

ACT 342

H.B. NO. 2950

A Bill for an Act Relating to Highway Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by \$800,000, or 0.031 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is

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necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. Act 320, Session Laws of Hawaii 1989, is amended by amending section 1 to read as follows:

“SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to part XI to be appropriately designated and to read as follows:

“§286- **Driver improvement program.** (a) Every employer who employs a commercial motor vehicle driver as categorized in section 286- , or a category [4] (4) driver in section 286-102, shall provide for every such driver a driver improvement program. This program shall provide a system for continuous driver evaluation and annual driver safety courses approved by the director. For drivers with five years of continuous employment with one employer, this requirement shall be at least once every two years. Every job placement center through which a category (4) or commercial motor vehicle driver is employed on a casual or sporadic basis, and not as a regularly employed driver for any one employer, shall be responsible for providing the driver improvement program for all its category (4) and commercial motor vehicle drivers. For purposes of this subsection only, “job placement center” means any place where persons may register for purposes of employment, and the dispatching of those persons to various jobs as they become available. Any employer or job placement center that violates this subsection shall be fined not more than \$500.

(b) Every regularly or casually employed driver of a category [4] (4) vehicle or a commercial motor vehicle shall attend the driver improvement program provided by the driver’s employer or job placement center. The director shall adopt rules pursuant to chapter 91 necessary for the purposes of this subsection, including but not limited to rules governing attendance. Any driver who does not fulfill the appropriate driver improvement attendance requirement shall be fined not more than \$100.

(c) The counties may furnish real property, facilities on [such] that property, and other equipment in furtherance of this section. A county may allow the use of [such] that property or other county property to a [certificated fleet safety examiner] third party examiner who has entered into an agreement with the county on terms that it deems proper and reasonable.””

SECTION 3. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by adding five new sections to the new part to be appropriately designated and to read as follows:

“§286- **Persons exempt from license.** The following persons shall be exempt from licensure under this part:

- (1) Any active duty military personnel while operating a commercial motor vehicle in the service of the United States Department of Defense, provided that the driver has a current valid license or permit from the Department of Defense to drive the commercial motor vehicle; and
- (2) Federal firefighters who drive federal fire trucks, provided that they are trained by the federal government.

§286- **Notification and hearing.** When the examiner of drivers suspends, revokes, or cancels a commercial driver’s license or permit under section 286- ,

the examiner of drivers shall immediately notify the licensee and afford the licensee an opportunity for a hearing.

§286- Appeal to circuit court. Any suspension, revocation, or cancellation of a commercial driver's license under section 286- may be appealed to the circuit court in which the applicant or licensee resides by filing a notice of appeal in that court within thirty days after being notified of the suspension, revocation, or cancellation. The appeal shall not operate as a stay to the order or decision appealed from. The appeal shall be subject to procedures and rules as may be prescribed by the court and the decision of the court shall be final except as otherwise provided in chapter 91.

§286- Authority of the examiner of drivers to suspend, revoke, or cancel commercial driver's license or permit. The examiner of drivers may suspend, revoke, or cancel any commercial driver's license or permit without a hearing when the examiner of drivers has probable cause to believe that the licensee is disqualified under section 286- . Upon suspension, revocation, or cancellation of the commercial driver's license or permit, the driver's license or permit shall be surrendered to the examiner of drivers by the licensee or permittee.

§286- Penalty. Any person who drives a commercial motor vehicle in the State without a valid commercial driver's license or permit, or while the person's driving privileges are suspended, revoked, or canceled, or while disqualified from driving a commercial motor vehicle, or in violation of any out-of-service order shall be:

- (1) Disqualified from driving a commercial motor vehicle for a period of not less than one year and up to life;
- (2) Fined not less than \$500 but not more than \$1,000; and
- (3) Imprisoned not more than one year;

provided that the court shall have discretion to impose either a fine or imprisonment, or both."

SECTION 4. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending the definition of "serious traffic violation" in section 286- to read as follows:

" "Serious traffic violation" means:

- (1) [Excessive speeding, as defined by the United States Secretary of Transportation by regulation;] Driving at a speed of fifteen miles per hour or more above the posted speed limit;
- (2) Driving a commercial motor vehicle in disregard of the safety of persons or property (reckless driving); [or]
- (3) Improper or erratic traffic lane changes;
- (4) Following a vehicle ahead too closely; or
- [3] (5) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal traffic accident."

