
A BILL FOR AN ACT

RELATING TO DRIVER LICENSING.

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

1 SECTION 1. The legislature finds that vehicles with a hood
2 height greater than forty inches are forty-five per cent more
3 likely to kill pedestrians as they strike pedestrians closer to
4 the head or torso rather than their legs.

5 The legislature also finds that possible penalties for
6 excessive speeding and driving while intoxicated are fines or
7 license suspension in a tiered system.

8 Accordingly, the purpose of this Act is to require:

- 9 (1) The examiner of drivers to test applicants for
10 driver's licenses on the applicant's knowledge of the
11 dangers that larger motor vehicles, including trucks
12 and sport utility vehicles, pose to pedestrians and
13 bicyclists; and
- 14 (2) Persons who commit the offense of excessive speeding
15 or habitually operating a vehicle under the influence
16 of an intoxicant to retake and pass a driver's license
17 examination for each offense.



1 SECTION 2. Section 286-108, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Except as provided in section 286-107.5(a) [~~7~~] or any
5 other law in this part, the examiner of drivers shall examine
6 every applicant for a driver's license [~~7~~, ~~except as otherwise~~
7 ~~provided in this part~~]. The examination shall include a test
8 of:

9 (1) The applicant's eyesight and any further physical
10 examination that the examiner of drivers finds
11 necessary to determine the applicant's fitness to
12 operate a motor vehicle safely upon the highways;

13 (2) The applicant's ability to understand highway signs
14 regulating, warning, and directing traffic;

15 (3) The applicant's knowledge of the rules of the road
16 based on the traffic laws of the State and the traffic
17 ordinances of the county where the applicant resides
18 or intends to operate a motor vehicle; provided that
19 the examination shall specifically test the
20 applicant's knowledge of the provisions of [~~section~~]
21 sections 291C-121.5 and [~~section~~] 291C-137; [~~and~~]



1 (4) The applicant's knowledge of the dangers that large
2 vehicles, including trucks, pose to pedestrians and
3 bicyclists; and

4 [~~4~~] (5) The actual demonstration of ability to exercise
5 ordinary and reasonable control in the operation of a
6 motor vehicle.

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

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

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

18 For the purposes of this section, [~~the term~~] "applicant"
19 does not include any person reactivating a license under section
20 286-107.5(a)."

21 2. By amending subsection (c) to read:



1 "(c) The examiner of drivers may waive the written or oral
2 examination required under subsection (a) (2), ~~[and]~~ (3), and 4
3 and the actual demonstration of ability to operate a motor
4 vehicle for any person who:

5 (1) Is at least eighteen years of age and ~~[who]~~ possesses
6 a valid driver's license issued to the applicant in
7 any other state of the United States, the District of
8 Columbia, the Commonwealth of Puerto Rico, American
9 Samoa, Guam, a province of the Dominion of Canada, or
10 the Commonwealth of the Northern Mariana Islands for
11 the operation of vehicles in categories 1 through 3 of
12 section 286-102;

13 (2) Has completed the same requirements as set forth in
14 section 286-102.6(f) in another state and possesses a
15 valid provisional license from that state; or

16 (3) Is at least eighteen years of age and ~~[who]~~ possesses
17 a valid driver's license issued to the applicant in
18 any jurisdiction for which the director has granted
19 reciprocal licensing privileges in accordance with
20 section 286-101.5 for the operation of vehicles in
21 category (3) of section 286-102(b)."



1 SECTION 3. Section 291C-105, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291C-105 Excessive speeding.** (a) No person shall drive
4 a motor vehicle at a speed exceeding:

5 (1) The applicable state or county speed limit by thirty
6 miles per hour or more; or

7 (2) Eighty miles per hour or more irrespective of the
8 applicable state or county speed limit.

