
A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSE REVOCATION.

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

1 SECTION 1. Section 291E-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291E-31 Notice of administrative revocation; effect.** As
4 used in this part, the notice of administrative revocation:

5 (1) Establishes that the respondent's license and
6 privilege to operate a vehicle in the State or on or
7 in the waters of the State shall be terminated:

8 (A) Thirty calendar days after the date the notice of
9 administrative revocation is issued in the case
10 of an alcohol related offense;

11 (B) Forty-four calendar days after the date the
12 notice of administrative revocation is issued in
13 the case of a drug related offense; or

14 (C) Such later date as is established by the director
15 under section 291E-38,
16 if the director administratively revokes the
17 respondent's license and privilege;



12 SECTION 2. Section 291E-33, Hawaii Revised Statutes, is
13 amended by amending subsections (c) and (d) to read as follows:

14 "(c) After taking action pursuant to subsections (a) and
15 (b), as applicable, the law enforcement officer shall complete
16 and issue to the person a notice of administrative revocation
17 and shall indicate thereon whether the notice shall serve as a
18 temporary permit. The notice shall serve as a temporary permit,
19 unless, at the time of arrest: [the]

20 (1) The person was unlicensed; [the]



(2) The person's license or privilege to operate a vehicle was revoked or suspended; or [the]

(3) The person had no license in the person's possession.

The notice of administrative revocation shall include the

information required under section 291E-34 and inform the person of the procedures governing the provision of documents submitted for administrative review under section 291E-36.

(d) Whenever a law enforcement officer determines that, as

the result of a blood or urine test performed pursuant to

10 section 291E-21, there is probable cause to believe that a

11 person being treated in a hospital or medical facility has

12 violated section 291E-61 or 291E-61.5, the law enforcement

13 officer shall immediately [shall] take possession of any license

14 held by the person and shall complete and issue to the person

15 notice of administrative revocation and indicate thereon whether

16 the notice shall serve as a temporary permit. The notice shall

17 serve as a temporary permit unless, at the time the notice was

18 issued: [the]

19 (1) The

(1) The person was unlicensed: [the]

(2) The person's license or privilege to operate a vehicle

21 was revoked or suspended; or [the] _____



1 (3) The person had no license in the person's possession.

2 The notice of administrative revocation shall include the

3 information required under section 291E-34 and inform the person

4 of the procedures governing the provision of documents submitted

5 for administrative review under section 291E-36."

6 SECTION 3. Section 291E-34, Hawaii Revised Statutes, is

7 amended as follows:

8 1. By amending subsection (c) to read:

9 "(c) The notice shall provide, at a minimum, the following

10 information relating to the administrative review:

11 (1) That the review is automatic;

12 (2) That the respondent, within [three days of the

13 issuance of the notice of administrative revocation in

14 the case of an alcohol related offense and within

15 seventeen days of the issuance of the notice of

16 administrative revocation in the case of a drug

17 related offense,] seven calendar days after the

18 documents submitted for administrative review are

19 mailed or electronically transmitted to the respondent

20 pursuant to section 291E-36, may submit written

21 information demonstrating why the respondent's license



1 and privilege to operate a vehicle should not be
2 administratively revoked;

3 (3) The address or location where the respondent may
4 submit the information;

5 (4) That the respondent is not entitled to be present or
6 represented at the administrative review; and

7 (5) That the administrative review decision shall be
8 mailed to the respondent [÷

9 (A) ~~No later than eight days after the date of the~~
10 ~~issuance of the notice of administrative~~
11 ~~revocation in the case of an alcohol related~~
12 ~~offense; and~~

13 (B) ~~No later than twenty-two days after the date of~~
14 ~~the issuance of the notice of administrative~~
15 ~~revocation in the case of a drug related~~
16 ~~offense.] by the applicable deadline specified in~~
17 section 291E-37(a).

18 The notice shall inform the respondent that the documents
19 submitted for administrative review shall be provided to the
20 respondent in accordance with section 291E-36."

