~~ shall select a single vendor to install and maintain them.

(b) The program shall include standards and procedures for the certification of ignition interlock devices installed pursuant to chapter 291E ~~[or 804]~~. At a minimum, the standards shall require that the devices:

- (1) Be certified by a nationally recognized certification organization to meet or exceed all standards and specifications provided as guidelines by the National Highway Traffic Safety Administration. “Nationally recognized certification organization” means a testing laboratory or analytical chemist not affiliated with a manufacturer of ignition interlock devices that is qualified to test ignition interlock devices or reference samples and is approved by the United States Department of Transportation. The nationally recognized certification organization must be able to administer performance tests of an ignition interlock device or a sample provided by the vendor;
- (2) Operate using an alcohol-specific sensor technology;
- (3) Employ a digital camera by which a photograph of the person using the device can be incorporated into the electronic record generated by each use of the device;
- (4) Require a rolling retest by which the driver must, within a specified period of time or distance driven after starting the vehicle, be retested and found to have an alcohol concentration of less than .02, with a margin of error of .01; and
- (5) Generate a record of vehicle usage, including dates, times, and distances driven.

(c) The program shall include standards and procedures for the certification ~~[for vendors who]~~ of the vendor selected to install and maintain ignition interlock devices pursuant to chapter 291E ~~[or 804]~~. At a minimum, the standards shall require that ~~[vendors:]~~ the vendor:

- (1) Install only an ignition interlock device that is certified pursuant to this section;
- (2) Offer or contract for ignition interlock device installation and maintenance statewide;
- (3) Train drivers who are required to install an ignition interlock device, pursuant to chapter 291E or 804, in how to use the device;
- (4) Schedule the driver for all necessary readings and maintenance of the device; and
- (5) Provide periodic reports regarding the use of each ignition interlock device installed pursuant to chapter 291E ~~[or 804]~~, including incidents of test failure, attempts to circumvent the device, and dates, times, and distances the vehicle was driven.

(d) ~~[Each vendor who sells or installs an]~~ The vendor selected for installation and maintenance of ignition interlock [device] devices pursuant to chapter 291E [or 804] shall be certified annually by the director of transportation pursuant to this section and the rules adopted thereunder. The vendor shall pay a certification fee to the director of transportation who shall deposit the fee into the ignition interlock special fund established pursuant to section 291E-5.”

SECTION 4. Section 291E-15, Hawaii Revised Statutes, is amended to read as follows:

“§291E-15 Refusal to submit to breath, blood, or urine test; subject to administrative revocation proceedings. If a person under arrest refuses to submit to a breath, blood, or urine test, none shall be given, except as provided in section 291E-21. Upon the law enforcement officer’s determination that the person under arrest has refused to submit to a breath, blood, or urine test, if applicable, then a law enforcement officer shall:

- (1) Inform the person under arrest of the sanctions under section 291E-41 or 291E-65; and
- (2) Ask the person if the person still refuses to submit to a breath, blood, or urine test, thereby subjecting the person to the procedures and sanctions under part III or section 291E-65, as applicable;

provided that if the law enforcement officer fails to comply with paragraphs (1) and (2), the person shall not be subject to the refusal sanctions under part III or [section 291E-65.] IV.”

SECTION 5. Section 291E-41, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) Except as provided in paragraph [(6)] (5) and in section [291E-44,] 291E-44.5, the respondent shall keep an ignition interlock device installed and operating on any vehicle the respondent operates during the revocation period. Except as provided in section 291E-5, installation and maintenance of the ignition interlock device shall be at the respondent’s own expense. The periods of administrative revocation with respect to a license and privilege to operate a vehicle that shall be imposed under this part are as follows:

