
A BILL FOR AN ACT

RELATING TO IGNITION INTERLOCK DEVICES.

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

1 SECTION 1. Chapter 291E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291E- Ignition interlock device; violations;
5 penalties; compliance. (a) Notwithstanding any provision of
6 this chapter to the contrary, no person whose driver's license
7 has been revoked pursuant to section 291E-41 or who has been
8 convicted under section 291E-61 or 291E-61.5, shall be eligible
9 for a driver's license without providing proof of compliance
10 from the director of transportation that the person:

11 (1) For the first violation within ten years of a previous
12 violation, has had an ignition interlock device
13 installed for a period of ninety days without any
14 violations;

15 (2) For a second violation within ten years of a previous
16 violation, has had an ignition interlock device



1 installed for a period of one-hundred eighty days
2 without any violations; or
3 (3) For habitual and subsequent violations within ten
4 years, has had no violations for one consecutive year.
5 (b) A person violates this section by:
6 (1) Providing a sample of .02 or more in blood alcohol
7 content when starting the vehicle;
8 (2) Providing a sample of .02 or more in blood alcohol
9 content on a rolling retest;
10 (3) Failing to provide a rolling retest;
11 (4) Violating section 291E-66; or
12 (5) Failing to provide a photo of the person when the
13 person blows into the ignition interlock device.
14 (c) Any violation that occurs during the period in which
15 the ignition interlock device is installed shall constitute
16 noncompliance. The time required to prove compliance shall
17 commence again after any violation until compliance is proven.
18 (d) The requirements of subsection (a) shall be in
19 addition to any sanction or penalty imposed pursuant to section
20 291E-41, 291E-61, or 291E-61.5. The requirements of this



1 section shall be an administrative requirement of being eligible
2 to apply for a driver's license."

3 SECTION 2. Section 291E-62, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) No person whose license and privilege to operate a
7 vehicle have been revoked, suspended, or otherwise restricted
8 pursuant to this section or to part III or section 291E-61 or
9 291E-61.5, or to part VII or part XIV of chapter 286 or section
10 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those provisions
11 were in effect on December 31, 2001, shall operate or assume
12 actual physical control of any vehicle:

- 13 (1) In violation of any restrictions placed on the
14 person's license;
- 15 (2) While the person's license or privilege to operate a
16 vehicle remains suspended or revoked;
- 17 (3) Without installing an ignition interlock device
18 required by this chapter; or
- 19 (4) With an ignition interlock permit unless the person
20 has the ignition interlock permit and a valid
21 government-issued photo identification in the person's



1 immediate possession. As used in this paragraph,
2 "valid government-issued photo identification" means:

- 3 (A) A passport issued by the United States of
4 America;
5 (B) A driver's license issued pursuant to any state
6 or District of Columbia law;
7 (C) An identification card issued by any state or
8 local government or the Bureau of Indian Affairs;
9 or
10 (D) An identification card issued by any branch of
11 the armed forces of the United States of
12 America."

13 2. By amending subsection (c) to read:

14 "(c) Any person convicted of violating this section shall
15 be sentenced as follows without possibility of probation or
16 suspension of sentence:

- 17 (1) For a first offense, or any offense not preceded
18 within a [~~five-year~~] ten-year period by conviction for
19 an offense under this section, section 291E-66, or
20 section 291-4.5 as that section was in effect on
21 December 31, 2001:



- 1 (A) A term of imprisonment of [~~not~~] no less than
2 three consecutive days but [~~not~~] no more than
3 thirty days;
- 4 (B) A fine of [~~not~~] no less than \$250 but [~~not~~] no
5 more than \$1,000;
- 6 (C) Revocation of license and privilege to operate a
7 vehicle for an additional year; and
- 8 (D) Loss of the privilege to operate a vehicle
9 equipped with an ignition interlock device, if
10 applicable;
- 11 (2) For an offense that occurs within [~~five~~] ten years of
12 a prior conviction for an offense under this section,
13 section 291E-66, or section 291-4.5 as that section
14 was in effect on December 31, 2001:
- 15 (A) Thirty days imprisonment;
- 16 (B) A \$1,000 fine;
- 17 (C) Revocation of license and privilege to operate a
18 vehicle for an additional two years; and
- 19 (D) Loss of the privilege to operate a vehicle
20 equipped with an ignition interlock device, if
21 applicable; [~~and~~]