21 2. By amending subsections (e) and (f) to read:



1 "(e) The notice shall state that, if the respondent's
2 license and privilege to operate a vehicle is administratively
3 revoked after the review, a decision shall be mailed to the
4 respondent, or to the parent or guardian of the respondent if
5 the respondent is under the age of eighteen, that shall contain,
6 at a minimum, the following information:

7 (1) The reasons why the respondent's license and privilege
8 to operate a vehicle is administratively revoked;
9 (2) That the respondent may request the director, within
10 six calendar days of the date the decision is mailed,
11 to schedule an administrative hearing to review the
12 administrative revocation;
13 (3) That, if the respondent's request for an
14 administrative hearing is received by the director
15 within six calendar days of the date the decision was
16 mailed, the hearing shall be scheduled to commence:
17 (A) No later than twenty-five calendar days after the
18 date of the issuance of the notice of
19 administrative revocation in the case of an
20 alcohol related offense; and



1 (B) No later than thirty-nine calendar days after the
2 date of the issuance of the notice of
3 administrative revocation in the case of a drug
4 related offense;

5 (4) The procedure to request an administrative hearing;
6 (5) That failure to request an administrative hearing
7 within the time provided shall cause the
8 administrative revocation to take effect for the
9 period and under the conditions established by the
10 director in the decision;

11 (6) That the respondent may regain the right to a hearing
12 by requesting the director, within sixty calendar days
13 after the issuance of the notice of administrative
14 revocation, to schedule a hearing;

15 (7) That the director shall schedule the hearing to
16 commence no later than thirty calendar days after a
17 request under paragraph (6) is received, but that,
18 except as provided in section 291E-38(j), the
19 temporary permit shall not be extended if the
20 respondent fails to request an administrative hearing



1 within the initial six-day period provided for that
2 purpose;

3 (8) That failure to attend the hearing shall cause the
4 administrative revocation to take effect for the
5 period and under the conditions indicated;

6 (9) The duration of the administrative revocation and
7 other conditions that may be imposed, including:
8 referral to the driver's education program for an
9 assessment of the respondent's substance abuse or
10 dependence and the need for treatment; and

11 (10) That the respondent shall obtain an ignition interlock
12 permit in order to operate a vehicle during the
13 revocation period if the respondent had a valid
14 license at the time of the arrest.

15 (f) The notice shall provide, at a minimum, the following
16 information relating to administrative hearings:

17 (1) That the respondent shall have six calendar days from
18 the date the administrative review decision was mailed
19 to request that an administrative hearing be
20 scheduled;



1 (2) That a request for an administrative hearing and
2 payment of a \$30 fee, unless waived pursuant to
3 section 291E-39, shall entitle the respondent to
4 review and copy, [prior to] before the hearing, [all
5 documents that were considered at] the administrative
6 record, consisting of the documents submitted for
7 administrative review[, including the arrest report
8 and the sworn statements;] pursuant to section 291E-
9 36;

10 (3) That the respondent may be represented by an attorney,
11 submit evidence, give testimony, and present and
12 cross-examine witnesses;

13 (4) That, in cases where the respondent is under the age
14 of eighteen, a parent or guardian must be present; and

15 (5) That a written decision shall be mailed no later than
16 five calendar days after completion of the hearing."

17 SECTION 4. Section 291E-36, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§291E-36 Documents required to be submitted for**
20 **administrative review; sworn statements.** (a) Whenever a
21 respondent has been arrested for a violation of section 291E-61



1 or 291E-61.5 and submits to a test that establishes: the
2 respondent's alcohol concentration was .08 or more; the
3 presence, in the respondent's blood or urine, of any drug that
4 is capable of impairing the respondent's ability to operate a
5 vehicle in a careful and prudent manner; or whenever a
6 respondent has been involved in a collision resulting in injury
7 or death and a blood or urine test performed pursuant to section
8 291E-21 establishes that the respondent's alcohol concentration
9 was .08 or more or establishes the presence in the respondent's
10 blood or urine of any drug that is capable of impairing the
11 respondent's ability to operate a vehicle in a careful and
12 prudent manner, the following shall be forwarded immediately to
13 the director:

14 (1) A copy of the arrest report or the report of the law
15 enforcement officer who issued the notice of
16 administrative revocation to the person involved in a
17 collision resulting in injury or death and the sworn
18 statement of the arresting law enforcement officer or
19 the officer who issued the notice of administrative
20 revocation, stating facts that establish that:



