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## A BILL FOR AN ACT

RELATING TO DRIVER LICENSES.

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

1           SECTION 1. Section 286-119, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "§286-119 Authority of examiner of drivers to suspend or  
4 revoke licenses. (a) The examiner of drivers may suspend any  
5 driver's license without hearing when the examiner has  
6 reasonable cause to believe that the licensee is incompetent to  
7 operate the type of motor vehicle for which the licensee holds a  
8 license or is afflicted with mental or physical infirmities or  
9 disabilities which would make it unsafe for the licensee to  
10 operate a motor vehicle of the type for which the licensee is  
11 licensed. When the examiner of drivers suspends a license under  
12 this section, the examiner shall immediately notify the licensee  
13 and afford the licensee a hearing. After the hearing, the  
14 examiner of drivers may rescind the suspension, or the examiner  
15 may suspend the license for a further period or revoke the  
16 license. Any person whose license has been suspended or revoked  
17 under this section may appeal under section 286-129.



1        (b) The examiner of drivers shall have reasonable cause to  
2 believe that an operator of a motor vehicle is incompetent to  
3 operate the type of motor vehicle for which the licensee holds a  
4 license on the basis of, but not limited to, a report by:

5            (1) Any law enforcement officer;  
6            (2) Any professional licensed under chapters 442  
7            (chiropractors), 453 (medical professionals),  
8            453D (mental health counselors), 461J (physical  
9            therapists), 465 (psychologists), or 467E (social  
10           workers); or

11           (3) Any member of the operator's family within three  
12           degrees of consanguinity, or the operator's  
13           spouse, who has reached the age of eighteen,  
14           except that no person may report the same family  
15           member pursuant to this section more than one  
16           time during a twelve month period.

17        (c) Any professional licensed under chapters 442, 453,  
18 453D, 461J, 465, or 467E may report to the examiner of drivers  
19 any patient diagnosed or assessed as having a disorder or  
20 condition that may prevent such person from safely operating a  
21 motor vehicle. Such report shall state the diagnosis or  
22 assessment and whether the condition is permanent or temporary.



1 The existence of a physician-patient relationship shall not  
2 prevent the making of a report by such professionals.

3 (d) Any person who makes a report in good faith pursuant  
4 to this section shall be immune from any civil liability that  
5 might otherwise result from making the report. All reports made  
6 and all medical records reviewed and maintained by the examiner  
7 of drivers shall be kept confidential except upon order of a  
8 court of competent jurisdiction or in an appeal of the  
9 examiners' action under section 286-129.

10 (e) The examiner of drivers shall develop a standardized  
11 form and provide guidelines for the reporting of cases under  
12 this section.

13 (f) Any person who knowingly violates a confidentiality  
14 provision of this section or who knowingly permits or encourages  
15 the unauthorized use of a report or reporting person's name in  
16 violation of this section shall be guilty of a class C felony  
17 and shall be liable for damages which proximately result.

18 (g) Any person who intentionally files a false report  
19 under this section shall be guilty of a misdemeanor and shall be  
20 liable for damages which proximately result.

21 (h) An individual whose condition is temporary in nature  
22 as reported shall have the right to petition the examiner of



1 drivers for total or partial reinstatement of his or her  
 2 license. Such request shall be made on a form prescribed by the  
 3 examiner of drivers and accompanied by a statement from a  
 4 professional licensed under chapters 442, 453, 453D, 461J, 465,  
 5 or 467E who has the same type of license as the professional who  
 6 made the initial report resulting in the suspension or  
 7 revocation of the drivers' license. Such petition shall be  
 8 decided by the examiner of drivers within thirty days of the  
 9 receipt of the petition. Such decision by the examiner of  
 10 drivers is subject to appeal under section 286-129."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

Collin Mey  
Samara Maramoto  
Karen Awana  
Jim Wood

JAN 19 2007



**Report Title:**

Drivers' licenses

**Description:**

Allows examiners of drivers to make a finding of reasonable cause of incompetence to operate a motor vehicle based upon reports by various professionals and persons.

