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# A BILL FOR AN ACT

RELATING TO DRIVING WHILE INTOXICATED.

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

1           SECTION 1. Section 291E-44.5, Hawaii Revised Statutes, is  
2 amended by amending subsections (d) and (e) to read as follows:

3           "(d) A request made pursuant to subsection (c) shall be  
4 accompanied by:

5           (1) A sworn statement from the respondent containing facts  
6 establishing that the respondent currently is employed  
7 in a position that requires driving and that the  
8 respondent will be discharged if prohibited from  
9 driving a vehicle not equipped with an ignition  
10 interlock device; and

11           (2) A sworn statement from the respondent's employer  
12 establishing that the employer will, in fact,  
13 discharge the respondent if the respondent [~~is~~  
14 ~~prohibited from driving a vehicle~~] cannot drive a  
15 vehicle that is not equipped with an ignition  
16 interlock device and identifying the specific vehicle  
17 or vehicles the respondent will drive for the purposes



1           of employment and the hours of the day [~~the respondent~~  
 2           ~~will drive~~], not to exceed twelve hours per day, or  
 3           the period of the specified assigned hours of work,  
 4           the respondent will drive the vehicle or vehicles for  
 5           purposes of employment.

6           (e) A permit issued pursuant to subsection (c) shall  
 7 include restrictions allowing the respondent to drive:

- 8           (1) Only during specified hours of employment, not to  
 9           exceed twelve hours per day, or the period of the  
 10           specified assigned hours of work, and only for  
 11           activities solely within the scope of the employment;
- 12           (2) Only the vehicles specified; and
- 13           (3) Only if the permit is kept in the respondent's  
 14           possession while operating the employer's vehicle.

15 In addition, the director may impose other appropriate  
 16 restrictions."

17           SECTION 2. Section 291E-61, Hawaii Revised Statutes, is  
 18 amended by amending subsections (e) and (f) to read as follows:

19           "(e) A request made pursuant to subsection (d) shall be  
 20 accompanied by:



- 1 (1) A sworn statement from the defendant containing facts  
2 establishing that the defendant currently is employed  
3 in a position that requires driving and that the  
4 defendant will be discharged if prohibited from  
5 driving a vehicle not equipped with an ignition  
6 interlock device; and
- 7 (2) A sworn statement from the defendant's employer  
8 establishing that the employer will, in fact,  
9 discharge the defendant if the defendant [~~is~~  
10 ~~prohibited from driving a vehicle~~] cannot drive a  
11 vehicle that is not equipped with an ignition  
12 interlock device and identifying the specific vehicle  
13 the defendant will drive for purposes of employment  
14 and the hours of the day, not to exceed twelve hours  
15 per day, or the period of the specified assigned hours  
16 of work, the defendant will drive the vehicle for  
17 purposes of employment.
- 18 (f) A permit issued pursuant to subsection (d) shall  
19 include restrictions allowing the defendant to drive:
- 20 (1) Only during specified hours of employment, not to  
21 exceed twelve hours per day, or the period of the



1           specified assigned hours of work, and only for  
2           activities solely within the scope of the employment;  
3           (2) Only the vehicle specified; and  
4           (3) Only if the permit is kept in the defendant's  
5           possession while operating the employer's vehicle."

6           SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 4. This Act shall take effect on July 1, 2035.



**Report Title:**

Administrative Revocation; Driving While Intoxicated; Permit;  
Employer's Sworn Statement

**Description:**

Allows requests for permits that authorize the respondent or defendant to operate an employer's vehicle during the period of license revocation to be supported by the employer's sworn statement attesting to the period of the specified assigned hours of work that the defendant will drive the vehicle for purposes of employment. Takes effect 7/1/2035. (SD1)

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