1 (A) There was reasonable suspicion to stop the
2 vehicle, the vehicle was stopped at an intoxicant
3 control roadblock established and operated in
4 compliance with sections 291E-19 and 291E-20, or
5 the respondent was tested pursuant to section
6 291E-21;

7 (B) There was probable cause to believe that the
8 respondent had been operating the vehicle while
9 under the influence of an intoxicant; and
10 (C) The respondent agreed to be tested or the person
11 was tested pursuant to section 291E-21;

12 (2) In a case involving an alcohol related offense, the
13 sworn statement of the person responsible for
14 maintenance of the testing equipment, stating facts
15 that establish that, pursuant to section 321-161 and
16 rules adopted thereunder:
17 (A) The equipment used to conduct the test was
18 approved for use as an alcohol testing device in
19 this State;



1 (B) The person had been trained and at the time the
2 test was conducted was certified and capable of
3 maintaining the testing equipment; and
4 (C) The testing equipment used had been properly
5 maintained and was in good working condition when
6 the test was conducted;

7 (3) In a case involving an alcohol related offense, the
8 sworn statement of the person who conducted the test,
9 stating facts that establish that, pursuant to section
10 321-161 and rules adopted thereunder:

11 (A) The person was trained and at the time the test
12 was conducted was certified and capable of
13 operating the testing equipment;

14 (B) The person followed the procedures established
15 for conducting the test;

16 (C) The equipment used to conduct the test functioned
17 in accordance with operating procedures and
18 indicated that the respondent's alcohol
19 concentration was at, or above, the prohibited
20 level; and



1 (D) The person whose breath or blood was tested is
2 the respondent;

3 (4) In a case involving a drug related offense, the sworn
4 statement of the person responsible for maintenance of
5 the testing equipment, stating facts that establish
6 that, pursuant to section 321-161 and rules adopted
7 thereunder:

8 (A) The equipment used to conduct the test was
9 approved for use in drug testing;

10 (B) The person conducting the test had been trained
11 and, at the time of the test, was certified and
12 capable of maintaining the testing equipment; and

13 (C) The testing equipment used had been properly
14 maintained and was in good working condition when
15 the test was conducted;

16 (5) In a case involving a drug related offense, the sworn
17 statement of the person who conducted the test,
18 stating facts that establish that, pursuant to section
19 321-161 and rules adopted thereunder:



1 (A) At the time the test was conducted, the person
2 was trained and capable of operating the testing
3 equipment;

4 (B) The person followed the procedures established
5 for conducting the test;

6 (C) The equipment used to conduct the test functioned
7 in accordance with operating procedures and
8 indicated the presence of one or more drugs or
9 their metabolites in the respondent's blood or
10 urine; and

11 (D) The person whose blood or urine was tested is the
12 respondent;

13 (6) A copy of the notice of administrative revocation
14 issued by the law enforcement officer to the
15 respondent;

16 (7) Any license taken into possession by the law
17 enforcement officer; and

18 (8) A listing of any prior alcohol or drug enforcement
19 contacts involving the respondent []; provided that no
20 prior alcohol or drug enforcement contact shall be
21 considered unless the respondent has been provided



1 written notice identifying each prior contact to be
2 considered and afforded an opportunity to contest its
3 validity or applicability.

4 (b) Whenever a respondent has been arrested for a
5 violation of section 291E-61 or 291E-61.5 and refuses to submit
6 to a test to determine alcohol concentration or drug content in
7 the blood or urine, the following shall be forwarded immediately
8 to the director:

9 (1) A copy of the arrest report and the sworn statement of
10 the arresting law enforcement officer, stating facts
11 that establish that:

12 (A) There was reasonable suspicion to stop the
13 vehicle or the vehicle was stopped at an
14 intoxicant control roadblock established and
15 operated in compliance with sections 291E-19 and
16 291E-20;

17 (B) There was probable cause to believe that the
18 respondent had been operating the vehicle while
19 under the influence of an intoxicant;

20 (C) The respondent was informed of:

21 (i) The sanctions of section 291E-41;





1 actual notice. The respondent shall be afforded a reasonable
2 opportunity to review and challenge the accuracy, authenticity,
3 reliability, and admissibility of all documents, statements, and
4 records submitted.

