

JAN 24 2019

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# A BILL FOR AN ACT

RELATING TO DEBT.

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

1 PART I

2 SECTION 1. The legislature finds that Hawaii law allows  
3 for the imposition of restrictions on an individual's ability to  
4 obtain or renew a driver's license or motor vehicle registration  
5 as a penalty for various unpaid monetary obligations that are  
6 civil and not criminal in nature. The most concerning reason  
7 for these punitive restrictions is the failure of an individual  
8 to pay the fines and fees assessed in connection with non-  
9 parking related traffic tickets within thirty days. This  
10 practice of imposing driver's license or vehicle registration  
11 "stoppers" may also occur as a consequence of other unpaid civil  
12 obligations, such as child support.

13 The legislature further finds that, according to a  
14 Washington Post investigation, more than seven million  
15 individuals nationwide have had their driver's licenses  
16 suspended for unpaid court or administrative debt. The  
17 investigation also found that Hawaii has a high percentage --



1 nine per cent -- of adults who have had their licenses suspended  
2 for unpaid debt. The American Bar Association recently adopted  
3 guidelines on preventing fines and fees that penalize poverty.  
4 These guidelines instruct against driver's license suspensions  
5 and the imposition of fines that result in substantial and undue  
6 hardship. At least four states do not allow driver's licenses  
7 to be suspended or restricted for unpaid court debt. The  
8 inability to obtain or renew a driver's license prevents people  
9 who have not committed a crime from getting to work, picking up  
10 their children, keeping medical appointments, and ultimately  
11 from escaping debt.

12 The purpose of this Act is to prohibit the imposition of  
13 restrictions on a person's ability to obtain or renew a driver's  
14 license or to register, renew the registration of, or transfer  
15 or receive title to a motor vehicle, as a consequence of unpaid  
16 monetary obligations. However, this Act shall not have any  
17 effect on driver's license suspensions related to excessive  
18 speeding or lack of motor vehicle insurance.

19 PART II

20 SECTION 2. Section 286-102, Hawaii Revised Statutes, is  
21 amended by amending subsection (e) to read as follows:



1           "~~(e) [Notwithstanding sections 291E-61.6 and [291E-44.5],~~  
2 ~~in addition to other qualifications and conditions by or~~  
3 ~~pursuant to this part, the right of an individual to hold a~~  
4 ~~motor vehicle operator's license or permit issued by the county~~  
5 ~~is subject to the requirements of section 576D-13.~~

6           ~~Upon receipt of certification from the child support~~  
7 ~~enforcement agency pursuant to section 576D-13 that an obligor~~  
8 ~~or individual who owns or operates a motor vehicle is not in~~  
9 ~~compliance with an order of support as defined in section 576D-1~~  
10 ~~or has failed to comply with a subpoena or warrant relating to a~~  
11 ~~paternity or child support proceeding, the examiner of drivers~~  
12 ~~shall suspend the license and right to operate motor vehicles~~  
13 ~~and confiscate the license of the obligor. The examiner of~~  
14 ~~drivers shall not reinstate an obligor's or individual's license~~  
15 ~~until the child support enforcement agency, the office of child~~  
16 ~~support hearings, or the family court issues an authorization~~  
17 ~~that states the obligor or individual is in compliance with an~~  
18 ~~order of support or has complied with a subpoena or warrant~~  
19 ~~relating to a paternity or child support hearing.]~~

20           The licensing authority may adopt rules pursuant to chapter  
21 91 to implement and enforce the requirements of this section."



1 SECTION 3. Section 286-109, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Statutes of limitations and other provisions of this  
4 chapter notwithstanding, no driver's license or instruction  
5 permit shall be issued or renewed under this section, where the  
6 examiner of drivers is notified by the district judge, traffic  
7 violations bureaus of the district courts, or the judge of the  
8 circuit court that the applicant has failed to respond to a  
9 traffic citation or summons, or failed to appear in court after  
10 an arrest for the violation of any traffic laws of a county,  
11 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any  
12 motor vehicle insurance laws under article 10C of chapter 431,  
13 or of any motorcycle or motor scooter insurance laws under  
14 article 10G of chapter 431, and the same remains delinquent and  
15 outstanding, or the applicant, has as of the time of the  
16 application, failed to comply in full with all orders of the  
17 court; provided that this subsection shall not apply to  
18 outstanding and delinquent payments pursuant to chapter 291D and  
19 chapter 576D; provided further that the district court with  
20 whose order an applicant has failed to comply in full, may  
21 approve the issuance or renewal of a driver's license or