9 (b) For the purposes of this section, "the applicable
10 state or county speed limit" means:

11 (1) The maximum speed limit established by county
12 ordinance;

13 (2) The maximum speed limit established by official signs
14 placed by the director of transportation on highways
15 under the director's jurisdiction; or

16 (3) The maximum speed limit established pursuant to
17 section 291C-104 by the director of transportation or
18 the counties for school zones and construction areas
19 in their respective jurisdictions.



1 (c) Any person who violates this section shall be guilty
2 of a petty misdemeanor and shall be sentenced as follows without
3 the possibility of probation or suspension of sentence:

4 (1) For a first offense not preceded by a prior conviction
5 for an offense under this section in the preceding
6 five years:

7 (A) A fine of [~~not~~] no less than \$500 and [~~not~~] no
8 more than \$1,000;

9 (B) Thirty-day prompt suspension of license and
10 privilege to operate a vehicle during the
11 suspension period, or the court may impose, in
12 lieu of the thirty-day prompt suspension of
13 license, a minimum fifteen-day prompt suspension
14 of license with absolute prohibition from
15 operating a vehicle and, for the remainder of the
16 thirty-day period, a restriction on the license
17 that allows the person to drive for limited work-
18 related purposes;

19 (C) Attendance in a course of instruction in driver
20 retraining;



- 1 (D) A surcharge of \$25 to be deposited into the
- 2 neurotrauma special fund;
- 3 (E) [~~May be charged~~] If the court so orders, a
- 4 surcharge of up to \$100 to be deposited into the
- 5 trauma system special fund [~~if the court so~~
- 6 ~~orders~~];
- 7 (F) An assessment for driver education pursuant to
- 8 section 286G-3; and
- 9 (G) Either one of the following:
 - 10 (i) Thirty-six hours of community service work;
 - 11 or
 - 12 (ii) [~~Not~~] No less than forty-eight hours and
 - 13 [~~not~~] no more than five days of
 - 14 imprisonment;
- 15 (2) For an offense that occurs within five years of a
- 16 prior conviction for an offense under this section[~~7~~
- 17 ~~by~~]:
 - 18 (A) A fine of [~~not~~] no less than \$750 and [~~not~~] no
 - 19 more than \$1,000;
 - 20 (B) Prompt suspension of license and privilege to
 - 21 operate a vehicle for a period of thirty days



- 1 with an absolute prohibition from operating a
- 2 vehicle during the suspension period;
- 3 (C) Attendance in a course of instruction in driver
- 4 retraining;
- 5 (D) A surcharge of \$25 to be deposited into the
- 6 neurotrauma special fund;
- 7 (E) [~~May be charged~~] If the court so orders, a
- 8 surcharge of up to \$100 to be deposited into the
- 9 trauma system special fund [~~if the court so~~
- 10 ~~orders~~];
- 11 (F) An assessment for driver education pursuant to
- 12 section 286G-3; and
- 13 (G) Either one of the following:
- 14 (i) [~~Not~~] No less than one hundred twenty hours
- 15 of community service work; or
- 16 (ii) [~~Not~~] No less than five days but [~~not~~] no
- 17 more than fourteen days of imprisonment of
- 18 which at least forty-eight hours shall be
- 19 served consecutively; and



- 1 (3) For an offense that occurs within five years of two
2 prior convictions for offenses under this section[~~r~~
3 by]:
- 4 (A) A fine of \$1,000;
- 5 (B) Revocation of license and privilege to operate a
6 vehicle for a period of [~~not~~] no less than ninety
7 days but [~~not~~] no more than one year;
- 8 (C) Attendance in a course of instruction in driver
9 retraining;
- 10 (D) No fewer than ten days but no more than thirty
11 days of imprisonment of which at least forty-
12 eight hours shall be served consecutively;
- 13 (E) A surcharge of \$25 to be deposited into the
14 neurotrauma special fund;
- 15 (F) [~~May be charged~~] If the court so orders, a
16 surcharge of up to \$100 to be deposited into the
17 trauma system special fund [~~if the court so~~
18 ~~orders~~]; and
- 19 (G) An assessment for driver education pursuant to
20 section 286G-3.



