## Driving under the influence of intoxicating liquor:

It is against Hawaii law to operate any vehicle while under the influence of liquor or any intoxicating substance.

- (a) A person commits the offense of driving under the influence of intoxicating liquor if:
- (1) The person operates or assumes actual physical control of the operation of any vehicle while under the influence of intoxicating liquor, meaning that the person concerned is under the influence of intoxicating liquor in an amount sufficient to impair the person's normal mental faculties or ability to care for oneself and guard against casualty; or
- (2) The person operates or assumes actual physical control of the operation of any vehicle with .08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood or .08 or more grams of alcohol per two hundred ten liters of breath.
- (b) A person committing the offense of driving under the influence of intoxicating liquor shall be sentenced as follows without possibility of probation or suspension of sentence:
- (1) For the first offense, or any offense not preceded within a five-year period by a conviction under this section, by:
- (A) A fourteen-hour minimum alcohol abuse rehabilitation program including education and counseling, or other comparable program deemed appropriate by the court; and(B) Ninety-day prompt suspension of license with absolute prohibition from operating a motor vehicle during suspension of license, or the court may impose, in lieu of the ninety-day prompt suspension of license, a minimum thirty-day prompt suspension of license with absolute prohibition from operating a motor vehicle and, for the remainder of the ninety-day period, a restriction on the license that allows the person to drive for limited work-related purposes and to participate in alcoholism treatment programs; and (C) Any one or more of the following:(i) Seventy-two hours of community service work; (ii) Not less than forty-eight hours and not more than five days of imprisonment; or (iii) A fine of not less than \$150 but not more than \$1,000.(2) For an offense which occurs within five years of a prior conviction under this section, by: (A) Prompt suspension of license for a period of one year with the absolute prohibition from operating a motor vehicle during suspension of license; (B) Either one of the following:
- (i) Not less than one hundred hours of community service work; or (ii) Not less than forty-eight consecutive hours but not more than fourteen days of imprisonment of which at least forty-eight hours shall be served consecutively; and (C) A fine of not less than \$500 but not more than \$1,500,(3) For an offense which occurs within five years of two prior convictions under this section by:(A) A fine of not less than \$500 but nor more than \$2,500;(B) Revocation of license for a period not less than one year but not more than five years; and (C) Not less than ten days but not more than thirty days imprisonment of which at least forty-eight hours shall be served consecutively.(4) Notwithstanding any other law to the contrary, any conviction for driving under the influence of intoxicating liquor, shall be considered a prior conviction.(5) No license suspension or revocation shall be imposed pursuant to this subsection if the person's license has previously been administratively revoked pursuant to part XIV of chapter 286 for the same offense; provided that, if the administrative revocation is subsequently reversed, the person's license shall be suspended or revoked as provided in this subsection.(c) Whenever a court sentences a person pursuant to subsection (b), it shall also require that the offender be referred to a substance abuse counselor who has been certified pursuant to section 321-193 for an assessment of the offender's alcohol abuse or dependence and the need for appropriate treatment. The counselor shall submit a report with recommendations to the court. The court may require the offender to obtain appropriate treatment if the counselor's assessment establishes the offender's alcohol abuse or dependence. All cost for assessment or treatment or both shall be borne by the offender.(d) Notwithstanding any other law to the contrary, whenever a court revokes a person's driver's license pursuant to the provisions of this section, the examiner of drivers shall not grant to the person an application for a new driver's license for a period to be determined by the court.(e) Any person sentenced under this section may be ordered to reimburse the county of the cost of any blood tests conducted under section 286-152. The court shall order the person to make restitution in a lump sum, or in a series of prorated installments, to the police department, or other agency incurring the expense of the blood test.(f) The requirement to provide proof of financial responsibility pursuant to section 287-20 shall not be based upon a revocation under part XIV of chapter 286 unless the person's license had been previously revoked under that part in the five-year period immediately preceding the revocation at issue, nor shall the requirement to provide proof of financial responsibility pursuant to section 287-20 be based upon a sentence imposed under subsection (b)(1).
- (g) As used in this section the terms "driver," "driver's license," and "examiner of drivers," shall have the same meanings as provided in section 286-2 and the term "vehicle" shall have the same meaning as provided in section 291C.