1 instruction permit other than a commercial driver's license upon  
2 conditions imposed by the court for the satisfaction of the  
3 outstanding court order and any other conditions as may be  
4 imposed by the court, if one or more of the following conditions  
5 are met:

6 (1) The applicant is gainfully employed in a position that  
7 requires driving and will be discharged if the  
8 applicant is unable to drive; or

9 (2) The applicant has no access to alternative  
10 transportation and therefore must drive to work;  
11 provided further that if the applicant has failed to comply in  
12 full with orders of the district court of more than one circuit,  
13 the applicant shall obtain the approval of the district court of  
14 each circuit in which the applicant has an outstanding court  
15 order before a driver's license or instruction permit may be  
16 issued or renewed under this subsection.

17 A driver's license or instruction permit issued or renewed  
18 under this subsection shall be subject to immediate suspension  
19 by the court upon the applicant's failure to remain in full  
20 compliance with all conditions imposed by the court for the  
21 issuance or renewal of the driver's license or instruction



1 permit. The examiner of drivers may place an indication of  
2 restriction upon a driver's license or instruction permit issued  
3 or renewed under this subsection. Proof of financial  
4 responsibility under section 287-20 shall not apply to the  
5 issuance or renewal of driver's licenses or instruction permits  
6 under this subsection."

7 SECTION 4. Section 286-241.4, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§286-241.4 Authority of examiner of drivers to suspend,  
10 revoke, cancel, mark the medical certification status as not-  
11 certified, or downgrade commercial driver's license or permit.

12 (a) The examiner of drivers may suspend, revoke, cancel, mark  
13 the medical certification status as not-certified, or downgrade  
14 any commercial driver's license or commercial learner's permit  
15 without a hearing when the examiner of drivers has probable  
16 cause to believe that the licensee or permittee is disqualified  
17 under section 286-240.

18 [~~(b) The examiner of drivers shall deny or suspend any~~  
19 ~~commercial driver's license or commercial learner's permit~~  
20 ~~pursuant to the terms of section 576D-13 when the examiner of~~  
21 ~~drivers receives certification from the child support~~



1 ~~enforcement agency that the licensee or permittee is not in~~  
2 ~~compliance with an order of support as defined in section 576D-1~~  
3 ~~or has failed to comply with a subpoena or warrant relating to a~~  
4 ~~paternity or child support proceeding. Both the licensee or~~  
5 ~~permittee and the licensee's or permittee's employer shall be~~  
6 ~~notified of the denial or suspension.~~

7       ~~(e)]~~ (b) Upon suspension, revocation, or cancellation of  
8 the commercial driver's license or commercial learner's permit,  
9 the driver's license or learner's permit shall be surrendered to  
10 the examiner of drivers by the licensee or permittee.

11       ~~[(d)]~~ (c) Unless otherwise provided by law, the licensing  
12 authority shall reinstate, renew, or approve the license only  
13 upon receipt of an authorization from the child support  
14 enforcement agency, the office of child support hearings, or the  
15 family court."

16       SECTION 5. Section 291D-5, Hawaii Revised Statutes, is  
17 amended by amending subsection (d) to read as follows:

18       "(d) The notice of traffic infraction shall include the  
19 following:

20           (1) A statement of the specific traffic infraction for  
21           which the notice was issued;



- 1           (2) Except in the case of parking-related traffic  
2            infractions, a brief statement of the facts;
- 3           (3) A statement of the total amount to be paid for each  
4            traffic infraction, which amount shall include any  
5            fee, surcharge, or cost required by statute,  
6            ordinance, or rule, and any monetary assessment,  
7            established for the particular traffic infraction  
8            pursuant to section 291D-9, to be paid by the driver  
9            or registered owner of the vehicle, which shall be  
10           uniform throughout the State;
- 11          (4) A statement of the options provided in section 291D-  
12          6(b) for answering the notice and the procedures  
13          necessary to exercise the options;
- 14          (5) A statement that the person to whom the notice is  
15          issued must answer, choosing one of the options  
16          specified in section 291D-6(b), within twenty-one days  
17          of issuance of the notice;
- 18          (6) A statement that failure to answer the notice of  
19          traffic infraction within twenty-one days of issuance  
20          shall result in the entry of judgment by default for  
21          the State and may result in the assessment of a late





1           penalty[, and, that if the person to whom the notice  
2           was issued fails to pay the total amount specified in  
3           the default judgment within an additional thirty days  
4           or to otherwise take action to set aside the default,  
5           notice shall be sent to the director of finance of the  
6           appropriate county.

