
A BILL FOR AN ACT

RELATING TO TRAFFIC.

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

1 SECTION 1. The legislature finds that unlicensed drivers
2 on Hawaii's roads pose a significant public safety risk to
3 themselves and others. While existing law allows police
4 officers to cite unlicensed drivers, there is currently no
5 requirement to prevent these cited drivers from immediately
6 continuing to operate their vehicles unlawfully after receiving
7 citations. The legislature believes that establishing clear
8 protocols for law enforcement when encountering unlicensed
9 drivers will enhance public safety by ensuring that these
10 drivers do not continue to operate vehicles without valid
11 licenses.

12 Accordingly, the purpose of this Act is to:

13 (1) Provide that if a law enforcement officer lawfully
14 stops a motor vehicle and the operator is cited for
15 driving without a valid license, the officer shall not
16 permit the operator to resume the use of the motor
17 vehicle;



1 (2) Require the motor vehicle to be moved by a licensed
2 driver or towed at the owner's expense; and

3 (3) Provide that the cited operator is responsible for
4 arranging the operator's transportation away from the
5 scene of the stop.

6 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
7 amended by adding a new section to part VI to be appropriately
8 designated and to read as follows:

9 **"§286- Unauthorized operators; use of motor vehicle**

10 **prohibited.** (a) If a law enforcement officer lawfully stops a
11 motor vehicle and cites the person operating the motor vehicle
12 for allegedly violating section 286-102, 286-122, 286-130,
13 286-131, 286-132, 286-133, or 286-134, the officer shall not
14 permit the operator to resume the use of the motor vehicle.

15 (b) The motor vehicle may be removed from the scene of the
16 stop by:

17 (1) The registered owner of the motor vehicle, if the
18 registered owner possesses a valid driver's license;

19 or



1 (2) Any other individual who possesses a valid driver's
2 license, if the individual has the explicit permission
3 of the registered owner of the motor vehicle;
4 provided that the individual taking possession of the motor
5 vehicle is able to legally park or store the motor vehicle.

6 (c) If an individual described in subsection (b) cannot
7 remove the motor vehicle within a reasonable time, the law
8 enforcement officer shall arrange for the motor vehicle to be
9 towed, at the expense of the motor vehicle's registered owner,
10 to:

11 (1) The address of the motor vehicle's registered owner;
12 or

13 (2) Any location designated by the county in which the
14 stop occurred.

15 (d) The cited operator shall be responsible for arranging
16 the cited operator's transportation from the scene of the stop,
17 which may include the use of public transportation, rideshare or
18 taxi services, or riding as a passenger in a motor vehicle
19 operated by a person possessing a valid driver's license. Any
20 transportation expenses incurred shall be the responsibility of
21 the cited operator. The cited operator shall inform the law



1 enforcement officer of the cited operator's transportation
2 arrangements."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2050.

8



Report Title:

Motor Vehicles; Unlicensed Drivers; Stops; Citations; Towing

Description:

Provides that if a law enforcement officer lawfully stops a motor vehicle and the operator is cited for driving without a valid license, the officer shall not permit the operator to resume the use of the motor vehicle. Requires the motor vehicle to be moved by a licensed driver or towed at the owner's expense. Provides that the cited operator is responsible for arranging the operator's transportation from the scene of the stop. Effective 7/1/2050. (SD2)

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