1 (d) In addition to any penalties imposed by this section,
2 any person who violates this section shall be required to retake
3 and pass a driver's license examination as provided in section
4 286-108."

5 SECTION 4. Section 291E-61.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§291E-61.5 Habitually operating a vehicle under the**
8 **influence of an intoxicant.** (a) A person commits the offense
9 of habitually operating a vehicle under the influence of an
10 intoxicant if:

11 (1) The person is a habitual operator of a vehicle while
12 under the influence of an intoxicant; and

13 (2) The person operates or assumes actual physical control
14 of a vehicle:

15 (A) While under the influence of alcohol in an amount
16 sufficient to impair the person's normal mental
17 faculties or ability to care for the person and
18 guard against casualty;

19 (B) While under the influence of any drug that
20 impairs the person's ability to operate the
21 vehicle in a careful and prudent manner;



1 (C) With .08 or more grams of alcohol per two hundred
2 ten liters of breath; or

3 (D) With .08 or more grams of alcohol per one hundred
4 milliliters or cubic centimeters of blood.

5 (b) Habitually operating a vehicle while under the
6 influence of an intoxicant [~~is~~] shall be a class C felony.

7 (c) For a conviction under this section, the sentence
8 shall be either:

9 (1) An indeterminate term of imprisonment of five years;
10 or

11 (2) A term of probation of five years, with conditions to
12 include:

13 (A) Mandatory revocation of license to operate a
14 vehicle for a period no less than three years but
15 no more than five years, with mandatory
16 installation of an ignition interlock device in
17 all vehicles operated by the respondent during
18 the revocation period;

19 (B) No less than ten days imprisonment, of which at
20 least forty-eight hours shall be served
21 consecutively;



- 1 (C) A fine of no less than \$2,000 but no more than
- 2 \$5,000, to be deposited into the drug and alcohol
- 3 toxicology testing laboratory special fund;
- 4 (D) Referral to a certified substance abuse counselor
- 5 as provided in subsection (e);
- 6 (E) A surcharge of \$25 to be deposited into the
- 7 neurotrauma special fund; and
- 8 (F) A surcharge of up to \$50 to be deposited into the
- 9 trauma system special fund if the court so
- 10 orders.

11 In addition to the foregoing, any vehicle owned and operated by
12 the person committing the offense shall be subject to forfeiture
13 pursuant to chapter 712A.

14 (d) For any person who is convicted under this section and
15 was a highly intoxicated driver at the time of the subject
16 incident, the offense shall be a class B felony and the person
17 shall be sentenced to the following:

- 18 (1) An indeterminate term of imprisonment of ten years; or
- 19 (2) A term of probation of five years, with conditions to
- 20 include the following:



- 1 (A) Permanent revocation of license to operate a
- 2 vehicle;
- 3 (B) No less than eighteen months imprisonment;
- 4 (C) A fine of no less than \$5,000 but no more than
- 5 \$25,000; and
- 6 (D) Referral to a certified substance abuse counselor
- 7 as provided in subsection (e).

8 In addition to the foregoing, any vehicle owned and operated by
9 the person who committed the offense shall be subject to
10 forfeiture pursuant to chapter 712A.

11 (e) Whenever a court sentences a person under this
12 section, it shall also require that the offender be referred to
13 the driver's education program for an assessment, by a certified
14 substance abuse counselor, of the offender's substance abuse or
15 dependence and the need for appropriate treatment. The
16 counselor shall submit a report with recommendations to the
17 court. The court shall require the offender to obtain
18 appropriate treatment if the counselor's assessment establishes
19 the offender's substance abuse or dependence. All costs for
20 assessment and treatment shall be borne by the offender.



1 (f) Notwithstanding any other law to the contrary,
2 whenever a court revokes a person's driver's license pursuant to
3 this section, the examiner of drivers shall not grant to the
4 person a new driver's license until expiration of the period of
5 revocation determined by the court. After the period of
6 revocation is complete, and subject to subsection (h), the
7 person may apply for, and the examiner of drivers may grant to
8 the person, a new driver's license.

