

JAN 23 2014

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE DRIVER LICENSING.

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

1 SECTION 1. The legislature finds that:

2 (1) According to a report published by the AAA Foundation
3 for Traffic Safety, car crashes rank among the leading
4 causes of death in the United States;

5 (2) Previous studies done by the AAA Foundation for
6 Traffic Safety have found that unlicensed drivers are
7 almost five times more likely than licensed drivers to
8 be involved in a fatal crash;

9 (3) The Hawaii highway safety act ensures that all Hawaii
10 drivers are properly trained, tested, and insured in
11 order to safeguard Hawaii's roads, residents, and
12 visitors;

13 (4) Police use driver's licenses to identify motorists
14 during stops and check their traffic records; and

15 (5) First responders and health care providers use the
16 driver's license to identify the individuals that they
17 assist.



1 The purpose of this Act is to ensure that parents may take
2 their children safely to school and medical appointments,
3 contribute to the State's economy, and safely carry out other
4 daily activities.

5 SECTION 2. Section 286-104, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§286-104 Which persons shall not be licensed.** The
8 examiner of drivers shall not issue any license to any person:

9 (1) Whose license has been suspended by a court of
10 competent jurisdiction during the suspension period,
11 nor to any person whose license has been revoked until
12 the expiration of one year after the date of the
13 revocation, or until the expiration of the period of
14 revocation specified by law, whichever is greater,
15 except as provided under [~~sections~~] section 286-
16 102.6(d) and 286-102.6(e) for suspensions and
17 revocations of a provisional license; nor to any
18 person who, while unlicensed, has within two years
19 been convicted of operating a vehicle under the
20 influence of an intoxicant or, prior to January 1,
21 2002, of driving under the influence of alcohol or
22 drugs;



- 1 (2) Who is required by this part to take an examination,
2 unless the person has successfully passed the
3 examination;
- 4 (3) Who is required under the motor vehicle financial
5 responsibility laws of this State to deposit proof of
6 financial responsibility and who has not deposited the
7 proof;
- 8 (4) Who the examiner of drivers has good cause to believe
9 would not be able to operate a motor vehicle with
10 safety upon the highways by reason of physical or
11 mental disability;
- 12 (5) Who is under eighteen years of age; provided that a
13 person:
- 14 (A) Who is fifteen years and six months of age may be
15 granted an instruction permit;
- 16 (B) Who is at least sixteen and less than eighteen
17 years of age may be granted a provisional license
18 upon satisfying the requirements of section 286-
19 102.6;
- 20 (C) Who is at least seventeen and less than eighteen
21 years of age may be granted a license upon
22 satisfying the requirements of section 286-102.6,



1 which license may be suspended or revoked by a
2 judge having jurisdiction over the holder of the
3 license. Upon revocation of the license, the
4 person shall not be eligible to operate a motor
5 vehicle on the highway until the person is
6 eighteen years of age and has again satisfied the
7 requirements of sections 286-108 and 286-109; or

8 (D) Who is an emancipated minor may be granted a
9 license upon satisfaction of all requirements of
10 this chapter applicable to persons eighteen years
11 of age or older;

12 (6) Who is not in compliance with section 286-102.5; or

13 (7) Who does not submit proof, satisfactory to the
14 director, that the applicant's presence in the United
15 States is authorized by federal law. The director
16 shall adopt rules in accordance with chapter 91 that
17 provide for standards of proof and for exemptions from
18 this requirement[-], except as provided under section
19 286-111(e).

20 Any person denied a license under this or any other section
21 of this part shall have a right of appeal as provided in section
22 286-129."