7           ~~(A) That the person to whom the notice of infraction~~  
8           ~~not involving parking was issued shall not be~~  
9           ~~permitted to renew or obtain a driver's license,~~  
10           ~~or~~

11           ~~(B) Where the notice was issued to a motor vehicle,~~  
12           ~~that the registered owner shall not be permitted~~  
13           ~~to register, renew the registration of, or~~  
14           ~~transfer title to the motor vehicle until the~~  
15           ~~traffic infraction is finally disposed of~~  
16           ~~pursuant to this chapter, except as provided in~~  
17           ~~section 291D-10(b)] ;~~

18           (7) A statement that, at a hearing requested to contest  
19           the notice of traffic infraction conducted pursuant to  
20           section 291D-8, no officer shall be present unless the  
21           driver timely requests the court to have the officer



1 present, and that the standard of proof to be applied  
2 by the court is whether a preponderance of the  
3 evidence proves that the specified traffic infraction  
4 was committed;

5 (8) A statement that, at a hearing requested for the  
6 purpose of explaining mitigating circumstances  
7 surrounding the commission of the infraction or in  
8 consideration of a written request for mitigation, the  
9 person shall be considered to have committed the  
10 traffic infraction;

11 (9) A space in which the signature of the person to whom  
12 the notice was issued may be affixed; and

13 (10) The date, time, and place at which the person to whom  
14 the notice was issued must appear in court, if the  
15 person is required by the notice to appear in person  
16 at the hearing."

17 SECTION 6. Section 291D-7, Hawaii Revised Statutes, is  
18 amended as follows:

19 1. By amending subsections (a), (b), and (c) to read:

20 "(a) When an admitting answer is received, the court shall  
21 enter judgment in favor of the State in the total amount



1 specified in the notice of traffic infraction. [~~If the total~~  
2 ~~amount is not submitted with the answer, the court may take~~  
3 ~~action as provided in section 291D-10.~~]

4 (b) When a denying answer is received, the court shall  
5 proceed as follows:

6 (1) In the case of a traffic infraction where the person  
7 requests a hearing at which the person will appear in  
8 person to contest the infraction, the court shall  
9 notify the person in writing of the date, time, and  
10 place of hearing to contest the notice of traffic  
11 infraction. The notice of hearing shall be mailed to  
12 the address stated in the denying answer, or if none  
13 is given, to the address stated on the notice of  
14 traffic infraction. The notification also shall  
15 advise the person that, if the person fails to appear  
16 at the hearing, the court shall enter judgment by  
17 default in favor of the State, as of the date of the  
18 scheduled hearing, and that the total amount specified  
19 in the default judgment must be paid within thirty  
20 days of entry of default judgment [~~, and, if it is not~~



1 ~~paid, that the court shall take action as provided in~~  
2 ~~section 291D-10]; and~~

- 3 (2) When a denying answer is accompanied by a written  
4 statement of the grounds on which the person contests  
5 the notice of traffic infraction, the court shall  
6 proceed as provided in section 291D-8(a) and shall  
7 notify the person of its decision, including the total  
8 amount assessed, if any, by mailing the notice of  
9 entry of judgment within forty-five days of the  
10 postmarked date of the answer to the address provided  
11 by the person in the denying answer, or if none is  
12 given, to the address given when the notice of traffic  
13 infraction was issued or, in the case of parking  
14 violations, to the address at which the vehicle is  
15 registered. The notice of entry of judgment also  
16 shall advise the person, if it is determined that the  
17 infraction was committed and judgment is entered in  
18 favor of the State, that the person has the right,  
19 within thirty days of entry of judgment, to request a  
20 trial and shall specify the procedures for doing so.  
21 The notice of entry of judgment shall also notify the



1 person, if an amount is assessed by the court for  
2 monetary assessments, fees, surcharges, or costs, that  
3 if the person does not request a trial within the time  
4 specified in this paragraph, the total amount assessed  
5 shall be paid within thirty days of entry of judgment.

