



GOV. MSG. NO. 1117

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

April 26, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 26, 2016, the following bill was signed into law:

SB2246

RELATING TO TESTING FOR INTOXICANTS  
**ACT 017 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

JAN 22 2016

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# A BILL FOR AN ACT

RELATING TO TESTING FOR INTOXICANTS.

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

1 SECTION 1. Section 291E-15, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§291E-15 Refusal to submit to breath, blood, or urine  
4 test; subject to administrative revocation proceedings. If a  
5 person under arrest refuses to submit to a breath, blood, or  
6 urine test, none shall be given, except as provided in section  
7 291E-21. Upon the law enforcement officer's determination that  
8 the person under arrest has refused to submit to a breath,  
9 blood, or urine test, if applicable, then a law enforcement  
10 officer shall:

- 11 (1) Inform the person under arrest of the sanctions under  
12 section 291E-41 [7] or 291E-65 [~~7~~, ~~or 291E-68~~]; and  
13 (2) Ask the person if the person still refuses to submit  
14 to a breath, blood, or urine test, thereby subjecting  
15 the person to the procedures and sanctions under part  
16 III or section 291E-65, as applicable;



1 provided that if the law enforcement officer fails to comply  
2 with paragraphs (1) and (2), the person shall not be subject to  
3 the refusal sanctions under part III or IV."

4 SECTION 2. Section 291E-68, Hawaii Revised Statutes, is  
5 repealed.

6 [~~"§291E-68 Refusal to submit to a breath, blood, or urine  
7 test; penalty. Except as provided in section 291E-65, refusal  
8 to submit to a breath, blood, or urine test as required by part  
9 II is a petty misdemeanor."~~]

10 SECTION 3. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.  
16

APPROVED this 26 day of APR, 2016



GOVERNOR OF THE STATE OF HAWAII