- 1 (3) For an offense that occurs within [~~five~~] ten years of
2 two or more prior convictions for offenses under this
3 section, section 291E-66, or section 291-4.5 as that
4 section was in effect on December 31, 2001, or any
5 combination thereof:
- 6 (A) [~~One year~~] No less than six months but no more
7 than one year of imprisonment;
- 8 (B) A \$2,000 fine;
- 9 (C) Permanent revocation of the person's license and
10 privilege to operate a vehicle; and
- 11 (D) Loss of the privilege to operate a vehicle
12 equipped with an ignition interlock device, if
13 applicable[~~-~~]; and
- 14 (4) In addition to a sentence imposed under paragraphs (1)
15 through (3), any person who is convicted under this
16 section and also convicted under section 291E-61 or
17 291E-61.5, for an offense based on the same conduct or
18 arising from the same incident, shall be sentenced to
19 terms of imprisonment for both offenses, which shall
20 be served consecutively."



1 SECTION 3. Section 291E-66, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) No person whose driving privileges have been
4 restricted to operating a vehicle equipped with an ignition
5 interlock device shall knowingly:

6 (1) Request, solicit, direct, or authorize another person
7 to blow into an ignition interlock device or start a
8 vehicle equipped with the device for the purpose of
9 providing an operable vehicle to a person who has been
10 restricted by law to operating only a vehicle so
11 equipped; [~~or~~]

12 (2) Tamper with an ignition interlock device with the
13 intent to render it inaccurate or inoperable[~~or~~]; or

14 (3) Obscure a camera lens associated with an ignition
15 interlock device.

16 (b) Any person required under subsection (a) to drive
17 using an ignition interlock device[~~or~~] who violates subsection
18 (a) shall be sentenced without possibility of probation or
19 suspension of sentence as follows:



- 1 (1) For a first offense, or any offense not preceded
2 within a [~~five-year~~] ten-year period by conviction
3 under this section or section 291E-62(a)(3):
- 4 (A) A term of imprisonment of [~~not~~] no less than
5 three consecutive days but [~~not~~] no more than
6 thirty days;
- 7 (B) A fine of [~~not~~] no less than \$250 but [~~not~~] no
8 more than \$1,000; and
- 9 (C) Loss of the privilege to operate a vehicle
10 equipped with an ignition interlock device;
- 11 (2) For an offense that occurs within five years of a
12 prior conviction for an offense under this section or
13 section 291E-62(a)(3):
- 14 (A) Thirty days imprisonment;
- 15 (B) A \$1,000 fine; and
- 16 (C) Loss of the privilege to operate a vehicle
17 equipped with an ignition interlock device; and
- 18 (3) For an offense that occurs within five years of two or
19 more prior convictions for offenses under this section
20 or section 291E-62(a)(3), or any combination thereof:
- 21 (A) One year imprisonment;



- 1 (B) A \$2,000 fine; and
- 2 (C) Loss of the privilege to operate a vehicle
- 3 equipped with an ignition interlock device."

4 SECTION 4. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2021.



Report Title:

Ignition Interlock Devices; Compliance; Sentencing

Description:

Requires proof of compliance with ignition interlock laws to be eligible for a driver's license. Requires any person operating a vehicle with an ignition interlock to have valid government-issued photo identification in their immediate possession. Amends the sentencing requirements for certain offenses involving driving during a suspension or revocation period and circumventing or tampering with ignition interlock devices. Prohibits a person who is restricted to driving a vehicle equipped with an ignition interlock device from knowingly obscuring a camera lens associated with the device. Effective 7/1/2021. (HD3)

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