6 ~~[The notice of entry of judgment shall inform the~~  
7 ~~person that if the total amount is not paid within~~  
8 ~~thirty days, the court shall take action as provided~~  
9 ~~in section 291D-10.]~~

10 (c) When an answer admitting commission of the infraction  
11 but seeking to explain mitigating circumstances is received, the  
12 court shall proceed as follows:

- 13 (1) In the case of a traffic infraction where the person  
14 requests a hearing at which the person will appear in  
15 person to explain mitigating circumstances, the court  
16 shall notify the person in writing of the date, time,  
17 and place of hearing to explain mitigating  
18 circumstances. The notice of hearing shall be mailed  
19 to the address stated in the answer, or if none is  
20 given, to the address stated on the notice of traffic  
21 infraction. The notification also shall advise the



1 person that, if the person fails to appear at the  
2 hearing, the court shall enter judgment by default in  
3 favor of the State, as of the date of the scheduled  
4 hearing, and that the total amount stated in the  
5 default judgment must be paid within thirty days of  
6 entry of default judgment [~~, and, if it is not paid,~~  
7 ~~that the court shall take action as provided in~~  
8 ~~section 291D-10~~]; and

- 9 (2) If a written explanation is included with an answer  
10 admitting commission of the infraction, the court  
11 shall enter judgment for the State and, after  
12 reviewing the explanation, determine the total amount  
13 of the monetary assessments, fees, surcharges, or  
14 costs to be assessed, if any. The court shall then  
15 notify the person of the total amount to be paid for  
16 the infraction, if any. There shall be no appeal from  
17 the judgment. If the court assesses an amount for  
18 monetary assessments, fees, surcharges, or costs, the  
19 court shall also notify the person that the total  
20 amount shall be paid within thirty days of entry of  
21 judgment. [~~The notice of entry of judgment also shall~~



1 ~~inform the person that if the total amount is not paid~~  
2 ~~within thirty days, the court shall take action as~~  
3 ~~provided in section 291D-10.] "~~

4 2. By amending subsection (e) to read:

5 "(e) Whenever judgment by default in favor of the State is  
6 entered, the court shall mail a notice of entry of default  
7 judgment to the address provided by the person when the notice  
8 of traffic infraction was issued or, in the case of parking  
9 infractions, to the address stated in the answer, if any, or the  
10 address at which the vehicle is registered. The notice of entry  
11 of default judgment shall advise the person that the total  
12 amount specified in the default judgment shall be paid within  
13 thirty days of entry of default judgment and shall explain the  
14 procedure for setting aside a default judgment. [~~The notice of~~  
15 ~~entry of default judgment shall also inform the person that if~~  
16 ~~the total amount is not paid within thirty days, the court shall~~  
17 ~~take action as provided in section 291D-10.] Judgment by  
18 default for the State entered pursuant to this chapter may be  
19 set aside pending final disposition of the traffic infraction  
20 upon written application of the person and posting of an  
21 appearance bond equal to the amount of the total amount~~



1 specified in the default judgment and any other assessment  
2 imposed pursuant to section 291D-9. The application shall show  
3 good cause or excusable neglect for the person's failure to take  
4 action necessary to prevent entry of judgment by default. ~~Upon~~  
5 ~~receipt of the application and required appearance bond, the~~  
6 ~~court shall take action to remove the restriction placed on the~~  
7 ~~person's driver's license or the motor vehicle's registration~~  
8 ~~and title imposed pursuant to section 291D-10].~~ Thereafter, the  
9 court shall determine whether good cause or excusable neglect  
10 exists for the person's failure to take action necessary to  
11 prevent entry of judgment by default. If so, the application to  
12 set aside default judgment shall be granted, the default  
13 judgment shall be set aside, and the notice of traffic  
14 infraction shall be disposed of pursuant to this chapter. If  
15 not, the application to set aside default judgment shall be  
16 denied, the appearance bond shall be forfeited and applied to  
17 satisfy amounts due under the default judgment, and the notice  
18 of traffic infraction shall be finally disposed. In either  
19 case, the court shall determine the existence of good cause or  
20 excusable neglect and notify the person of its decision on the  
21 application in writing."





1 SECTION 7. Section 291D-8, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) If a person for whom a hearing has been scheduled, to  
4 contest the notice of traffic infraction or to explain  
5 mitigating circumstances, fails to appear at the hearing, the  
6 court shall enter judgment by default for the State and take  
7 action as provided in section 291D-7(e). [~~If the total amount  
8 of the monetary assessment, fees, surcharges, or costs is not  
9 paid within thirty days of entry of default judgment, the court  
10 shall take action as provided in section 291D-10.]~~"]

11 SECTION 8. Section 291D-9, Hawaii Revised Statutes, is  
12 amended by amending subsection (d) to read as follows:

13 "(d) The court may grant to a person claiming inability to  
14 pay, an extension of the period in which the monetary assessment  
15 shall be paid or may impose community service in lieu thereof.  
16 [~~If the assessment is not paid or the community service is not  
17 performed on or before the date established and the court has  
18 not extended the time, the court shall take action as provided  
19 in section 291D-10.]~~"]