5 (d) Any sworn statement or record generated, stored, or
6 transmitted electronically or through an automated system shall
7 be accompanied by a certification from the person submitting the
8 record attesting to the accuracy and authenticity of the
9 electronic or automated record relied upon.

10 (e) Upon request of the respondent, the director shall
11 make available documentation sufficient to demonstrate that any
12 testing instrument relied upon was properly approved,
13 maintained, calibrated, and certified, and that the operator of
14 the testing instrument was properly trained and certified at the
15 time of testing. Calibration, maintenance, and certification
16 logs shall be made available for inspection or copying upon
17 request."

18 SECTION 5. Section 291E-37, Hawaii Revised Statutes, is
19 amended as follows:

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



1 "(a) The director shall automatically review the issuance
2 of a notice of administrative revocation and shall issue a
3 written decision administratively revoking the license and
4 privilege to operate a vehicle or rescinding the notice of
5 administrative revocation[.]; provided that the director shall
6 not issue a written review decision until the documents
7 submitted for administrative review are mailed or electronically
8 transmitted to the respondent pursuant to section 291E-36 and
9 the time period to submit written information under
10 subsection (b) has elapsed, or the respondent has submitted
11 written information under subsection (b), whichever occurs
12 first. The written review decision shall be mailed to the
13 respondent, or to the parent or guardian of the respondent if
14 the respondent is under the age of eighteen, no later than:
15 (1) Fourteen calendar days after the date the notice was
16 issued in a case involving an alcohol related offense;
17 or
18 (2) Twenty-eight calendar days after the date the notice
19 was issued in a case involving a drug related
20 offense[.];



1 provided that the time periods in paragraphs (1) and (2) shall
2 be tolled for any period during which the requirements of
3 section 291E-36 have not been satisfied.

4 (b) The respondent shall have the opportunity to
5 demonstrate in writing why the respondent's license and
6 privilege to operate a vehicle should not be administratively
7 revoked and, within ~~three days of receiving the notice of~~
8 ~~administrative revocation, as provided in section 291E-33,~~
9 seven calendar days after the documents submitted for
10 administrative review are mailed or electronically transmitted
11 to the respondent pursuant to section 291E-36, shall submit any
12 written information, either by mail or in person, to the
13 director's office or to any office or address designated by the
14 director for that purpose.

15 (c) In conducting the administrative review, the director
16 shall consider:

17 (1) Any sworn or unsworn written statement or other
18 written evidence provided by the respondent;
19 (2) The breath, blood, or urine test results, if any; and
20 (3) The sworn statement of any law enforcement officer or
21 other person or other evidence or information required



1 by section 291E-36[–]; provided that the director
2 shall not consider any document, statement, or
3 evidence unless it has been provided to the respondent
4 in accordance with section 291E-36."

5 2. By amending subsections (f) and (g) to read:

6 "(f) If the director administratively revokes the
7 respondent's license and privilege to operate a vehicle, the
8 director shall mail a written review decision to the respondent,
9 or to the parent or guardian of the respondent if the respondent
10 is under the age of eighteen. The written review decision
11 shall:

- 12 (1) State the reasons for the administrative revocation;
- 13 (2) Indicate that the respondent has six calendar days
14 from the date the decision is mailed to request an
15 administrative hearing to review the director's
16 decision;
- 17 (3) Explain the procedure by which to request an
18 administrative hearing;
- 19 (4) Be accompanied by a form, postage prepaid, that the
20 respondent may fill out and mail in order to request
21 an administrative hearing;



1 (5) Inform the respondent of the right to review and copy
2 [all documents considered at the review, including the
3 arrest report and the sworn statements of law
4 enforcement officers or other persons, prior to the
5 hearing;], before the hearing, the administrative
6 record, consisting of the documents submitted for
7 review pursuant to section 291E-36; and

8 (6) State that the respondent may be represented by
9 counsel at the hearing, submit evidence, give
10 testimony, and present and cross-examine witnesses,
11 including the arresting law enforcement officer.