SECTION 5. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- Notification requirements. (a) Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State[,] who is

convicted of violating any state law or local ordinance relating to motor vehicle traffic control[,] in any other state,¹ or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, in any type of motor vehicle, shall notify the examiner of drivers in the manner specified by the director within thirty days of the date of conviction. Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state, or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, [must] in any type of motor vehicle, shall notify the person's current employer in writing of the conviction within thirty days of the date of conviction.

(b) Each commercial driver whose driver's license or permit is suspended, revoked, or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, [must] shall notify the person's current employer of the suspension, revocation, or [cancellation] cancellation before the end of the business day following the day the driver received notice of the suspension, revocation, [or cancellation.] cancellation, or disqualification.

(c) The written notice to the examiner of drivers and current employer as required by subsection (a) shall contain the following information:

- (1) Driver's full name;
- (2) Driver's license number;
- (3) Date of conviction;
- (4) Each specific criminal or other offense, or serious traffic violation of state or local law relating to motor vehicle traffic control, of which the person was convicted, and any suspension, revocation, or cancellation of driving privileges which resulted from that conviction;
- (5) Indication whether the violation was in a commercial motor vehicle;
- (6) Location of offense; and
- (7) Driver's signature.

[(c)] (d) Each person who drives a commercial motor vehicle and applies for employment as a commercial motor vehicle driver shall provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

- (1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;
- (2) The dates between which the applicant drove for each employer; and
- (3) The reason for leaving each employer.

The applicant [must] shall certify that all information furnished is true and complete. An employer may require an applicant to provide additional information."

SECTION 6. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- Commercial driver's license required. (a) No person shall drive a commercial motor vehicle unless the person holds a valid commercial driver's license and valid applicable endorsements for the vehicle the person is driving, except when driving under a commercial driver's instruction permit and accompanied by the holder of a valid commercial driver's license for the vehicle being driven.

(b) No person shall drive a commercial motor vehicle while the person's driver's license or permit is suspended, revoked, or canceled, or while subject to a disqualification, or in violation of an out-of-service order.

(c) Any person who holds a category (4), (5), (6), (7), (8), (9), or (10) license that is valid on March 31, 1991, may continue to drive with that license until that person's next birthday, at which time the person shall be permitted to continue to drive only if the person obtains either a commercial driver's license or a reclassified category (4) license under section 286-102(b)."

SECTION 7. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- Commercial driver's license qualification standards. (a) No person shall be issued a commercial driver's license unless that person meets the qualification standards of 49 C.F.R., Part 391, Subparts B and E, has passed a knowledge and driving skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R., Part 383, Subparts G and H, and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act (CMVSA) of 1986 (Title XII, P.L. 99-570) in addition to other requirements imposed by state law or federal regulation. The tests [must] shall be prescribed by the director and administered by the respective county examiner of drivers.

(b) Pursuant to chapter 91, the director may authorize a [person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government,] third party examiner to administer the driving skills test specified in this section, provided:

(1) The test is the same as that [which would otherwise be] administered by the [State,] respective county examiners of drivers; and

(2) The third party examiner has entered into an agreement with the State which complies with requirements of 49 C.F.R., §383.75.

(c) The examiner of drivers may waive the driving skills test specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R., §383.77.

(d) A commercial driver's license or commercial driver's instruction permit[,] shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state; or while the person holds a driver's license issued by any other state unless the person first surrenders that license.

(e) A commercial driver's instruction permit may be issued to an individual who holds a valid driver's license, meets the qualification standards of 49 C.F.R., Part 391, Subparts B and E, and has passed the written tests required for the desired class of a commercial driver's license.

(f) The commercial driver's instruction permit shall not be valid for a period in excess of six months. Only one renewal or reissuance may be granted within a two-year period. When driving a commercial motor vehicle, the holder of a commercial driver's instruction permit shall be accompanied by a person licensed to operate that category of commercial motor vehicle. The licensed person shall occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle."

SECTION 8. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

“§286- Application for commercial driver’s license. (a) The application for a commercial driver’s license or commercial driver’s instruction permit[, must] shall include the following with respect to the applicant:

- (1) The full name and current mailing, residential, and business addresses;
- (2) A physical description including sex and height;
- (3) Date of birth;
- (4) Social security number;
- (5) Signature;
- (6) Color photograph;
- (7) Certifications including those required by 49 C.F.R., §383.71(a)[;], except that this certification applies to both intrastate and interstate drivers; and
- (8) Any other information required by section 286-111.

(b) When a licensee’s name, mailing, business, or residence address is changed, a notification of the change shall be given as provided in section 286-116.5.

