

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2010  
STATE OF HAWAII

H.B. NO. 2263

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## A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

SECTION 1. Section 286-102.6, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) A provisional licensee may be issued a driver's license in accordance with this chapter if the provisional licensee:

- (1) Has satisfactorily held a provisional license for at least six months[7] or until the age of eighteen, whichever comes first;
- (2) Has no pending proceeding that might result in the suspension or revocation of the license;
- (3) Is at least seventeen years of age; and
- (4) Has satisfactorily complied with all requirements of this chapter."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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

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

INTRODUCED BY: \_\_\_\_\_

**Report Title:**

Highway Safety; Provisional Licensee

**Description:**

Permits a provisional licensee to obtain a driver's license at age 18 even if the person has held the provisional license for less than 6 months.

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

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
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IN REPLY REFER TO:

February 3, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2263

COMMITTEE ON TRANSPORTATION

The Department of Transportation supports this bill, which clarifies provisional licensing. But we strongly encourage the committee to hear the Administration's bill, HB 2607, which repeals the sunset date of the graduated license (GDL) program.

HB 2263 clearly states when a person can obtain their full license, regardless of their participation in the provisional phase of licensing. However, without the passage of HB 2607, there would be no GDL program to amend.

HB 2263 helps the public better understand the conditions of provisional licensing.

DEPARTMENT OF CUSTOMER SERVICES  
**CITY & COUNTY OF HONOLULU**  
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS  
ADMINISTRATION  
P.O. BOX 30300  
HONOLULU, HAWAII 96820-0300

MUFI HANNEMANN  
MAYOR



GAIL Y. HARAGUCHI  
DIRECTOR

DENNIS A KAMIMURA  
LICENSING ADMINISTRATOR

February 2, 2010

The Honorable Joseph M. Souki, Chair  
and Committee Members  
Committee on Transportation  
House of Representatives  
State of Hawaii  
State Capitol, Room 403  
Honolulu, Hawaii 96813

Dear Chair Souki and Committee Members:

Subject: H.B. No. 2263, Relating to Highway Safety

The City and County of Honolulu has no objections to H.B. No. 2263 which provides clarification that an individual eighteen years of age or older, who was previously issued a provisional license, may obtain a regular license.

The City and County of Honolulu recommends your favorable action on H.B. No. 2263.

Sincerely,

   
Gail Y. Haraguchi  
Director

To: Chair Rep. Souki and members of the Committee on Transportation  
Wednesday, February 3, 2010; 9:00 a.m., Conference Room 309

From: Kapono Gaughen, Kealakehe High School student, Hawaii Island

RE: Testimony in Strong Support of HB2263. Related to Highway Safety

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Chairman Souki and Committee on Transportation Members:

**I collected petitions with 208 signatures of Kealakehe High School students in support of this bill.**

I am a nearly 18 year old High School student and recently completed Driver's Ed at Kealakehe High School, including classroom instruction, behind-the-wheel instruction, and additional practice on the road. I took Driver's Ed so that I could apply for a Provisional License. But then I learned that the law says that I must keep a Provisional License for at least 6 months, even if in the meanwhile I turn 18. As a result, I did not apply for a Provisional License and will wait until I am 18 so that I can get a full license.

I have talked to many of my friends about this, and have found that a large portion of them are not going to take the Driver's Ed at all. They are just getting a Driver's Permit (which requires no formal instruction), and then will wait until they are 18 to get their full license.

Not being able to apply for a full license at 18, if you have a Provisional License that you have not held for at least 6 months, is a problem. Because, there are now students that are avoiding getting a Provisional License, and so not bothering to take Driver's Ed, thus they not benefiting from that learning experience. This leads to less safe and experienced drivers.

I passed around a petition at Kealakehe High School in support of HB2263, and got **208 signatures**. Many students agree that there needs to be an improvement in the law so that all students are encouraged to take Driver's Ed (which is needed for a Provisional License), even those approaching 18.

I asked Rep. Evans from my district to help by introducing this bill so that we can get more 17 ½ and older students to be interested in taking Driver's Ed, instead of how they are now discouraged due to the 6 months wait to get a full license even if you turn 18 years old. (For younger students this is a not a problem, it is the older students that are penalized.)

Thank you for your time.

