

JAN 26 2011

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# A BILL FOR AN ACT

RELATING TO OPERATING A MOTOR VEHICLE.

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

1           SECTION 1. Section 291E-62, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) Any person convicted of violating this section shall  
4 be sentenced as follows without possibility of probation or  
5 suspension of sentence:

6           (1) For a first offense, or any offense not preceded  
7 within a five-year period by conviction for an offense  
8 under this section, section 291E-66, or section 291-  
9 4.5 as that section was in effect on December 31,  
10 2001:

11           (A) A term of imprisonment of not less than three  
12 consecutive days but not more than thirty days;

13           (B) A fine of not less than \$250 but not more than  
14 \$1,000;

15           (C) Revocation of license and privilege to operate a  
16 vehicle for an additional year; ~~and~~

17           (D) Immobilization of any vehicle the person owns and  
18 operates for the duration of the revocation



1                   period; provided that a family member may operate  
2                   the vehicle in an emergency situation; and

3           [~~(D)~~]   (E) Loss of the privilege to operate a vehicle  
4                   equipped with an ignition interlock device, if  
5                   applicable;

6           (2) For an offense that occurs within five years of a  
7                   prior conviction for an offense under this section,  
8                   section 291E-66, or section 291-4.5 as that section  
9                   was in effect on December 31, 2001:

10           (A) Thirty days imprisonment;

11           (B) A \$1,000 fine;

12           (C) Revocation of license and privilege to operate a  
13                   vehicle for an additional two years; [~~and~~]

14           (D) Immobilization of any vehicle the person owns and  
15                   operates for the duration of the revocation

16                   period; provided that a family member may operate  
17                   the vehicle in an emergency situation; and

18           [~~(D)~~]   (E) Loss of the privilege to operate a vehicle  
19                   equipped with an ignition interlock device, if  
20                   applicable; and

21           (3) For an offense that occurs within five years of two or  
22                   more prior convictions for offenses under this



1 section, section 291E-66, or section 291-4.5 as that  
2 section was in effect on December 31, 2001, or any  
3 combination thereof:

- 4 (A) One year imprisonment;
- 5 (B) A \$2,000 fine;
- 6 (C) Permanent revocation of the person's license and  
7 privilege to operate a vehicle; ~~and~~
- 8 (D) Immobilization of any vehicle the person owns and  
9 operates for the duration of the revocation  
10 period; provided that a family member may operate  
11 the vehicle in an emergency situation; and
- 12 ~~(D)~~ (E) Loss of the privilege to operate a vehicle  
13 equipped with an ignition interlock device, if  
14 applicable."

15 SECTION 2. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on January 1, 2012.

21 INTRODUCED BY: \_\_\_\_\_

*Will Eyo*



**Report Title:**

DUI; Vehicle Immobilization; Penalties

**Description:**

Provides that any person who operates a vehicle after the person's license has been suspended or revoked shall have their vehicles immobilized for the duration of the revocation period. Provides exceptions to immobilization for emergencies.

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