(c) No person who has been domiciled in this State for thirty days or more may drive a commercial motor vehicle under the authority of a commercial driver’s license issued by another jurisdiction.”

SECTION 9. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

“§286- Commercial driver’s license. (a) The commercial driver’s license [must] shall be marked “CDL” and [must], to the maximum extent practicable, shall be [tamper proof] tamperproof and include, but not be limited to, the following with respect to the licensee:

- (1) The name and residence address;
- (2) A color photograph;
- (3) A physical description including sex and height;
- (4) Date of birth;
- (5) Social security number;
- (6) Signature;
- (7) The class or type of commercial motor vehicle or vehicles which may be driven together with any endorsements or restrictions;
- (8) The name of this State; and
- (9) The issuance and expiration dates of the license.

(b) Commercial driver’s licenses may be issued with the following categories:

- (1) Category A - Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more; provided that the GVWR of the vehicles being towed is in excess of 10,000 pounds;
- (2) Category B - Any single vehicle with a GVWR of 26,001 pounds or more, or if the GVWR of the vehicle being towed [by the single vehicle] is not in excess of 10,000 pounds; and
- (3) Category C - Any single vehicle [with a GVWR of less than 26,001 pounds or if the GVWR of the vehicle being towed by the single vehicle is not in excess of 10,000 pounds comprising:] or combination of vehicles that meets neither the definition of category A nor that of category B, but that is either:

- (A) [Vehicles designed] Designed to transport sixteen or more passengers, including the driver; or

(B) [Vehicles used] Used in the transportation of hazardous materials which requires the vehicle to comply with 49 C.F.R., Part 172, Subpart F.

(c) Commercial [driver's] drivers' licenses may be issued with any one or more of the following endorsements and restriction:

- (1) "H" - Authorizes the driver to drive a vehicle transporting hazardous materials;
- (2) "K" - Restricts the driver to vehicles not equipped with air brakes;
- (3) "T" - Authorizes driving double and triple trailers;
- (4) "P" - Authorizes driving vehicles carrying passengers;
- (5) "N" - Authorizes driving tank vehicles; and
- (6) "X" - Represents a combination of hazardous materials and tank vehicle endorsements.

(d) The holder of a valid commercial driver's license may drive all vehicles in the category for which the license is issued, and all lesser categories of vehicles except motorcycles and except vehicles which require an endorsement, unless the proper endorsement appears on the license.

(e) Before issuing a commercial driver's license, the examiner of drivers shall obtain the applicant's driving record information through the commercial driver's license information system, the National Driver Register, and from the last state [which] that issued the applicant a commercial driver's license.

(f) Within ten days after issuing a commercial driver's license, the examiner of drivers [must] shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the licensee.

(g) An initial commercial driver's license shall be valid for not less than a two- or four-year period, beginning on the driver's birthday. Renewal licenses shall be valid for not more than a two- or four-year period from the expiration date of the previous valid license. The commercial driver's license shall expire on the next birthday of the licensee occurring four years after the date of issuance of the license unless sooner revoked, suspended, or canceled; provided that unless sooner revoked the license shall expire on the second birthday of the licensee following the issuance of the license if at that time the licensee:

- (1) Is sixty five years of age or older; or
- (2) Is twenty-one through twenty-four years of age [or younger].

(h) When applying for renewal of a commercial driver's license, the applicant [must] shall complete the application form required by section 286- , providing updated information and required certifications, and pass a knowledge test approved by the director. If the applicant desires to retain a hazardous materials endorsement, the knowledge test for a hazardous materials endorsement [must] shall also be taken and passed."

SECTION 10. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- Disqualification and [cancelation.] cancellation. (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

- (1) Driving a commercial motor vehicle under the influence of alcohol, a controlled substance, or any drug which impairs driving ability;
- (2) Driving a commercial motor vehicle while the alcohol concentration of the driver's blood is 0.04 per cent or more by weight;
- (3) Refusal to submit to a test to determine the driver's alcohol concentration while driving a commercial motor vehicle;

- (4) Using a commercial motor vehicle in the commission of any felony;
- (5) Leaving the scene of an accident involving [a] the commercial motor vehicle driven by the person; or
- (6) [Falsifying information or failing to report or disclose required information either before or after issuance of a commercial driver's license.] Unlawful transportation, possession, or use of a controlled substance while on-duty time.

(b) A person is disqualified for a period of not less than three years for any violation of subsection (a) while a hazardous material required to be placarded is being transported.

