

JAN 21 2022

A BILL FOR AN ACT

RELATING TO DRIVER'S LICENSES.

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

1 SECTION 1. The legislature finds that as of 2021, there
2 are more than four hundred patients in the State waiting for
3 heart, liver, kidney, or pancreas transplants, and even more in
4 need of cornea or bone marrow transplants. Although
5 approximately sixty-three per cent of the eligible population in
6 the State are registered organ donors, there is still a need for
7 more organ donors to meet the needs of the many patients waiting
8 for an organ.

9 Research shows that the actual percentage of the eligible
10 population who are willing to be organ donors is much higher
11 than sixty-three per cent. This discrepancy occurs because an
12 applicant may fail to check "yes" to being an organ donor on the
13 driver's license application or driver's license renewal
14 application. The State's current driver's license and renewal
15 application only has a "yes" option for organ donation and if
16 the box is left blank, the application is still accepted and it



1 is presumed that the applicant does not wish to be an organ
2 donor.

3 The legislature finds that the percentage of eligible
4 individuals who are willing to be organ donors can be increased
5 by requiring an applicant to affirmatively choose "yes" or "no"
6 as to whether they want to be an organ donor. Research has
7 shown that requiring an applicant to affirmatively state their
8 organ donation preference greatly increases the percentage of
9 individuals willing to be organ donors.

10 The purpose of this Act is to:

11 (1) Require an applicant for a Hawaii driver's license or
12 driver's license renewal to affirmatively select
13 either "yes" or "no" as to whether the applicant
14 wishes to be an organ donor; and

15 (2) Require the applicant to be provided with a brochure
16 about organ donation at the time of application.

17 SECTION 2. Section 286-107, Hawaii Revised Statutes, is
18 amended by amending subsection (e) to read as follows:

19 "(e) No driver's license shall be renewed by the examiner
20 of drivers unless:



- (1) The examiner of drivers is satisfied of the applicant's fitness to continue to operate a motor vehicle;
- (2) The fee required by subsection (d) is tendered together with the application for renewal; ~~and~~
- (3) The applicant complies with section 286-102.5 ~~[-]~~; and
- (4) The applicant has affirmatively indicated on the application whether the applicant wishes to be an organ donor in the event of the applicant's death."

SECTION 3. Section 286-108, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in section 286-107.5(a), the examiner of drivers shall examine every applicant for a driver's license, except as otherwise provided in this part. The examination shall include a test of:

- (1) The applicant's eyesight and any further physical examination that the examiner of drivers finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways;
- (2) The applicant's ability to understand highway signs regulating, warning, and directing traffic;



1 (3) The applicant's knowledge of the rules of the road
2 based on the traffic laws of the State and the traffic
3 ordinances of the county where the applicant resides
4 or intends to operate a motor vehicle; provided that
5 the examination shall specifically test the
6 applicant's knowledge of the provisions of section
7 291C-121.5 and section 291C-137; and

8 (4) The actual demonstration of ability to exercise
9 ordinary and reasonable control in the operation of a
10 motor vehicle.

11 The examinations shall be appropriate to the operation of the
12 category of motor vehicle for which the applicant seeks to be
13 licensed and shall be conducted as required by the director.

14 The examiner of drivers shall require every applicant to
15 comply with section 286-102.5.

16 The examiner of drivers may waive the actual demonstration
17 of ability to operate a motorcycle or motor scooter for any
18 person who furnishes evidence, to the satisfaction of the
19 examiner of drivers, that the person has completed the
20 motorcycle education course approved by the director in
21 accordance with section 431:10G-104.



1 At the time of examination, an informational brochure about
2 organ donation shall be made available to every applicant for a
3 driver's license by the examiner of drivers.

4 For the purposes of this section, the term "applicant" does
5 not include any person reactivating a license under section
6 286-107.5(a)."

7 SECTION 4. Section 286-109.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§286-109.5 Designation of anatomical gift.** The examiner
10 of drivers shall design and implement a system to request
11 anatomical gift information from all applicants for a driver's
12 license or license renewal, at the time of application,
13 including a method of directly imprinting on a license an
14 applicant's designation of whether the applicant wishes to be an
15 organ donor. The request shall elicit either a "yes" or "no"
16 response as to whether the applicant wishes to be an organ donor
17 in the event of the applicant's death. The examiner of drivers
18 shall also design a brochure explaining organ donation that
19 shall be made available to all applicants for a driver's license
20 or license renewal."



SECTION 5. Section 286-111, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Every application shall state the full name, date of birth, gender designation, occupation, veteran status if applicable (including veterans of the Korean conflict and persons who served in the armed forces of the Republic of Korea, who fought under the command of the United Nations led by the United States, during the Korean conflict and are currently United States citizens) and desired by the applicant, social security number if the applicant is eligible for a social security number, whether or not the applicant wishes to be an organ donor in the event of the applicant's death, the residence address, and business address, if any, of the applicant, shall briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver, and, if so, when and in what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, or refusal.

The examiner of drivers shall not require documentation for an applicant's selection of gender designation or an applicant's



1 request for an amendment to a gender designation other than the
2 applicant's self-certification of their chosen gender
3 designation; provided that the examiner of drivers shall not be
4 prohibited from requiring documentation that may incidentally
5 show an applicant's birth sex category if the documentation is
6 necessary to establish that the applicant is legally entitled to
7 a license.

8 For purposes of this subsection, "gender designation" shall
9 have the same meaning as in section 286-109(a)."

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13 INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Bennette L. Nislen", is written over a horizontal line.

S.B. NO. 2692

Report Title:

Driver's Licenses; Organ Donation

Description:

Requires an applicant for a driver's license or renewal of a driver's license to designate whether the applicant wishes to be an organ donor in the event of the applicant's death by providing a "yes" or "no" response. Requires the examiner of drivers to design and provide an informational brochure about organ donation to each applicant for driver's license or driver's license renewal.

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