20 SECTION 9. Section 291D-12, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§291D-12 Powers of the district court judge sitting in  
2 the traffic division. (a) A district court judge sitting in  
3 the traffic division and hearing cases pursuant to this chapter  
4 shall have all the powers of a district court judge under  
5 chapter 604, including the following powers:

- 6           (1) To conduct traffic infraction hearings and to impose  
7           monetary assessments;
- 8           (2) To permit deferral of monetary assessment or impose  
9           community service in lieu thereof;
- 10          (3) To dismiss a notice of traffic infraction, with or  
11          without prejudice, or to set aside a judgment for the  
12          State;
- 13          (4) To order temporary driver's license suspension or  
14          driver's license reinstatement;
- 15          ~~(5) To order the director of finance not to issue or renew~~  
16          ~~the driver's license, or to register, renew the~~  
17          ~~registration of, or issue title to a motor vehicle, of~~  
18          ~~any person who has not paid a monetary assessment, has~~  
19          ~~not performed community service in lieu thereof, or~~  
20          ~~has not otherwise satisfied a judgment for the State~~  
21          ~~entered pursuant to this chapter;~~



1       ~~(6)~~ (5) To approve the issuance or renewal of a driver's  
2           license or instruction permit pursuant to section  
3           286-109(c);

4       ~~(7)~~ (6) To issue penal summonses and bench warrants and  
5           initiate contempt of court proceedings in proceedings  
6           conducted pursuant to section 291D-13;

7       ~~(8)~~ (7) To issue penal summonses and bench warrants and  
8           initiate failure to appear proceedings in proceedings  
9           conducted pursuant to section 291D-5(d)(10); and

10       ~~(9)~~ (8) To exercise other powers the court finds  
11           necessary and appropriate to carry out the purposes of  
12           this chapter.

13       (b) A district court judge sitting in the traffic division  
14 and hearing cases pursuant to this chapter shall not order the  
15 director of finance to withhold issuing or renewing the driver's  
16 license, or registering, renewing the registration of, or  
17 issuing the title to a motor vehicle, of any person who has not  
18 paid a monetary assessment, has not performed community service  
19 in lieu thereof, or has not otherwise satisfied a judgment for  
20 the State entered pursuant to this chapter."



1 SECTION 10. Section 576D-1, Hawaii Revised Statutes, is  
2 amended by amending the definitions of "compliance with an order  
3 of support" and "license" to read as follows:

4 "Compliance with an order of support" means that an  
5 obligor:

- 6 (1) Is not delinquent in payments in an amount equal to or  
7 greater than the sum of payments for child support for  
8 ~~[a three month period with regard to driver's licenses~~  
9 ~~and recreational licenses and]~~ a six-month period with  
10 regard to professional and vocational licenses; or  
11 (2) Has obtained or maintained health insurance coverage  
12 as required by a child support order.

13 "License" means any license, certification, registration,  
14 or permit issued by a licensing authority for recreational  
15 purposes, or to conduct a trade or business, including a license  
16 to practice a profession or vocation~~[, or a license to operate~~  
17 ~~any motor vehicle, boat, airplane, or helicopter]."~~

18 SECTION 11. Section 576D-13, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§576D-13 Suspension or denial of licenses~~[-]~~ or  
21 imposition of other penalty for noncompliance. (a) Upon a



1 determination that an obligor is not in compliance with an order  
2 of support as defined in section 576D-1 or that an individual  
3 failed to comply with a subpoena or warrant relating to a  
4 paternity or child support proceeding, and that the obligor or  
5 individual is the holder of or an applicant for a license issued  
6 by a licensing authority in this State, the agency shall serve  
7 notice upon the obligor or individual of the agency's intent to  
8 certify the obligor or individual as noncompliant with an order  
9 of support or a subpoena or warrant relating to a paternity or  
10 child support proceeding, which shall direct the appropriate  
11 licensing authority to deny or suspend the license, or to deny  
12 the application for renewal, reinstatement, or restoration of  
13 such license.

