

ACT 330

S.B. NO. 1197

A Bill for an Act Relating to Drivers' Licenses.

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

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

“§286- Reactivation of expired license; fees; road test waived. (a) Unless revoked or suspended, and except as provided in subsection (b), all drivers' licenses expired under section 286-106 may be reactivated by the licensee in accordance with the requirements and procedures set forth for the renewal of licenses under section 286-107(b). No person seeking reactivation of an expired license under this subsection shall be required to undergo reexamination of the person's driving skills under section 286-108. The examiner of drivers shall require the holder of an expired license to pay a reactivation fee of \$5 for each thirty-day period, or fraction thereof, that has elapsed after the ninety-day grace period.

(b) Any driver's license not reactivated under subsection (a) within one year of the indicated date of expiration shall be invalid. The examiner of drivers shall

examine all applicants whose licenses have been declared invalid under this subsection in accordance with the licensing procedures established under sections 286-108 and 286-110.”

SECTION 2. Section 286-104, Hawaii Revised Statutes, is amended to read as follows:

“§286-104 What persons shall not be licensed. The examiner of drivers shall not issue any license hereunder:

- (1) To any person whose license has been suspended by a court of competent jurisdiction during the suspension period; nor to any person whose license has been revoked until the expiration of one year after the date of the revocation, or until the expiration of the period of revocation specified by law, whichever is greater; nor to any person who, while unlicensed, has within two years been convicted of driving while drunk;
- (2) To any person who is required by this part to take an examination, unless such person has successfully passed the examination;
- (3) To any person who is required under the motor vehicle financial responsibility laws of this State to deposit proof of financial responsibility and who has not deposited such proof;
- (4) To any person when the examiner of drivers has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; or
- (5) To any person who is under [seventeen] eighteen years of age; provided that a person who is fifteen [or sixteen] to seventeen years of age may be granted a [special] license upon satisfying the requirements of sections 286-108 and 286-109, which license shall be valid for four years and may be suspended or revoked by a judge having jurisdiction over the holder of the [special] license. Upon revocation of the [special] license, the person shall not be eligible to operate a motor vehicle on the highway until the person is [seventeen] eighteen years of age and has again satisfied the requirements of sections 286-108 and 286-109.

Any person denied a license under this or any other section of this part shall have a right of appeal as [hereinafter] provided[.] in section 286-129.”

SECTION 3. Section 286-106, Hawaii Revised Statutes, is amended to read as follows:

“§286-106 Expiration of licenses. Every driver’s license issued under this part, whether an original issuance or a renewal, shall expire on the first birthday of the licensee occurring not less than [four] six years after the date of the issuance of the license, unless sooner revoked or suspended; provided that the license shall expire on the first birthday of the licensee occurring not less than four years after the date of issuance of the license if the licensee is fifteen to seventeen years of age and two years after the date of the issuance of the license if at that time the licensee:

- (1) Is [sixty-five] seventy-two years of age or older;
- (2) Has been convicted of violations of the traffic laws of the State and of county traffic ordinances in the previous two years which, under the provisions of section 286-128, total nine points;
- [(3) Is twenty-four years of age or younger;] or
- [(4)] (3) Exhibits a physical condition or conditions which the examiner of drivers reasonably believes has impaired the driver’s ability to drive, unless the licensee:

- (A) Obtains a certificate from a licensed physician that the licensee's physical condition or conditions do not impair the licensee's ability to drive; or
- (B) Is able to correct the physical impairment, or by using a vehicle adapted to overcome the physical impairment is to the satisfaction of the examiner of drivers able to drive safely."

SECTION 4. Section 286-107, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

"(b) Except as otherwise provided in subsection (c), an applicant for a renewal of a driver's license under this section, or the reactivation of an expired license under section 286- (a), shall appear in person before the examiner of drivers and the examiner of drivers shall administer such physical examinations [and tests of the applicant's knowledge of the rules of the road] as the state director of transportation deems necessary to determine the applicant's fitness to continue to operate a motor vehicle[]; provided that an applicant for renewal who is sixty-five years of age or older need not be tested as to the applicant's knowledge of the rules of the road more than once every four years]."

2. By amending subsection (e) to read:

"(e) No driver's license shall be renewed by the examiner of drivers unless the examiner of drivers is satisfied of the applicant's fitness to continue to operate a motor vehicle [and has demonstrated the applicant's knowledge of the rules of the road through examinations as may be required by rules adopted by the state director of transportation,] and unless the fee required by subsection (d) is tendered together with the application for renewal[]; provided that an applicant for renewal who is sixty-five years of age or older need not demonstrate knowledge of the rules of the road more than once every four years]."

SECTION 5. Section 286-108, Hawaii Revised Statutes, is amended to read as follows:

"§286-108 Examination of applicants. (a) [The] Except as provided in section 286- (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]:

- (1) The applicant's fitness to operate a motor vehicle safely upon the highways; [the]
- (2) The applicant's ability to understand highway signs regulating, warning, and directing traffic; [the]
- (3) 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]
- (4) 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[.] for a driver's license.

For the purposes of this section, the term “applicant” does not include any person reactivating a license under section 286- (a).

(b) 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) 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] sections 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 6. This Act does not affect licenses which were issued or renewed before its effective date, which shall expire on the date indicated on the face of the license.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 8. This Act shall take effect upon its approval.

(Approved June 30, 1997.)

Note

1. Edited pursuant to HRS §23G-16.5.