12 (g) Failure of the respondent to request a hearing within
13 the time provided in section 291E-38(a) shall cause the
14 administrative revocation to take effect for the period and
15 under the conditions provided in the administrative review
16 decision issued by the director under this section. The
17 respondent may regain the right to an administrative hearing by
18 requesting the director, within sixty calendar days of the
19 issuance of the notice of administrative revocation as provided
20 in section 291E-33, to schedule an administrative hearing. The
21 administrative hearing shall be scheduled to commence no later



1 than thirty calendar days after the request is received by the
2 director. The administrative review decision issued by the
3 director under this section shall explain clearly the
4 consequences of failure to request an administrative hearing and
5 the procedure by which the respondent may regain the right to a
6 hearing."

7 SECTION 6. Section 291E-38, Hawaii Revised Statutes, is
8 amended as follows:

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

10 "(a) If the director administratively revokes the
11 respondent's license and privilege to operate a vehicle after
12 the administrative review, the respondent may request an
13 administrative hearing to review the decision within six
14 calendar days of the date the administrative review decision is
15 mailed. If the request for hearing is received by the director
16 within six calendar days of the date the decision is mailed, the
17 hearing shall be scheduled to commence no later than:

18 (1) Twenty-five calendar days from the date the notice of
19 administrative revocation was issued in a case
20 involving an alcohol related offense; or



4 The director may continue the hearing only as provided in
5 subsection (j)."

6 2. By amending subsections (f) and (g) to read:

7 "(f) The respondent's prior alcohol and drug enforcement
8 contacts shall be entered into evidence [–]; provided that no
9 prior alcohol or drug enforcement contact shall be considered
10 unless the respondent has received prior notice and an
11 opportunity to challenge its validity or applicability.

12 (g) The sworn statements provided in section 291E-36 shall
13 be admitted into evidence[–]; provided that the requirements of
14 section 291E-36 have been satisfied. The director shall
15 consider the sworn statements in the absence of the law
16 enforcement officer or other person. Upon written notice to the
17 director, no later than five calendar days [prior to] before the
18 hearing, that the respondent wishes to examine a law enforcement
19 officer or other person who made a sworn statement, the director
20 shall issue a subpoena for the officer or other person to appear
21 at the hearing. Personal service upon the law enforcement



1 officer or other person who made a sworn statement shall be made
2 no later than forty-eight hours ~~prior to~~ before the hearing
3 time. If the officer or other person cannot appear, the officer
4 or other person at the discretion of the director, may testify
5 by telephone."

6 3. By amending subsection (i) to read:

7 "(i) The director's decision shall be rendered in writing
8 and mailed to the respondent, or to the parent or guardian of
9 the respondent if the respondent is under the age of eighteen,
10 no later than five calendar days after the hearing is concluded.
11 If the decision is to reverse the administrative revocation, the
12 director shall return the respondent's license, along with a
13 certified statement that administrative revocation proceedings
14 have been terminated. If the decision sustains the
15 administrative revocation, the director shall mail to the
16 respondent a written decision indicating the duration of the
17 administrative revocation and any other conditions or
18 restrictions as may be imposed pursuant to section 291E-41."

19 SECTION 7. Section 291E-40, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



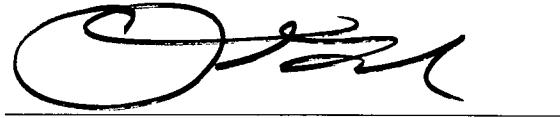
1 "(a) If the director sustains the administrative
2 revocation after an administrative hearing, the respondent, or
3 parent or guardian of a respondent under the age of eighteen,
4 may file a petition for judicial review within thirty calendar
5 days after the administrative hearing decision is mailed. The
6 petition shall be filed with the clerk of the district court in
7 the district in which the incident occurred and shall be
8 accompanied by the required filing fee for civil actions. The
9 filing of the petition shall not operate as a stay of the
10 administrative revocation, nor shall the court stay the
11 administrative revocation pending the outcome of the judicial
12 review. The petition shall be appropriately captioned. The
13 petition shall state with specificity the grounds upon which the
14 petitioner seeks reversal of the administrative revocation."

15 SECTION 8. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 9. This Act shall take effect upon its approval.

18

INTRODUCED BY:



JAN 27 2026



H.B. NO. 2417

Report Title:

Administrative Driver's License Revocation; Notice; Disclosure

Description:

Clarifies administrative driver's license revocation procedures by requiring timely disclosure of documents, aligning review timelines, and standardizing administrative review and hearing processes.

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

