

ACT 104

H.B. NO. 20

A Bill for an Act Relating to Motor Vehicle Driver Licensing.

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

SECTION 1. Section 286-108, Hawaii Revised Statutes, is amended to read as follows:

“§286-108 Examination of applicants. (a) The examiner of drivers shall examine every applicant for a driver’s license, except as otherwise provided in this part. ~~[[]The examination[]]~~ shall include a test of the applicant’s eyesight and such further physical examination as the examiner of drivers finds necessary to determine the applicant’s fitness to operate a motor vehicle safely upon the highways; the applicant’s ability to understand highway signs regulating, warning, and directing traffic; the applicant’s knowledge of the rules of the road based on the traffic laws of the State and the traffic ordinances of the county where the applicant resides or where the applicant intends to operate a motor vehicle; and actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The examinations shall be appropriate to the operation of the category of motor vehicle for which the applicant seeks to be licensed and shall be conducted as required by the state director of transportation. At the time of examination, an application for voter registration by mail shall be made available to every applicant.

(b) Except as provided in subsection (c), the examiner of drivers shall not examine any applicant for a driver’s license who is fifteen through seventeen years of age unless the applicant holds a valid instruction permit under section 286-110, for a period of no fewer than ninety days.

~~[(b)]~~ (c) The examiner of drivers may waive the actual demonstration of ability to operate a motor vehicle for any person who is at least eighteen years of age and who possesses a valid driver’s license issued to the applicant in any other state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for the operation of vehicles in categories 1 through 3 of section 286-102.

~~[(c)]~~ (d) As part of the examination required by this section the applicant for a driver’s license shall produce and display a valid no-fault or liability insurance identification card for the motor vehicle required by section 431:10C-107 and section 431:10G-106, when the applicant demonstrates the ability to operate a motor vehicle to the satisfaction of the examiner of drivers. If no valid no-fault or liability insurance identification card is displayed, the examiner of drivers shall not issue a driver’s license to the applicant.”

SECTION 2. Section 286-110, Hawaii Revised Statutes, is amended to read as follows:

“§286-110 Instruction permits. (a) Any person who, except for the person’s lack of instruction in operating a motor vehicle, would be qualified to obtain a

driver's license issued under this part may apply for a temporary instruction permit at the office of the examiner of drivers in the county in which the applicant resides.

(b) The examiner of drivers shall examine every applicant for an instruction permit. The examination shall include tests of the applicant's:

- (1) Eyesight and other physical or mental capabilities to determine if the applicant is capable of operating a motor vehicle;
- (2) Understanding of highway signs regulating, warning, and directing traffic; and
- (3) Knowledge of the traffic laws, ordinances, or regulations of the State and the county where the applicant resides or intends to operate a motor vehicle.

(c) If the examiner of drivers is satisfied that the applicant is qualified to receive an instruction permit, the examiner of drivers shall issue the permit entitling the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle upon the highways for a period of one hundred eighty days; provided that an applicant who is registered in a driver training course shall be issued a temporary instruction permit for the duration of the course and the termination date of the course shall be entered on the permit.

(d) Except when operating a motor scooter or motorcycle, the holder of a temporary instruction permit shall be accompanied by a person who is eighteen years of age or older and licensed to operate the category of motor vehicles in which the motor vehicle which is being operated belongs. The licensed person shall occupy a seat as near the permit holder as is practical while the motor vehicle is being so operated.

(e) No holder of a temporary instruction permit shall operate a motorcycle or a motor scooter during hours of darkness or carry any passengers.

(f) No holder of a temporary instruction permit for the operation of a motorcycle or motor scooter shall have the permit renewed more than once, nor shall the holder be issued another temporary instruction permit for the same purpose, unless the holder has taken the examination for a motorcycle or motor scooter license at least once prior to the expiration of the second temporary instruction permit and at least once prior to the expiration of each subsequent temporary instruction permit issued thereafter. If the holder of a temporary instruction permit fails to meet the requirements of this section, the holder shall not be permitted to apply for another temporary instruction permit for a motor scooter or motorcycle for a period of three months. Nothing in this subsection shall affect the rights and privileges of any holder of a temporary instruction permit for the operation of a motorcycle or motor scooter from obtaining a temporary instruction permit or driver's license for the operation of any other type of motor vehicle."

SECTION 3. The director of transportation, with the cooperation and assistance of the examiner of drivers, as defined in section 286-101, Hawaii Revised Statutes, shall review and study the drivers' licensing procedures under chapter 286, Hawaii Revised Statutes, for the purpose of recommending any legislative measures to update those procedures, including new procedures to conform with new technology and safety development, including but not limited to night driving.

The director of transportation shall report on findings and recommendations, and submit proposed legislation if appropriate, not later than twenty days before the convening of the regular session of 1998.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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SECTION 5. This Act shall take effect on July 1, 1997.

(Approved June 2, 1997.)