- (1) A ~~[minimum of three months up to a maximum of]~~ one year revocation of license and privilege to operate a vehicle, if the respondent’s record shows no prior alcohol enforcement contact or drug enforcement contact during the five years preceding the date the notice of administrative revocation was issued;
- [(2)] ~~For a respondent who is a highly intoxicated driver, if the respondent’s record shows no prior alcohol enforcement contact or drug enforcement contact during the five years preceding the date the notice of administrative revocation was issued, a minimum of six months up to a maximum of one year revocation of license and privilege to operate a vehicle;~~
- (3) ~~A minimum of one year up to a maximum of two years]~~ (2) An eighteen month revocation of license and privilege to operate a vehicle, if the respondent’s record shows one prior alcohol enforcement contact or drug enforcement contact during the five years preceding the date the notice of administrative revocation was issued;
- [(4)] (3) ~~A [minimum of two years up to a maximum of four years]~~ two-year revocation of license and privilege to operate a vehicle, if the respondent’s record shows two prior alcohol enforcement contacts or drug enforcement contacts during the five years preceding the date the notice of administrative revocation was issued;
- [(5)] (4) A minimum of five years up to a maximum of ten years revocation of license and privilege to operate a vehicle, if the respondent’s record shows three or more prior alcohol enforcement contacts or drug enforcement contacts during the five years preceding the date the notice of administrative revocation was issued; or
- [(6)] (5) For respondents under the age of eighteen years who were arrested for a violation of section 291E-61 or 291E-61.5, revocation of license and privilege to operate a vehicle for the appropriate revocation period provided in paragraphs (1) to [(5)] (4) or in subsection

(c); provided that the respondent shall be prohibited from driving during the period preceding the respondent's eighteenth birthday and shall thereafter be subject to the ignition interlock requirement of this subsection for the balance of the revocation period;

- (6) For respondents who do not install an ignition interlock device in the respondent's vehicle during the revocation period, revocation of license and privilege to operate a vehicle for the period of revocation provided in paragraphs (1) to (5) or in subsection (c); provided that:

(A) The respondent shall be absolutely prohibited from driving during the revocation period and subject to the penalties provided by section 291E-62 if the respondent drives during the revocation period; and

(B) The director shall not issue an ignition interlock permit to the respondent pursuant to section 291E-44.5;

provided that when more than one administrative revocation, suspension, or conviction arises out of the same arrest, it shall be counted as only one prior alcohol enforcement contact or drug enforcement contact, whichever revocation, suspension, or conviction occurs later.

- (c) If a respondent has refused to be tested after being informed:
 (1) That the person may refuse to submit to testing in compliance with section 291E-11; and
 (2) Of the sanctions of this part and then asked if the person still refuses to submit to a breath, blood, or urine test, in compliance with the requirements of section 291E-15,

the revocation imposed under subsection (b)(1), (2), (3), or (4)~~[-and (5)]~~ shall be for a period of ~~[one year,]~~ two years, three years, four years, and ten years, respectively."

SECTION 6. Section 291E-61, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) A person committing the offense of operating a vehicle under the influence of an intoxicant shall be sentenced as follows:

- (1) ~~[Except as provided in paragraphs (2) and (5), for]~~ For the first offense, or any offense not preceded within a five-year period by a conviction for an offense under this section or section 291E-4(a)~~]; and notwithstanding section 706-623, by probation for not less than one year nor more than two years on the following conditions]:~~
 (A) A fourteen-hour minimum substance abuse rehabilitation program, including education and counseling, or other comparable program deemed appropriate by the court;
 (B) ~~[(i) Ninety-day prompt suspension of license and privilege to operate a vehicle during the suspension period, or the court may impose, in lieu of the ninety-day prompt suspension of license, a minimum thirty-day prompt suspension of license with absolute prohibition from operating a vehicle and, for the remainder of the ninety-day period, a restriction on the license that allows the person to drive for limited work-related purposes and to participate in substance abuse treatment programs; or~~
 (ii) One-year revocation 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;