9 (g) Any person sentenced under this section may be ordered
10 to reimburse the county for the cost of any blood or urine tests
11 conducted pursuant to section 291E-11. The court shall order
12 the person to make restitution in a lump sum, or in a series of
13 prorated installments, to the police department or other agency
14 incurring the expense of the blood or urine test.

15 (h) In addition to any other penalty imposed by this
16 section, any person convicted of violating this section shall be
17 required to retake and pass a driver's license examination as
18 provided in section 286-108.

19 ~~[-(h)-]~~ (i) As used in this section:

20 "Convicted one or more times for offenses of habitually
21 operating a vehicle under the influence" means that, at the time



1 of the behavior for which the person is charged under this
2 section, the person had one or more times within ten years of
3 the instant offense:

4 (1) A judgment on a verdict or a finding of guilty, or a
5 plea of guilty or nolo contendere, for a violation of
6 this section or section 291-4.4 as that section was in
7 effect on December 31, 2001;

8 (2) A judgment on a verdict or a finding of guilty, or a
9 plea of guilty or nolo contendere, for an offense that
10 is comparable to this section or section 291-4.4 as
11 that section was in effect on December 31, 2001; or

12 (3) An adjudication of a minor for a law or probation
13 violation that, if committed by an adult, would
14 constitute a violation of this section or section
15 291-4.4 as that section was in effect on December 31,
16 2001,

17 that, at the time of the instant offense, had not been expunged
18 by pardon, reversed, or set aside. All convictions that have
19 been expunged by pardon, reversed, or set aside before the
20 instant offense shall not be deemed prior convictions for the



1 purposes of proving the person's status as a habitual operator
2 of a vehicle while under the influence of an intoxicant.

3 "Convicted two or more times for offenses of operating a
4 vehicle under the influence" means that, at the time of the
5 behavior for which the person is charged under this section, the
6 person had two or more times within ten years of the instant
7 offense:

8 (1) A judgment on a verdict or a finding of guilty, or a
9 plea of guilty or nolo contendere, for a violation of
10 section 291E-61 or 707-702.5;

11 (2) A judgment on a verdict or a finding of guilty, or a
12 plea of guilty or nolo contendere, for an offense that
13 is comparable to section 291E-61 or 707-702.5; or

14 (3) An adjudication of a minor for a law or probation
15 violation that, if committed by an adult, would
16 constitute a violation of section 291E-61 or
17 707-702.5,

18 that, at the time of the instant offense, had not been expunged
19 by pardon, reversed, or set aside. All convictions that have
20 been expunged by pardon, reversed, or set aside before the
21 instant offense shall not be deemed prior convictions for the



1 purposes of proving that the person is a habitual operator of a
2 vehicle while under the influence of an intoxicant.

3 "Examiner of drivers" has the same meaning as provided in
4 section 286-2.

5 "Habitual operator of a vehicle while under the influence
6 of an intoxicant" means that the person was convicted:

7 (1) Two or more times for offenses of operating a vehicle
8 under the influence; or

9 (2) One or more times for offenses of habitually operating
10 a vehicle under the influence."

11 SECTION 5. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 6. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect on July 1, 3000;
17 provided that the amendments made to section 291E-61.5, Hawaii
18 Revised Statutes, by section 4 of this Act shall not be repealed
19 when that section is reenacted on June 30, 2028, pursuant to
20 section 11 of Act 196, Session Laws of Hawaii 2021, as amended



1 by section 8 of Act 148, Session Laws of Hawaii 2023.



Report Title:

Driver's License; License Examination; Excessive Speeding; DUI; Penalties

Description:

Requires the driver's license examination to test the applicant's knowledge of the dangers that larger motor vehicles present to pedestrians and bicyclists. Requires persons who commit the offense of excessively speeding or habitually driving while intoxicated to retake and pass the driver's license examination for each offense. Effective 7/1/3000. (HD2)

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