1 SECTION 3. Section 286-111, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§286-111 Application for license, provisional license, or**
4 **instruction permit; fees.** (a) Every application for an
5 instruction permit, provisional license, or driver's license
6 shall be made in person upon a form furnished by the examiner of
7 drivers and shall be verified by the applicant before a person
8 authorized to administer oaths. The examiner of drivers and
9 officers serving under the examiner may administer the oaths
10 without charge. Each application for an instruction permit for
11 a category (1), (2), (3), or (4) license shall be accompanied by
12 a fee to be determined by the council of each county, and each
13 application for a provisional license or driver's license shall
14 be accompanied by the fee, unless the applicant has already paid
15 the fee upon application for an instruction permit in the same
16 county, in which event no fee shall be charged. An additional
17 fee to be determined by the council of each county shall be
18 charged and collected upon the issuance of a provisional license
19 or driver's license. All of the foregoing fees shall become
20 county realizations.

21 (b) The director shall establish by rule a standard fee
22 for all driver's license applicants who require verification



1 through the federal system that their presence in the United
2 States is authorized by federal law. The fees collected shall
3 become state realizations and be deposited into the state
4 highway fund. The State shall reimburse the counties all costs
5 of verification through the federal system. The amount of
6 reimbursement shall be determined by the director of
7 transportation.

8 (c) The director of transportation shall establish a fee
9 schedule for all commercial driver's licensing examinations.
10 The fees collected for a commercial driver's license shall
11 become state realizations and shall be deposited in the state
12 highway fund. The State shall reimburse the counties all costs
13 for administering the commercial driver's licensing program.
14 The amount of reimbursement shall be determined by the director
15 of transportation.

16 (d) Every application shall state the full name, date of
17 birth, sex, occupation, social security number if the applicant
18 is eligible for a social security number, the residence address,
19 and business address, if any, of the applicant, shall briefly
20 describe the applicant, and shall state whether the applicant
21 has theretofore been licensed as a driver, and, if so, when and
22 in what state or country, and whether any such license has ever



1 been suspended or revoked, or whether an application has ever
2 been refused, and if so, the date of and reason for the
3 suspension, revocation, or refusal.

4 (e) If the applicant is not eligible to receive a social
5 security number, the applicant shall submit, in lieu of
6 providing proof of social security number pursuant to subsection
7 (d) [÷

8 ~~(1) A United States Social Security Administration letter~~
9 ~~stating that the applicant is ineligible to obtain a~~
10 ~~social security number; and~~

11 ~~(2) Either:~~

12 ~~(A) A government-issued photo identification~~
13 ~~document; or~~

14 ~~(B) Other identification documents as deemed~~
15 ~~acceptable by the director.]~~

16 , one of the primary documents listed under subsection (f) or
17 two of the secondary documents listed under subsection (g).

18 These documents shall also be acceptable as proof of Hawaii
19 residence if they include the applicant's name and an address in
20 Hawaii.

21 (f) The following primary documents, when presented alone,
22 shall be sufficient to establish identity or age:



- 1 (1) A valid, unexpired foreign passport;
- 2 (2) A valid, unexpired consular identification document
- 3 issued by a consulate from the applicant's country of
- 4 citizenship;
- 5 (3) An original or certified copy of a birth certificate;
- 6 (4) A driver's license or identification card issued by
- 7 another state;
- 8 (5) A United States military identification document or
- 9 report of separation;
- 10 (6) A certificate of degree of Indian blood issued by the
- 11 federal government; or
- 12 (7) Any document issued by a foreign government that the
- 13 director of transportation determines is substantially
- 14 similar to a consular identification card or otherwise
- 15 establishes identity.
- 16 (g) The following secondary documents, when presented in a
- 17 combination of two or more, are sufficient to establish identity
- 18 or age:
- 19 (1) A foreign federal electoral photo card issued on or
- 20 after January 1, 1991;
- 21 (2) A foreign driver's license;



- 1 (3) A foreign school record that includes a photograph of
- 2 the applicant at the age that the record was issued;
- 3 (4) An identification card issued by an educational
- 4 institution located in the United States; or
- 5 (5) A labor union identification card."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY: Will Lynn
J. Lee Gish



S.B. NO. 2935

Report Title:

Motor Vehicle Drivers Licensing; Application and Renewals

Description:

Lists the acceptable identifying documents that driver's license applicants may produce to obtain a license if they are ineligible to receive a social security number. Authorizes the examiner of drivers to license applicants who produce these documents.

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