

# BE AWARE



## OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT:

### HRS 291E-61 OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT.

A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle

- 1) while under the influence of alcohol in an amount sufficient to impair one's normal mental faculties, or ability to care for the person and guard against casualty, or with 0.08 percent or greater of blood alcohol concentration; or
- 2) while under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner.

**PENALTIES:** A person committing the offense of operating a vehicle under the influence of an intoxicant shall be sentenced, as follows without possibility of probation or suspension of sentence:

#### FIRST OFFENSE:

No DUI/OVUII conviction within the past 10 years

- 14 hours minimum substance abuse rehabilitation program
- 1 Year revocation of license and privilege to operate a vehicle, and installation of ignition interlock device on any vehicle operated by person during revocation period
- One or more of the following:
  - \$250 to \$1,000 fine
  - 72 hours of community service
  - 48 hours to 5 days imprisonment
- Substance abuse assessment and possible treatment
- \$100, \$7 Driver Education assessment for OVUII education (HRS 286G-3)
- \$25 Neurotrauma Surcharge
- Surcharge up to \$25 if court so orders, to the trauma system special fund
- \$250 Drug demand reduction assessment (HRS 706-650)
- \$30 Crime victim compensation (HRS 706-605(6), 351-62.6(a)(3))

#### SECOND OFFENSE:

Within 10 years of a prior DUI/OVUII conviction

- 24 months to 3 years revocation of license and privilege to operate a vehicle, and installation of ignition interlock device on any vehicle operated by the person during revocation period
- Either of the following:
  - Not less than 240 hours of community service; or
  - 5 days to 30 days imprisonment of which 48 hours shall be served consecutively
- \$1,000 to \$3,000 fine
- Substance abuse assessment and possible treatment
- \$100, \$7 Driver Education assessment for OVUII education (HRS 286G-3)
- \$25 Neurotrauma Surcharge
- Surcharge up to \$50 if court so orders, to the trauma system special fund
- \$250 Drug demand reduction assessment (HRS 706-650)
- \$30 Crime victim compensation (HRS 706-605(6), 351-62.6(a)(3))

#### IN ADDITION TO 1<sup>ST</sup> and 2<sup>ND</sup> OFFENSE PENALTIES:

Any person 18 years of age or older who is convicted under this section and who operated a vehicle with a passenger who was younger than 15 years of age shall be sentenced to an additional mandatory fine of \$500 and an additional mandatory term of imprisonment of 48 hours. Total term of imprisonment not to exceed maximum term as provided. HRS 291E-61(b)(3) There will be no requirement to install an ignition interlock device if the requirement has been previously imposed pursuant to part III of the chapter (by the Administrative Driver's License Revocation office); provide that, if the requirement is subsequently reversed, a requirement for the installation of an ignition interlock device shall be imposed as provided in this section HRS 291E-61(g)(3)

**A person convicted for a THIRD and subsequent OVUII offense within 10 years is subject to penalties under HRS 291E-61.5 "Habitually Operating a Vehicle Under the Influence of an Intoxicant".**

EFFECTIVE JULY 1, 2019 • This information has been condensed. Refer to Hawai'i Revised Statutes for the laws in its entirety.



For more information call: DIVISION OF DRIVER EDUCATION: O'AHU: 534-6400 • MAUI: 442-3575 • HILO: 961-7544 • KONA: 443-2275 • KAUA'I: 482-2383