14 (b) The notice shall be sent by regular mail to both the  
15 last known address of record of the obligor or individual as  
16 shown in the records of the licensing authority and the address  
17 of record of the obligor or individual as shown in the agency's  
18 child support record. For purposes of this section, the date of  
19 service means two days following the date of mailing. The  
20 notice shall contain the following information:



- 1 (1) Identification of the license, certificate, permit, or  
2 registration subject to suspension, nonrenewal,  
3 nonreinstatement, nonrestoration, or denial;
- 4 (2) The name, social security number, if available, date  
5 of birth, if known, and each applicable child support  
6 case number or numbers of the obligor or individual;
- 7 (3) The amount of the arrears, the amount of the monthly  
8 child support obligation, and reference to the support  
9 order upon which the support amount and arrears are  
10 based or the subpoena or warrant that the individual  
11 has failed to comply with;
- 12 (4) A statement that the obligor or individual may contest  
13 the suspension, nonrenewal, nonreinstatement,  
14 nonrestoration, or denial of a license by requesting a  
15 hearing in writing within thirty days of the date of  
16 service of the notice of intent to suspend, not renew,  
17 not reinstate, not restore, or deny the license;
- 18 (5) A statement that the obligor may contact the agency in  
19 writing within thirty days of the date of service of  
20 the notice and enter into a monthly payment agreement  
21 for the arrears owed, and if an agreement is entered



1           into within thirty days of making contact with the  
2           agency, the agency shall not pursue the suspension,  
3           nonrenewal, nonreinstatement, nonrestoration, or  
4           denial of the license;

5           (6) A statement that an individual not in compliance with  
6           a subpoena or warrant relating to a paternity or child  
7           support proceeding may contact the agency in writing  
8           within thirty days of the date of service of the  
9           notice and enter into an agreement to provide the  
10          information or appear at the proceedings, and if so,  
11          the agency shall not pursue the suspension,  
12          nonrenewal, nonreinstatement, nonrestoration, or  
13          denial of the license; and

14          (7) A statement that if the obligor or individual makes a  
15          timely request as specified in paragraph (4), the  
16          agency shall stay the action until a decision is made.

17          (c) The agency shall certify in writing to the licensing  
18          authority that the obligor is not in compliance with an order of  
19          support, or that the individual is not in compliance with a  
20          subpoena or warrant relating to a paternity or child support  
21          proceeding, and shall authorize the immediate suspension,



1 nonrenewal, nonreinstatement, nonrestoration, or denial of any  
2 license held or applied for by the obligor or individual if the  
3 obligor or individual:

4 (1) Fails to contact the agency in writing within thirty  
5 days of the date of service of the notice;

6 (2) Is not in compliance with an order of support, or  
7 failed to comply with a subpoena or warrant relating  
8 to a paternity or child support proceeding, and does  
9 not timely enter into an agreement under subsection  
10 (d); or

11 (3) Is delinquent in making periodic payments on a support  
12 arrearage pursuant to a written agreement with the  
13 child support enforcement agency under subsection (d).

14 The agency shall provide a copy of the certification to the  
15 obligor or individual. Upon receipt of the certification, the  
16 licensing authority shall suspend any license that the obligor  
17 or individual holds or deny any license for which the obligor or  
18 individual applies without further review or hearing concerning  
19 the suspension, nonrenewal, nonreinstatement, nonrestoration, or  
20 denial. Notwithstanding the provisions of any other law setting  
21 terms of suspension, revocation, denial, termination, or





1 renewal, reinstatement, or restoration of a license, a  
2 certification issued by the agency suspending, not renewing, not  
3 reinstating, not restoring, or denying a license shall be  
4 implemented by the licensing authority and continue in effect  
5 until the licensing authority receives a written release of  
6 suspension or denial from the agency, the office of child  
7 support hearings, or the family court.

8 (d) The obligor may enter into a payment agreement with  
9 the agency if the obligor makes contact with the agency within  
10 thirty days of the date of service of the notice, or the  
11 individual may either enter into an agreement to provide the  
12 information requested in the subpoena or appear at the  
13 proceeding required by the warrant.

14 (e) If the obligor or the individual requests an  
15 administrative hearing in writing within thirty days of the date  
16 of service of the notice as provided in subsection (b), the  
17 office shall schedule a hearing to determine whether the obligor  
18 is not in compliance with a support order or whether the  
19 individual is not in compliance with a subpoena or warrant  
20 relating to a paternity or child support proceeding. The  
21 hearing shall be conducted in accordance with chapters 91 and



1 576E. The issues before the hearings officer shall be limited  
2 to whether the obligor is in compliance with an order of support  
3 or whether the individual is in compliance with a subpoena or  
4 warrant relating to a paternity or child support proceeding.

