

JAN 20 2010

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSE REVOCATION.

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

SECTION 1. Section 291E-37, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) If the director administratively revokes the respondent's license and privilege to operate a vehicle, and motor vehicle registration, if applicable, the director shall mail a written review decision to the respondent, or to the parent or guardian of the respondent if the respondent is under the age of eighteen. The written review decision shall:

(1) State the reasons for the administrative revocation;

(2) Indicate that the respondent has six days from the date the decision is mailed to request an administrative hearing to review the director's decision;

(3) Explain the procedure by which to request an administrative hearing;

(4) Be accompanied by a form[~~, postage prepaid,~~] that the respondent may fill out and mail in order to request an administrative hearing;

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1 (5) Inform the respondent of the right to review and copy
2 all documents considered at the review, including the
3 arrest report and the sworn statements of law
4 enforcement officers or other persons, prior to the
5 hearing; and

6 (6) State that the respondent may be represented by
7 counsel at the hearing, submit evidence, give
8 testimony, and present and cross-examine witnesses,
9 including the arresting law enforcement officer."

10 SECTION 2. Section 291E-39, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§291E-39 Fees and costs.** The director may assess and
13 collect a [~~\$30~~] \$50 fee from the respondent to cover the costs
14 of processing the respondent's request for an administrative
15 hearing. These costs include but shall not be limited to: the
16 cost of photocopying documents; conditional license permits,
17 temporary permits, temporary motor vehicle registrations,
18 temporary number plates, and relicensing forms; interpreter
19 services; and other similar costs; provided that the costs of
20 issuing subpoenas for witnesses, including mileage fees, shall
21 be borne by the party requesting the subpoena. The director may
22 waive the fee in the case of an indigent respondent, upon an



1 appropriate inquiry into the financial circumstances of the
2 respondent seeking the waiver and an affidavit or a certificate
3 signed by the respondent demonstrating the respondent's
4 financial inability to pay the fee."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

BY REQUEST



Report Title:

Administrative License Revocation; Costs

Description:

Shifts costs of mailing administrative hearing request from the driver's license revocation office to the person requesting the hearing. Increases the administrative hearing fee from \$30 to \$50.

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

