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## A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE DRIVERS LICENSE REVOCATION.

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

1 SECTION 1. Section 291E-38, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"S291E-38 Administrative hearing; procedure; decision.**

4 (a) If the director administratively revokes the respondent's  
5 license and privilege to operate a vehicle after the  
6 administrative review, the respondent may request an  
7 administrative hearing to review the decision within six days of  
8 the date the administrative review decision is mailed. If the  
9 request for hearing is received by the director within six days  
10 of the date the decision is mailed, the hearing shall be  
11 scheduled to commence no later than:

12 (1) Twenty-five days from the date the notice of  
13 administrative revocation was issued in a case  
14 involving an alcohol related offense; or

15 (2) Thirty-nine days from the date the notice of  
16 administrative revocation was issued in a case  
17 involving a drug related offense.



1 The director may continue the hearing only as provided in  
2 subsection ~~[(j)].~~ (k).

3 (b) The hearing shall be held at a place designated by the  
4 director, as close to the location where the notice of  
5 administrative revocation was issued as practical.

6 (c) The hearing may be held by interactive conference  
7 technology that allows interaction by the director, any party,  
8 and counsel if retained by the party. An administrative hearing  
9 held by interactive conference technology shall be recessed for  
10 up to one hour when audio communication cannot be maintained;  
11 provided that the hearing may reconvene when only audio  
12 communication is reestablished. If audio-only communication is  
13 reestablished, then each speaker shall state the speaker's name  
14 prior to making remarks.

15 For the purposes of this subsection, "interactive  
16 conference technology" means any form of audio or audio and  
17 visual conference technology, including teleconference,  
18 videoconference, and voice over internet protocol, that may be  
19 used to facilitate interaction between the director, any party,  
20 and counsel if retained by the party, in a hearing conducted  
21 under this section.



1       [+e+] (d) The respondent may be represented by counsel  
2 and, if the respondent is under the age of eighteen, must be  
3 accompanied by a parent or guardian.

4       [+e+] (e) The director shall conduct the hearing and have  
5 authority to:

6           (1) Administer oaths and affirmations;  
7           (2) Examine witnesses and take testimony;  
8           (3) Receive and determine the relevance of evidence;  
9           provided that if the hearing is held by interactive  
10          conference technology, as provided in subsection (c),  
11          evidence may be submitted and exchanged by electronic  
12          means;

13          (4) Issue subpoenas;  
14          (5) Regulate the course and conduct of the hearing; and  
15          (6) Make a final ruling.

16       [+e+] (f) The director shall affirm the administrative  
17 revocation only if the director determines that:

18          (1) There existed reasonable suspicion to stop the  
19            vehicle, the vehicle was stopped at an intoxicant  
20            control roadblock established and operated in



1 compliance with sections 291E-19 and 291E-20, or the  
2 person was tested pursuant to section 291E-21;

3 (2) There existed probable cause to believe that the  
4 respondent operated the vehicle while under the  
5 influence of an intoxicant; and

6 (3) The evidence proves by a preponderance that:

7 (A) The respondent operated the vehicle while under  
8 the influence of an intoxicant; or

9 (B) The respondent operated the vehicle and refused  
10 to submit to a breath, blood, or urine test after  
11 being informed:

12 (i) That the person may refuse to submit to  
13 testing in compliance with section 291E-11;  
14 and

15 (ii) Of the sanctions of this part and then asked  
16 if the person still refuses to submit to a  
17 breath, blood, or urine test in compliance  
18 with the requirements of section 291E-15.

19 [+] (g) The respondent's prior alcohol and drug  
20 enforcement contacts shall be entered into evidence.

1       [~~(g)~~] (h) The sworn statements provided in section 291E-36  
2 shall be admitted into evidence. The director shall consider  
3 the sworn statements in the absence of the law enforcement  
4 officer or other person. Upon written notice to the director,  
5 no later than five days prior to the hearing, that the  
6 respondent wishes to examine a law enforcement officer or other  
7 person who made a sworn statement, the director shall issue a  
8 subpoena for the officer or other person to appear at the  
9 hearing. Personal service upon the law enforcement officer or  
10 other person who made a sworn statement shall be made no later  
11 than forty-eight hours prior to the hearing time. If the  
12 officer or other person cannot appear, the officer or other  
13 person at the discretion of the director, may testify by  
14 telephone.

