

JAN 23 2015

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# 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;



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

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

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

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

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16 license and privilege to operate a vehicle have been revoked,  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



1 2001, shall operate or assume actual physical control of any  
2 vehicle:

- 3 (1) In violation of any restrictions placed on the  
4 person's license;
- 5 (2) While the person's license or privilege to operate a  
6 vehicle remains suspended or revoked; [~~or~~]
- 7 (3) Without installing an ignition interlock device  
8 required by this chapter~~[-]~~; or
- 9 (4) With an ignition interlock permit unless the person  
10 has the ignition interlock permit and a valid State of  
11 Hawaii identification card in the person's immediate  
12 possession.

13 (b) No person who has been issued a notice of  
14 administrative revocation that serves as a temporary permit by a  
15 law enforcement officer, pursuant to section 291E-33, shall  
16 operate or assume actual physical control of any vehicle after  
17 the expiration of the temporary permit unless that person has an  
18 otherwise valid driver license. No person charged with  
19 violating this section shall be convicted if the person produces  
20 in court, or proves from the proper official or other records,



1 that the person was the holder of a valid driver's license at  
2 the time of the offense.

3 [~~(b)~~] (c) Any person convicted of violating this section  
4 shall be sentenced as follows without possibility of probation  
5 or 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) Loss of the privilege to operate a vehicle  
18 equipped with an ignition interlock device, if  
19 applicable;

20 (2) For an offense that occurs within five years of a  
21 prior conviction for an offense under this section,



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

- 3 (A) Thirty days imprisonment;
- 4 (B) A \$1,000 fine;
- 5 (C) Revocation of license and privilege to operate a  
6 vehicle for an additional two years; and
- 7 (D) Loss of the privilege to operate a vehicle  
8 equipped with an ignition interlock device, if  
9 applicable; and

10 (3) For an offense that occurs within five years of two or  
11 more prior convictions for offenses under this  
12 section, section 291E-66, or section 291-4.5 as that  
13 section was in effect on December 31, 2001, or any  
14 combination thereof:

- 15 (A) One year imprisonment;
- 16 (B) A \$2,000 fine;
- 17 (C) Permanent revocation of the person's license and  
18 privilege to operate a vehicle; and
- 19 (D) Loss of the privilege to operate a vehicle  
20 equipped with an ignition interlock device, if  
21 applicable.



# S.B. NO. 611

1           [~~(e)~~] (d) The applicable period of revocation in  
 2 subsection [~~(b)~~] (c) shall commence upon the release of the  
 3 person from the period of imprisonment imposed pursuant to this  
 4 section."

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

8           SECTION 4. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

10          SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Clarence D. Smith

*Will Lopez*  
*Mark Stentzel*  
~~DC. Smith~~  
*W. H. O.*  
*James H. Sloan*  
*Lorraine R. J. J. J.*  
*Michelle K. K.*



# S.B. NO. 611

**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 record has expired unless the driver has a valid driver's license.

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