Kapono Gaughen  
Kealakehe High School Student

To: Committee on Transportation; Rep. Souki, Chair  
Wednesday, February 3, 2010; 9:00 a.m., Conference Room 309

From: Chris Dein-Gaughen, Private Citizen

RE: Testimony in Strong Support of HB2263. Related to Highway Safety

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To: Chairman Souki and Committee on Transportation Members:

I am in strong support of HB2263, which changes the law about provisional licenses in a logical and simple way by adding "or until the age of 18, whichever comes first." The law as it is currently written has unintended results and needs the change.

A youth who obtains a learner's permit that allows them to practice with a licensed driver, and then goes through weeks and weeks of formal driver's education, and then gets a provisional license, is at a disadvantage if they are older than 17 1/2. Because, they will not be able to apply for a full license until 6 months has passed. If a youth is 17 years and 11 months, he will be 18 years and 5 months before he would qualify for being able to apply for a full license. This exact situation happened to my son.

Meanwhile, the youth who has *never* had a learner's permit, *never* taken a driver's education course or formal training, and *never* held a provisional license, can walk through the doorway of the Driver's License Division and apply for a full license the day they turn 18.

This does not make sense, and penalizes the youth who worked hard at getting driving experience. HB2263 offers a reasonable fix by inserting that a provisional license is held a minimum of 6 months "or until the age of 18, whichever comes first". To obtain a provisional license, youth must take a formal driver's education course, which results in better prepared drivers. For safer roadways, youth should be encouraged to gain experience by getting a provisional license - not held back from getting a full license at age 18 due to it. Changing the provisional license law would help to accomplish encouragement for youth 17 1/2 and older, so that they do not avoid getting a provisional license (and thus probably not bother to take the helpful driver's education) due to it being a disadvantage to a full license at 18.

Thank you for your consideration.

Chris Dein-Gaughen  
Waikoloa

**To: Chair Rep. Souki and members of the Committee on Transportation  
Wednesday, February 3, 2010; 9:00 a.m., Conference Room 309**

**From: Gail W Jackson, private citizen**

**RE: Testimony in Strong Support of HB2263. Related to Highway Safety**

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Chairman Souki and Committee on Transportation Members:

I am in support of HB 2263.

Obtaining a provisional driver's license after the age of 17 ½ can be a disadvantage for students who want a full license at 18. This is because of the requirement to hold the provisional license for a minimum of 6 months, regardless of age. It is simply common sense to change this law to require the provisional driver's license for 6 months OR until the driver is 18, whichever comes first.

Respectfully,

Gail W Jackson  
Waikoloa, HI

**To: Chair Rep. Souki and members of the Committee on Transportation  
Wednesday, February 3, 2010; 9:00 a.m., Conference Room 309**

**From: Mr. Roger Harrison and Ms. Christopher Harrison, private citizens**

**RE: Testimony in Strong Support of HB2263. Related to Highway Safety**

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Chairman Souki and Committee on Transportation Members:

We are in strong support of HB 2263.

We feel that this is a very important improvement in the law due to the fact that many students opt out of a provisional license and just go ahead and get a regular license at age 18. The ramifications of the law currently in effect can be dangerous and costly.

Young people should be encouraged to get as much driving experience as possible. If all youth qualified to apply for a full license at 18, then there would no longer be a disadvantage to holding a provisional license. This would encourage formal driver's education for youth and result in better drivers.

Respectfully,

Mr. Roger Harrison  
Ms. Christopher Harrison  
Waikoloa, Hawaii



**To: Chair Rep. Souki and members of the Committee on Transportation  
Wednesday, February 3, 2010; 9:00 a.m., Conference Room 309**

**From: Barbara Funk, private citizen**

**RE: Testimony in Strong Support of HB2263. Related to Highway Safety**

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Chairman Souki and Committee on Transportation Members:

I am in support of HB 2263.

Obtaining a provisional driver's license after the age of 17 ½ can be a disadvantage for students who want a full license at 18. This is because of the requirement to hold the provisional license for a minimum of 6 months, regardless of age.

When compared to the student who does no formal preparation for obtaining a driver's license at the age of 18, the 17 ½ + student who works responsibly by taking driver's education and practice is treated more harshly in the requirements for getting a full driver's license at 18.

This discourages them from taking the most educational path to getting a full license. Changing this law will encourage education and thus improve highway safety.

Respectfully,

Barbara Funk  
Waikoloa, Hawaii