5 The hearings officer shall issue a written decision within ten  
6 days of the hearing. If the hearings officer decides that the  
7 obligor is not in compliance with a support order or that the  
8 individual is not in compliance with a subpoena or warrant  
9 relating to a paternity or child support proceeding, the license  
10 held or applied for by the obligor or individual shall be denied  
11 or suspended and shall not be renewed, reinstated, or restored.

12 (f) The decision of the hearings officer shall be final  
13 and shall be subject to judicial review as provided in chapter  
14 91. Any suspension or denial under this section shall not be  
15 stayed pending judicial review.

16 (g) Upon receipt of the decision of the hearings officer  
17 that the obligor is not in compliance with a support order or  
18 that the individual is not in compliance with a subpoena or  
19 warrant relating to a paternity or child support proceeding, the  
20 agency shall certify in writing to the licensing authority that  
21 the obligor is not in compliance with an order of support, or



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1 that the individual is not in compliance with a subpoena or  
2 warrant relating to a paternity or child support proceeding, and  
3 shall authorize the immediate suspension, nonrenewal,  
4 nonreinstatement, nonrestoration, or denial of any license held  
5 or applied for by the obligor or individual. The agency shall  
6 provide a copy of the certification to the obligor or  
7 individual. Upon receipt of the certification, the licensing  
8 authority shall suspend any license that the obligor or  
9 individual holds or deny any license for which the obligor or  
10 individual applies without further review or hearing concerning  
11 the suspension, nonrenewal, nonreinstatement, nonrestoration, or  
12 denial. Notwithstanding the provisions of any other law setting  
13 terms of suspension, revocation, denial, termination, or  
14 renewal, reinstatement, or restoration of a license, a  
15 certification issued by the agency suspending, not renewing, not  
16 reinstating, not restoring, or denying a license shall be  
17 implemented by the licensing authority and continue in effect  
18 until the licensing authority receives a written release of  
19 suspension or denial from the agency, the office of child  
20 support hearings, or the family court.



1           (h) When the conditions that resulted in the suspension,  
2 nonrenewal, nonreinstatement, nonrestoration, or denial no  
3 longer exist, the agency shall provide the obligor or individual  
4 with written confirmation that the obligor is in compliance with  
5 the order of support or that the individual is in compliance  
6 with the subpoena or warrant relating to a paternity or child  
7 support proceeding, and the agency, office, or the family court  
8 shall issue an authorization canceling the certification in  
9 writing to the licensing authority.

10           (i) If a license is suspended or denied under this  
11 section, any funds paid by the obligor or individual to the  
12 licensing authority shall not be refunded by the licensing  
13 authority, and the licensing authority may charge a fee for  
14 reinstating or restoring a license. The licensing authority may  
15 also charge the obligor or individual a reasonable fee to cover  
16 the administrative costs incurred by the licensing authority in  
17 complying with this section.

18           (j) The agency shall adopt rules necessary for the  
19 implementation and administration of this section. The  
20 licensing authority shall adopt rules necessary for the  
21 implementation and administration of this section. The



1 appropriate licensing authority shall require that the social  
2 security number of any applicant for a professional license,  
3 ~~[driver's license,]~~ occupational license, recreational license,  
4 or marriage license be recorded on the application for those  
5 licenses. The social security number shall be used solely for  
6 purposes of this chapter for child support enforcement and  
7 identification.

8 (k) The agency shall not prevent an obligor who is in  
9 noncompliance with an order of support as defined in section  
10 576D-1 or an individual who has failed to comply with a subpoena  
11 or warrant relating to a paternity or child support proceeding  
12 from obtaining or renewing a license to operate a motor vehicle  
13 or from registering, renewing the registration of, or  
14 transferring or receiving title to a motor vehicle."

15 SECTION 12. Section 291-4.6, Hawaii Revised Statutes, is  
16 repealed.

17 ~~["§291-4.6] Driving after license suspended or denied for~~  
18 ~~noncompliance with an order of support; penalties. (a) No~~  
19 ~~person whose driver's license has been suspended, denied, or~~  
20 ~~otherwise restricted pursuant to section 576D-13 shall operate a~~  
21 ~~motor vehicle upon the public streets, roads, or highways of~~



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1 ~~this State while the person's license remains suspended or~~  
2 ~~denied.~~

3 ~~(b) Any person convicted of violating this section shall~~  
4 ~~be sentenced as follows:~~

5 ~~(1) For a first offense, or any offense not preceded~~  
6 ~~within a five year period by a conviction under this~~  
7 ~~section:~~