15       [~~(h)~~] (i) The hearing shall be recorded in a manner to be  
16 determined by the director.

17       [~~(i)~~] (j) The director's decision shall be rendered in  
18 writing and mailed to the respondent, or to the parent or  
19 guardian of the respondent if the respondent is under the age of  
20 eighteen, no later than five days after the hearing is  
21 concluded. If the decision is to reverse the administrative



1 revocation, the director shall return the respondent's license,  
2 along with a certified statement that administrative revocation  
3 proceedings have been terminated. If the decision sustains the  
4 administrative revocation, the director shall mail to the  
5 respondent a written decision indicating the duration of the  
6 administrative revocation and any other conditions or  
7 restrictions as may be imposed pursuant to section 291E-41.

8 [+] (k) For good cause shown, the director may grant a  
9 continuance either of the commencement of the hearing or of a  
10 hearing that has already commenced. If a continuance is granted  
11 at the request of the director, the director shall extend the  
12 validity of the temporary permit, unless otherwise prohibited,  
13 for a period not to exceed the period of the continuance. If a  
14 continuance is granted at the request of the respondent, the  
15 director shall not extend the validity of the temporary permit.  
16 For purposes of this section, a continuance means a delay in the  
17 commencement of the hearing or an interruption of a hearing that  
18 has commenced, other than for recesses during the day or at the  
19 end of the day or week. The absence from the hearing of a law  
20 enforcement officer or other person, upon whom personal service



1 of a subpoena has been made as set forth in subsection [+(g),]  
2 (h), constitutes good cause for a continuance.

3 [+(k)] (l) The director may grant a special motor vehicle  
4 registration, pursuant to section 291E-48, to a qualified  
5 household member or a co-owner of any motor vehicle upon  
6 determination that:

7 (1) The person is completely dependent on the motor  
8 vehicle for the necessities of life; and  
9 (2) At the time of the application for a special motor  
10 vehicle registration, the respondent does not have a  
11 valid ignition interlock permit.

12 The special motor vehicle registration shall not be valid for  
13 use by the respondent.

14 [+(l)] (m) If the respondent fails to appear at the  
15 hearing, or if a respondent under the age of eighteen fails to  
16 appear with a parent or guardian, administrative revocation  
17 shall take effect for the period and under the conditions  
18 established by the director in the administrative review  
19 decision issued by the director under section 291E-37."

20 SECTION 2. Section 291E-46, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       **"§291E-46 Computation of time.** The time in which any act  
2 provided in this part is to be done is computed by excluding the  
3 first day and including the last, unless the last day is a  
4 Saturday, Sunday, or state holiday, and then it also is  
5 excluded; provided that if the last day for the mailing of  
6 decisions under sections 291E-37(a) and ~~291E-38(i)~~ 291E-38(j)  
7 is a federal holiday, it also is excluded."

8       SECTION 3. Section 291E-48, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10       "(a) Anytime after the effective date of revocation or  
11 after the administrative hearing decision is mailed pursuant to  
12 section ~~291E-38(i)~~, 291E-38(j), a qualified household member  
13 or co-owner of a motor vehicle with a respondent who has had a  
14 motor vehicle registration revoked under this part may submit a  
15 sworn statement to the director requesting a special motor  
16 vehicle registration. The director may grant the request upon  
17 determining that the following conditions have been met:

18       (1) The applicant is a household member of the  
19                    respondent's or a co-owner of the vehicle;  
20       (2) The applicant has a license that has not expired or  
21                    been suspended or revoked;

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY:

By Request

JAN 23 2026



# H.B. NO. 2097

**Report Title:**

Judiciary Package; Administrative Drivers License Revocation Hearings; Interactive Conference Technology

**Description:**

Authorizes administrative drivers license revocation hearings to be conducted using interactive conference technology, including teleconference, videoconference, and voice over internet protocol (VoIP) systems. Clarifies that evidence in hearings conducted via interactive conference technology may be submitted and exchanged electronically.

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