(c) A person is disqualified from driving a commercial motor vehicle for life if convicted two or more times for any violations of [subsection (a) or subsection (b), or both.] this section. Only offenses committed after the effective date of this [Act] section may be considered in applying this subsection.

(d) A person is disqualified from driving a commercial motor vehicle for life if the person uses a commercial motor vehicle in the commission of any felony involving the manufacturing, distributing, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations, or one hundred twenty days if convicted of three serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

(f) A person is disqualified from driving a commercial motor vehicle or from resubmitting an application for a period of not less than sixty days, if the examiner of drivers finds that a commercial driver's license holder or applicant for a commercial driver's license has falsified information or failed to report or disclose required information either before or after issuance of a commercial driver's license."

SECTION 11. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- Commercial drivers prohibited from operating with any alcohol in their body. (a) Notwithstanding any other provision of this chapter, a person may not drive a commercial motor vehicle while having any alcohol in that person's body.

(b) A person who drives a commercial motor vehicle while having an alcohol concentration of 0.01 per cent through 0.03 per cent by weight or who refuses to take a test as provided by section 286- shall be issued an out-of-service order. The driver shall also be placed out-of-service for twenty-four hours if the results of a blood test are not immediately available."

SECTION 12. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- Implied consent requirements for commercial motor vehicle drivers. (a) A person who drives a commercial motor vehicle within this State is deemed to have given consent to submit to a test or tests, approved by the director of health, of that person's blood[,], or breath[, or urine] for the purpose of determining that person's alcohol concentration[,], or the presence of [other drugs.] controlled substances, or both.

(b) A test or tests may be administered at the direction of a law enforcement officer[,] who, after lawfully stopping or detaining the commercial motor vehicle driver, has [reasonable grounds] probable cause to believe that the driver was driving a commercial motor vehicle while having in the person's body alcohol, a controlled substance, or any drug which impairs driving.

(c) A person requested to submit to a test as provided in subsection (a) [must] shall be warned by the law enforcement officer requesting the test[,] that a refusal to submit to the test will result in [that]:

(1) The officer immediately issuing a twenty-four hour out- of-service order under section 286- ; and

(2) The person being disqualified from operating a commercial motor vehicle for at least a one-year period under section 286- .

(d) If the person refuses testing, or submits to a test which discloses an alcohol concentration of 0.04 per cent or more by weight, the law enforcement officer [must] shall submit an affidavit to a district judge of the circuit in which the arrest was made, stating that the test was authorized pursuant to subsection (a) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of 0.04 per cent or more by weight.

(e) Upon receipt of the affidavit of a law enforcement officer submitted under subsection (d), the district judge shall hold a hearing as provided in section 286-156 and shall determine whether the statements in the affidavit are true and correct. If the judge finds the statements contained in the affidavit are true, the judge shall disqualify the driver from driving a commercial motor vehicle under section 286- .”

SECTION 13. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

“§286- Notification of traffic convictions. Within ten days after receiving a report of the conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the [State] examiner of drivers shall notify the driver's licensing authority in the licensing state of the conviction.”

SECTION 14. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

“§286- Notification of suspension, revocation, or [cancellation] cancellation of commercial driver's licenses or permits. (a) After suspending, revoking, or canceling a commercial driver's license or permit, the records of the examiner of drivers shall be updated to reflect that action within ten days. After suspending, revoking, or canceling a nonresident commercial driver's license or permit, the examiner of drivers [must] shall notify the licensing authority of the state which issued the commercial driver's license within ten days.

(b) After suspending, revoking, or canceling a resident commercial driver's license or permit, the examiner of drivers shall notify the driver's current employer within ten days.”

SECTION 15. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

“§286- Driving record information to be furnished. Notwithstanding any other provision of law to the contrary, the [State] city and county of Honolulu shall furnish full information regarding the driving record of any person:

- (1) To the driver's license administrator of any other state, or province or territory of Canada, requesting that information; and
- (2) To the person's employer or prospective employer.”

SECTION 16. Act 320, Session Laws of Hawaii 1989, is amended by amending Section 9 to read as follows:

“SECTION 9. This Act shall take effect on [January 1, 1991.] April 1, 1991.”

SECTION 17. Section 286-2, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Employee” means any driver of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent, or occasional drivers; and leased drivers and independent, owner-operator contractors (while in the course of operating a commercial motor vehicle) who are either directly employed by or under lease to an employer.

“Third party examiner” means a driver's license examiner who is qualified and has been certified by the State to examine applicants for category (4) licenses under section 286-102(b) and commercial driver licenses.”