8 ~~(A) A term of imprisonment at least three consecutive~~  
9 ~~days but not more than thirty days;~~

10 ~~(B) A fine not less than \$250 but not more than~~  
11 ~~\$1,000; and~~

12 ~~(C) License suspension or denial shall continue until~~  
13 ~~written authorization of compliance is issued by~~  
14 ~~the child support enforcement agency, the office~~  
15 ~~of child support hearings, or the family court;~~  
16 ~~and~~

17 ~~(2) For an offense which occurs within five years of a~~  
18 ~~prior conviction under this section:~~

19 ~~(A) Thirty days' imprisonment;~~

20 ~~(B) A fine of \$1,000; and~~



1           ~~(C) License suspension or denial shall continue until~~  
2           ~~written authorization of compliance pursuant to~~  
3           ~~section 576D-13 [is] issued by the child support~~  
4           ~~enforcement agency, the office of child support~~  
5           ~~hearings, or the family court." ]~~

6           SECTION 13. Section 291D-10, Hawaii Revised Statutes, is  
7           repealed.

8           ~~["§291D-10 Restriction on driver's license and motor~~  
9           ~~vehicle registration. (a) When the person issued a notice of~~  
10          ~~traffic infraction not involving parking fails to pay the total~~  
11          ~~amount of fines, fees, surcharges, costs, or monetary~~  
12          ~~assessments that has been ordered, the court shall cause an~~  
13          ~~entry to be made in the driver's license record so as to prevent~~  
14          ~~the person from acquiring or renewing the person's driver's~~  
15          ~~license until the outstanding amount is paid or the notice of~~  
16          ~~traffic infraction is otherwise disposed of pursuant to this~~  
17          ~~chapter.~~

18          ~~(b) In all cases where the registered owner of a motor~~  
19          ~~vehicle to which a notice of traffic infraction has been issued~~  
20          ~~fails to pay the total amount of fines, fees, surcharges, costs,~~  
21          ~~or monetary assessments that have been ordered, the court shall~~



1 ~~cause an entry to be made in the motor vehicle's record so as to~~  
2 ~~prevent issuance or renewal of the motor vehicle's certificate~~  
3 ~~of registration and transfer of title to the motor vehicle until~~  
4 ~~the outstanding amount is paid or the notice of traffic~~  
5 ~~infraction is otherwise disposed of pursuant to this chapter,~~  
6 ~~provided that if the traffic infraction involves an unpaid~~  
7 ~~parking violation, this subsection shall not prevent the~~  
8 ~~issuance or renewal of the motor vehicle's certificate of~~  
9 ~~registration and transfer of title to the motor vehicle to~~  
10 ~~another person, in which case the clerk of the court shall issue~~  
11 ~~a clearance to effectuate the registration and transfer of~~  
12 ~~title; and provided further that in no event shall a clearance:~~

13 ~~(1) Absolve the registered owner of the motor vehicle at~~  
14 ~~the time the parking violation was incurred from~~  
15 ~~paying the fine;~~

16 ~~(2) Prevent any subsequent issuance or renewal of the~~  
17 ~~motor vehicle's certificate of registration and~~  
18 ~~transfer of title to the motor vehicle; or~~

19 ~~(3) Otherwise encumber the title of that motor vehicle." ]~~





1 PART III

2 SECTION 14. All existing restrictions on driver's licenses  
3 and motor vehicle registrations or issuances or transfers of  
4 title that have been imposed pursuant to section 291D-10, Hawaii  
5 Revised Statutes, or section 576D-13, Hawaii Revised Statutes,  
6 shall be void as of the effective date of this Act and  
7 unenforceable. The judiciary shall work with the counties to  
8 identify persons directly affected by the restrictions imposed  
9 pursuant to section 291D-10, Hawaii Revised Statutes, and take  
10 any actions necessary to effectuate the purposes of this Act.  
11 The department of the attorney general shall work with the  
12 counties to identify persons directly affected by the  
13 restrictions imposed pursuant to section 576D-13, Hawaii Revised  
14 Statutes, and take any actions necessary to effectuate the  
15 purposes of this Act.

16 PART IV

17 SECTION 15. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.



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1 SECTION 16. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Kal Rauch

Jason E. Prid

MS

MS



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**Report Title:**

Traffic Infractions; Child Support; Driver Licensing; Vehicle Registration; "Stoppers"

**Description:**

Prohibits the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations. Does not affect driver's license suspensions related to excessive speeding or lack of motor vehicle insurance.

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

