
A BILL FOR AN ACT

RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

1 SECTION 1. Section 286-118.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+] §286-118.5 [+]~~ License revoked for operating a vehicle
4 under the influence of an intoxicant; eligibility for license
5 renewal. (a) Notwithstanding any other law to the contrary,
6 any person arrested for a violation of section 291E-61 or 291E-
7 61.5 after December 31, 2010, whose license is revoked pursuant
8 to this part or section 291E-61, and who otherwise qualifies for
9 a permit under section 291E-44.5 or 291E-61, may apply for a
10 renewal or reactivation of a driver's license as provided in
11 section 286-107 or 286-107.5 [~~+~~ provided] .

12 (b) A person may apply for relicensing under subsection
13 (a) provided that:

14 (1) The license renewal or reactivation shall be for the
15 sole purpose of obtaining or extending a permit issued
16 pursuant to section 291E-44.5 or 291E-61;

17 (2) No physical driver's license shall be issued to the
18 person; and



1 (3) The driver's license shall expire as provided in
2 section 286-106 or upon the end of the revocation
3 period, whichever occurs first.

4 (c) A holder of a valid ignition interlock permit may take
5 any tests necessary to apply for relicensing no sooner than
6 thirty days prior to expiration of the revocation period;
7 provided that the driver's license shall not be issued until the
8 completion of the revocation period."

9 SECTION 2. Section 291E-62, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§291E-62 Operating a vehicle after license and privilege
12 have been suspended or revoked for operating a vehicle under the
13 influence of an intoxicant; penalties. (a) No person whose
14 license and privilege to operate a vehicle have been revoked,
15 suspended, or otherwise restricted pursuant to this section or
16 to part III or section 291E-61 or 291E-61.5, or to part VII or
17 part XIV of chapter 286 or section 200-81, 291-4, 291-4.4, 291-
18 4.5, or 291-7 as those provisions were in effect on December 31,
19 2001, shall operate or assume actual physical control of any
20 vehicle:



- 1 (1) In violation of any restrictions placed on the
- 2 person's license;
- 3 (2) While the person's license or privilege to operate a
- 4 vehicle remains suspended or revoked; [e~~x~~]
- 5 (3) Without installing an ignition interlock device
- 6 required by this chapter[-]; or
- 7 (4) With an ignition interlock permit unless the person
- 8 has the ignition interlock permit and a valid State of
- 9 Hawaii identification card in the person's immediate
- 10 possession.
- 11 (b) No person who has been issued a notice of
- 12 administrative revocation that serves as a temporary permit by a
- 13 law enforcement officer, pursuant to section 291E-33, shall
- 14 operate or assume actual physical control of any vehicle after
- 15 the expiration of the temporary permit unless that person has an
- 16 otherwise valid driver license. No person charged with
- 17 violating this section shall be convicted if the person produces
- 18 in court, or proves from the proper official or other records,
- 19 that the person was the holder of a valid driver's license at
- 20 the time of the offense.



1 ~~(b)~~ (c) Any person convicted of violating this section
2 shall be sentenced as follows without possibility of probation
3 or suspension of sentence:

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

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

11 (B) A fine of not less than \$250 but not more than
12 \$1,000;

13 (C) Revocation of license and privilege to operate a
14 vehicle for an additional year; and

15 (D) Loss of the privilege to operate a vehicle
16 equipped with an ignition interlock device, if
17 applicable;

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



- 1 (A) Thirty days imprisonment;
- 2 (B) A \$1,000 fine;
- 3 (C) Revocation of license and privilege to operate a
- 4 vehicle for an additional two years; and
- 5 (D) Loss of the privilege to operate a vehicle
- 6 equipped with an ignition interlock device, if
- 7 applicable; and
- 8 (3) For an offense that occurs within five years of two or
- 9 more prior convictions for offenses under this
- 10 section, section 291E-66, or section 291-4.5 as that
- 11 section was in effect on December 31, 2001, or any
- 12 combination thereof:
- 13 (A) One year imprisonment;
- 14 (B) A \$2,000 fine;
- 15 (C) Permanent revocation of the person's license and
- 16 privilege to operate a vehicle; and
- 17 (D) Loss of the privilege to operate a vehicle
- 18 equipped with an ignition interlock device, if
- 19 applicable.
- 20 [~~e~~] (d) The applicable period of revocation in
- 21 subsection [~~b~~] (c) shall commence upon the release of the



1 person from the period of imprisonment imposed pursuant to this
2 section."

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

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on January 7, 2059.



Report Title:

Operating a Vehicle; License; Ignition Interlock Permit

Description:

Allows an ignition interlock permit holder to take necessary tests to apply for relicensing during the final 30 days of the revocation period. Prohibits operating a vehicle with an ignition interlock permit without a state identification card. Prohibits operating a vehicle once a notice of administrative revocation that serves as a temporary permit has expired unless the driver has a valid driver's license. Effective 01/07/2059.
(SD1)

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