- (C) Any one or more of the following:
 - (i) Seventy-two hours of community service work;
 - (ii) Not less than forty-eight hours and not more than five days of imprisonment; or
 - (iii) A fine of not less than \$150 but not more than \$1,000;
 - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund; and
 - (E) May be charged a surcharge of up to \$25 to be deposited into the trauma system special fund if the court so orders;
- [2] ~~For a first offense committed by a highly intoxicated driver, or for any offense committed by a highly intoxicated driver not preceded within a five year period by a conviction for an offense under this section or section 291E-4(a), and notwithstanding section 706-623, by probation for not less than two years nor more than four years on the following conditions:~~
- ~~(A) A fourteen-hour minimum substance abuse rehabilitation program, including education and counseling, or other comparable program deemed appropriate by the court;~~
 - ~~(B) A two-year revocation 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;~~
 - ~~(C) Any one or more of the following:~~
 - ~~(i) Seventy-two hours of community service work;~~
 - ~~(ii) Not less than forty-eight hours and not more than five days of imprisonment; or~~
 - ~~(iii) A fine of not less than \$150 but not more than \$1,000;~~
 - ~~(D) A surcharge of \$25 to be deposited into the neurotrauma special fund; and~~
 - ~~(E) May be charged a surcharge of up to \$50 to be deposited into the trauma system special fund if the court so orders;~~
- [3] (2) For an offense that occurs within five years of a prior conviction for an offense under this section or section 291E-4(a), and notwithstanding section 706-623, by probation for not less than [two years] eighteen months nor more than [four] two years on the following conditions:
- (A) ~~[A two-year revocation]~~ Revocation of license and privilege to operate a vehicle during the ~~[revocation]~~ probation period and installation during the ~~[revocation]~~ probation period of an ignition interlock device on any vehicle operated by the person;
 - (B) Either one of the following:
 - (i) Not less than two hundred forty hours of community service work; or
 - (ii) Not ~~[less than five days but not more than fourteen]~~ more than five days of imprisonment of which at least forty-eight hours shall be served consecutively;
 - (C) A fine of not less than \$500 but not more than \$1,500;
 - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund; and
 - (E) May be charged a surcharge of up to \$50 to be deposited into the trauma system special fund if the court so orders;
- [4] (3) For an offense that occurs within five years of two prior convictions for offenses under this section or section 291E-4(a), and not-

withstanding section 706-623, by probation for ~~[not less than three years nor more than five]~~ two years on the following conditions:

- (A) A fine of not less than \$500 but not more than \$2,500;
 - (B) ~~[Three-year revocation]~~ Revocation of license and privilege to operate a vehicle during the ~~[revocation]~~ probation period and installation during the ~~[revocation]~~ probation period of an ignition interlock device on any vehicle operated by the person;
 - (C) ~~[Not less than ten days but not more than thirty days]~~ Up to five days imprisonment of which at least forty-eight hours shall be served consecutively;
 - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund; and
 - (E) May be charged a surcharge of up to \$50 to be deposited into the trauma system special fund if the court so orders; ~~[and]~~
- [5] (4) In addition to a sentence imposed under paragraphs (1) through ~~[(4);]~~ (3), any person eighteen years of age or older who is convicted under this section and who operated a vehicle with a passenger, in or on the vehicle, who was younger than fifteen years of age, shall be sentenced to an additional mandatory fine of \$500 and an additional mandatory term of imprisonment of forty-eight hours; provided that the total term of imprisonment for a person convicted under this paragraph shall not exceed ~~[the maximum term of imprisonment provided in paragraph (1), (3), or (4);]~~ the maximum term of imprisonment provided in paragraph (1), (2), or (3), as applicable. Notwithstanding paragraph ~~[(1);]~~ (2), the probation period for a person sentenced under this paragraph shall be not less than two years~~[-]; and~~
- (5) If the person demonstrates to the court that the person:
- (A) Does not own or have the use of a vehicle in which the person can install an ignition interlock device during the probation period; or
 - (B) Is otherwise unable to drive during the probation period.
- the person shall be absolutely prohibited from driving during the period of probation provided in paragraphs (1) to (4); provided that the court shall not issue an ignition interlock permit pursuant to subsection (i) and the person shall be subject to the penalties provided by section 291E-62 if the person drives during the probation period.
- (c) Notwithstanding any other law to the contrary, the court shall not issue an ignition interlock permit to:
- (1) A defendant whose license is expired, suspended, or revoked as a result of action other than the instant offense; or
 - (2) A defendant who holds either a category 4 license under section 286-102(b) or a commercial driver's license under section 286-239(b) ~~[-], unless the ignition interlock permit is restricted to a category 1, 2, or 3 license under section 286-102(b)."~~

SECTION 7. Section 291E-65, Hawaii Revised Statutes, is amended to read as follows:

"§291E-65 Refusal to submit to testing for measurable amount of alcohol; district court hearing; sanctions; appeals; admissibility. (a) If a person under arrest for operating a vehicle after consuming a measurable amount of alcohol, pursuant to section 291E-64, refuses to submit to a breath or blood test, none shall be given, except as provided in section 291E-21, but the arresting law en-

forcement officer, as soon as practicable, shall submit an affidavit to a district judge of the circuit in which the arrest was made, stating:

- (1) That at the time of the arrest, the arresting officer had probable cause to believe the arrested person was under the age of twenty-one and had been operating a vehicle upon a public way, street, road, or highway or on or in the waters of the State with a measurable amount of alcohol;
 - (2) That the arrested person was informed that the person may refuse to submit to a breath or blood test, in compliance with section 291E-11;
 - (3) That the person had refused to submit to a breath or blood test;
 - (4) That the arrested person was:
 - (A) Informed of the sanctions of this section; and then
 - (B) Asked if the person still refuses to submit to a breath or blood test, in compliance with the requirements of section 291E-15; and
 - (5) That the arrested person continued to refuse to submit to a breath or blood test.
- (b) Upon receipt of the affidavit, the district judge shall hold a hearing within twenty days. The district judge shall hear and determine:
- (1) Whether the arresting law enforcement officer had probable cause to believe that the person was under the age of twenty-one and had been operating a vehicle upon a public way, street, road, or highway or on or in the waters of the State with a measurable amount of alcohol;
 - (2) Whether the person was lawfully arrested;
 - (3) Whether the person was informed that the person may refuse to submit to a breath or blood test, in compliance with section 291E-11;
 - (4) Whether the person refused to submit to a test of the person's breath or blood;
 - (5) Whether the person was:
 - (A) Informed of the sanctions of this section; and then
 - (B) Asked if the person still refuses to submit to a breath or blood test, in compliance with the requirements of section 291E-15; and
 - (6) Whether the person continued to refuse to submit to a breath or blood test.
- (c) If the district judge finds the statements contained in the affidavit are true, the judge shall suspend the arrested person's license and privilege to operate a vehicle as follows:
- (1) For a first suspension, or any suspension not preceded within a five-year period by a suspension under this section, for a period of twelve months; and
 - (2) For any subsequent suspension under this section, for a period not less than two years and not more than five years.
- (d) An order of a district court issued under this section may be appealed to the supreme court.

~~[(e) If a legally arrested person under the age of twenty-one refuses to submit to a test of the person's breath or blood, proof of refusal shall be admissible only in a hearing under this section or part III and shall not be admissible in any other action or proceeding, whether civil or criminal.]~~"

SECTION 8. Section 706-623, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) When the court has sentenced a defendant to be placed on probation, the period of probation shall be as follows, unless the court enters the reason therefor on the record and sentences the defendant to a shorter period of probation:

- (a) Ten years upon conviction of a class A felony;
- (b) Five years upon conviction of a class B or class C felony;
- (c) One year upon conviction of a misdemeanor; except that upon a conviction under section 586-4, 586-11, or 709-906, the court may sentence the defendant to a period of probation not exceeding two years; ~~or~~
- (d) ~~[Six]~~ Except as provided in paragraph (e), six months upon conviction of a petty misdemeanor; provided that up to one year may be imposed upon a finding of good cause[-]; or
- (e) Eighteen months to two years upon conviction under section 291E-61(b)(2), and two years upon a conviction under section 291E-61(b)(3).

The court, on application of a probation officer, on application of the defendant, or on its own motion, may discharge the defendant at any time. Prior to granting early discharge, the court shall afford the prosecuting attorney an opportunity to be heard. The terms of probation provided in this part, other than in this section, shall not apply to sentences of probation imposed under section 706-606.3."

SECTION 9. Section 804-7.1, Hawaii Revised Statutes, is amended to read as follows:

"§804-7.1 Conditions of release on bail, recognizance, or supervised release. [(a)] Upon a showing that there exists a danger that the defendant will commit a serious crime or will seek to intimidate witnesses, or will otherwise unlawfully interfere with the orderly administration of justice, the judicial officer named in section 804-5 may deny the defendant's release on bail, recognizance, or supervised release.