SECTION 18. Act 320, Session Laws of Hawaii 1989, is amended by amending Section 4 to read as follows:

“SECTION 4. Section 286-102, Hawaii Revised Statutes¹ is amended to read as follows:

“§286-102 Licensing. (a) No person, except one exempted under section 286-105, one who holds an instruction permit under section 286-110, one who holds a commercial driver's license issued under section 286- , or a commercial driver's license instruction permit issue under section 286- , shall operate any category of motor vehicles listed in this section without first being appropriately examined and duly licensed as a qualified driver of that category of motor vehicles.

(b) A person operating the following category or combination of categories of motor vehicles shall be examined as provided in section 286-108 and duly licensed by the examiner of drivers:

- (1) Motor scooters;
- (2) Motorcycles and motor scooters;
- (3) Passenger cars of any gross vehicle weight rating, buses designed to transport fifteen or fewer occupants; [having a gross vehicle weight rating of twenty-six thousand pounds or less;]
- (4) All of the motor vehicles in category (3) and trucks having a gross vehicle weight rating of ten thousand one through twenty-six thousand pounds.

A school bus or van operator shall be properly licensed to operate the category of vehicles that the operator operates as a school bus or van and shall comply with the standards of the department of transportation as provided by rules adopted pursuant to section 286-181.

(c) No person shall receive a driver's license unless the person surrenders to the examiner of drivers all valid driver's licenses in the person's possession. All

such surrendered licenses shall be returned to the issuing authority, together with information that the person is licensed in this State. No [such] person shall be permitted to hold more than one valid driver's license at any time.” ”

SECTION 19. Act 320, Session Laws of Hawaii 1989, is amended by amending Section 5 to read as follows:

“SECTION 5. Section 286-105, Hawaii Revised Statutes, is amended to read as follows:

“**§286-105 What persons are exempt from license.** The following persons are exempt from license:

- (1) Any person while driving or operating a motor vehicle in the service or employ of any branch or agency of the federal government; provided that the person has received a license or permit from the branch or agency to operate and drive the motor vehicle; provided further that the branch or agency has been duly authorized by the federal government to issue the license or permit;
- (2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway; provided that no person under the age of thirteen years shall be permitted to drive or operate any such road machine, farm tractor, or implement of husbandry on a highway;
- (3) Any person who is at least eighteen years of age and who has in the person's possession a valid driver's license to drive the categories of motor vehicles listed in section 286-102(b), except section 286-102(b)(4), that is equivalent to a driver's license issued in this State but was issued to the person in any other state of the United States, the Commonwealth of Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for that category of motor vehicle which the person is operating[.]; and
- (4) Any person who has in the person's possession a valid commercial motor vehicle driver's license issued by any state of the United States or a province of the Dominion of Canada that issues licenses in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses.” ”

SECTION 20. Section 286-111, Hawaii Revised Statutes, is amended to read as follows:

“**§286-111 Application for license or instruction permit; fees.** (a) Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the examiner of drivers and shall be verified by the applicant before a person authorized to administer oaths. The examiner of drivers and officers serving under the examiner are hereby authorized to administer such oaths without charge. Each application for an instruction permit for a category (1), (2), (3), or (4) license shall be accompanied by a fee to be determined by the council of each county and each application for a driver's license shall be accompanied by the fee, unless the applicant has already paid the fee upon application for an instruction permit in the same county, in which event no fee shall be chargeable. An additional fee to be determined by the council of each county shall be charged and collected upon the issuance of a driver's license. All the foregoing fees shall become county realizations.

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(b) The director of transportation shall establish a fee schedule for all commercial driver's licensing examinations. The fees collected for a commercial driver's license shall become state realizations and deposited in the state highway fund. The State shall reimburse the counties all costs for administering the commercial driver's licensing program. The amount of reimbursement shall be determined by the director of transportation.

(c) Every application shall state the full name, date of birth, sex, occupation, the residence address and business address, if any, of the applicant, and shall briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver, and, if so, when and in what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and¹ if so, the date of and reason for the suspension, revocation, or refusal.”

SECTION 21. There is appropriated out of the general revenues of the State of Hawaii the sum of \$800,000, or so much thereof as may be necessary, for fiscal year 1990-1991 for the purposes of this Act. The sum appropriated shall be expended by the department of transportation.

SECTION 22. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 23. This Act shall take effect on April 1, 1991; provided section 21 shall take effect on July 1, 1990.

(Approved July 9, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.