

JAN 28 2026

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## 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;



- 1           (2) Establishes the date on which administrative  
2           revocation proceedings against the respondent were  
3           initiated;
- 4           (3) Serves as a temporary permit, if applicable, to  
5           operate a vehicle as provided in section 291E-33; and
- 6           (4) Notifies the respondent that the respondent shall  
7           obtain an ignition interlock permit and keep an  
8           ignition interlock device installed and operating in  
9           any vehicle the respondent operates during the  
10          revocation period if the respondent had a valid  
11          license at the time of the arrest."

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~~]



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2           was revoked or suspended; or [~~the~~]

3       (3)   The person had no license in the person's possession.  
4       The notice of administrative revocation shall include the  
5 information required under section 291E-34 and inform the person  
6 of the procedures governing the provision of documents submitted  
7 for administrative review under section 291E-36.

8       (d)   Whenever a law enforcement officer determines that, as  
9 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 a  
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 person was unlicensed; [~~the~~]

20       (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 (ii) The possibility that criminal charges may be  
2 filed; and

3 (iii) The probable consequences of refusing to be  
4 tested for alcohol concentration or drug  
5 content in the blood or urine; and

6 (D) The respondent refused to be tested;

7 (2) A copy of the notice of administrative revocation  
8 issued to the respondent;

9 (3) Any license taken into possession; and

10 (4) A listing of all alcohol and drug enforcement contacts  
11 involving the respondent[-]; provided that no prior  
12 alcohol or drug enforcement contact shall be  
13 considered unless the respondent has been provided  
14 written notice identifying each prior contact to be  
15 considered and afforded an opportunity to contest its  
16 validity or applicability.

17 (c) All documents, sworn statements, and records required  
18 to be forwarded to the director pursuant to this section shall  
19 be provided to the respondent no later than five calendar days  
20 after submission to the director, by mail or electronic  
21 transmission, in a manner reasonably calculated to provide





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



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

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: 



# S.B. NO. 3182

**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.*