[(b)] Upon the defendant's release on bail, recognizance, or supervised release, however, the court may enter an order:

- (1) Prohibiting the defendant from approaching or communicating with particular persons or classes of persons, except that no such order should be deemed to prohibit any lawful and ethical activity of defendant's counsel;
- (2) Prohibiting the defendant from going to certain described geographical areas or premises;
- (3) Prohibiting the defendant from possessing any dangerous weapon, engaging in certain described activities, or indulging in intoxicating liquors or certain drugs;
- (4) Requiring the defendant to report regularly to and remain under the supervision of an officer of the court;
- (5) Requiring the defendant to maintain employment, or, if unemployed, to actively seek employment, or attend an educational or vocational institution;
- (6) Requiring the defendant to comply with a specified curfew;
- (7) Requiring the defendant to seek and maintain mental health treatment or testing, including treatment for drug or alcohol dependency, or to remain in a specified institution for that purpose;

- (8) Requiring the defendant to remain in the jurisdiction of the judicial circuit in which the charges are pending unless approval is obtained from a court of competent jurisdiction to leave the jurisdiction of the court;
- (9) Requiring the defendant to satisfy any other condition reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person or community; or
- (10) Imposing any combination of conditions listed above.

The judicial officer may revoke a defendant's bail upon proof that the defendant has breached any of the conditions imposed.

~~[(c) In addition to the conditions in subsection (b) and except as provided in subsection (d), when the defendant is charged with an offense under section 291E-61, except an offense for which the defendant would be sentenced pursuant to section 291E-61(b)(1), the court shall order as a condition of release on bail, recognizance, or supervised release that, within fifteen days, the defendant install an ignition interlock device, as defined in section 291E-1, on any vehicle that the defendant will operate during the defendant's release on bail, recognizance, or supervised release. Upon proof that the defendant has installed an ignition interlock device in the defendant's vehicle, the court shall issue an ignition interlock permit that will allow the defendant to drive a vehicle equipped with an ignition interlock device during the period of the defendant's release on bail, recognizance, or supervised release.~~

~~(d) Notwithstanding any other law to the contrary, the court shall not issue an ignition interlock permit to:~~

- ~~(1) A defendant whose license is expired, suspended, or revoked as a result of action other than the instant offense; or~~
- ~~(2) A defendant who holds either a category 4 license under section 286-102(b) or a commercial driver's license under section 286-239(b).~~

~~(e) The court may issue a separate permit authorizing a defendant to operate a vehicle owned by the defendant's employer while released [on]¹ bail as provided in section 291E-61.~~

~~(f) Except as provided in section 291E-5, installation and maintenance of the ignition interlock device required by subsection (e) shall be at the defendant's own expense.]”~~

SECTION 10. Section 291E-16, Hawaii Revised Statutes, is repealed.

SECTION 11. Section 291E-44, Hawaii Revised Statutes, is repealed.

SECTION 12. Act 171, Session Laws of Hawaii 2008, is amended by amending section 12(g) to read as follows:

“(g) The Hawaii ignition interlock implementation task force shall cease to exist after [June 30, 2010.] June 30, 2011.”

SECTION 13. Act 171, Session Laws of Hawaii 2008, is amended by amending section 20 to read as follows:

“SECTION 20. This Act shall take effect on July 1, 2008; provided that sections 2 through 11 shall take effect on [July 1, 2010.] January 1, 2011; provided further that sections 15 and 16 shall be repealed on [June 30, 2010.] December 31, 2010; and provided further that sections 287-20(a) and 291E-61(g), Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 30, 2008.”

SECTION 14. The department of transportation shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to effectuate the purposes of sections 291E-5 and 291E-6, Hawaii Revised Statutes, to be enacted on January 1, 2011, pursuant to Act 171, Session Laws of Hawaii 2008 as amended by this Act.

SECTION 15. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 16. Statutory material to be repealed is bracketed and stricken.² New statutory material is underscored.

SECTION 17. This Act shall take effect on January 1, 2009; provided that:

- (1) Section 4, section 7, section 8, and section 10 shall take effect on January 1, 2011; and
- (2) Section 2, section 3, section 5, section 6, section 9, and section 11 shall take effect upon the enactment of sections 2 through 11 of Act 171, Session Laws of Hawaii 2008, on January 1, 2011.

(Approved June 3, 2009.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.