

A Bill for an Act Relating to the United States Selective Service System.

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

SECTION 1. The legislature finds that the penalties associated with noncompliance with the United States Selective Service are severe. The penalties include but are not limited to felony conviction and permanent preclusion from acquiring many federal benefits such as federal employment and federal financial aid for students.

The legislature further finds that it is important to protect state residents from the penalties associated with failing to register with the United States Selective Service System and to help ensure that any future draft is fair and equitable to all potential draftees.

The purpose of this Act is to require applicants for a motor vehicle driver's license or instruction permit to comply with the registration requirements of title 50 United States Code Appendix section 453 ("Military Selective Service Act"). In addition, this Act requires applicants to authorize the examiner of drivers and attorney general to collect and electronically transmit the information necessary to register the applicant with the Selective Service System.

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§286- Military Selective Service Act; Selective Service System registration. (a) Qualified applicants for a motor vehicle drivers license pursuant to section 286-107 or 286-108 or an instruction permit pursuant to section 286-110 shall be registered with the United States Selective Service System in compliance with title 50 United States Code Appendix section 453, as amended.

(b) Every qualified applicant identified in subsection (a) shall be required to authorize the examiner of drivers to:

- (1) Collect the necessary personal information required for registering the qualified applicant with the United States Selective Service System; and
- (2) Electronically transmit the information to the Selective Service System pursuant to subsection (d) for purposes of registering the qualified applicant with the United States Selective Service System.

(c) The examiner of drivers shall notify all qualified applicants identified in subsection (a) that by submitting an application, the qualified applicant is consenting to registration with the United States Selective Service System, if so required by federal law.

(d) The examiner of drivers shall collect from a qualified applicant the necessary personal information required for registering the qualified applicant with the United States Selective Service System. The examiner of drivers shall transmit the necessary personal information of the qualified applicant in an electronic format to the United States Selective Service System to register the qualified applicant.

(e) For purposes of this section, "qualified applicant" means male United States citizens and immigrants at least eighteen years of age but less than twenty-six years of age."

SECTION 3. 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 under the influence of alcohol or drugs;
- (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 eighteen years of age; provided that a person who is fifteen years and six months may be granted an instruction permit; and provided further that a person who is sixteen to seventeen years of age may be granted a 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 license. Upon revocation of the license, the person shall not be eligible to operate a motor vehicle on the highway until the person is eighteen years of age and has again satisfied the requirements of sections 286-108 and 286-109[-]; or
- (6) To any person who is not in compliance with section 286-_____.

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

SECTION 4. Section 286-107, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) No driver’s license shall be renewed by the examiner of drivers unless [the]:

- (1) The examiner of drivers is satisfied of the applicant’s fitness to continue to operate a motor vehicle [and unless the];
- (2) The fee required by subsection (d) is tendered together with the application for renewal[-]; and
- (3) The applicant complies with section 286-_____.”

SECTION 5. Section 286-108, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as provided in section 286-107.5(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:

- (1) The applicant’s eyesight and any further physical examination that the examiner of drivers finds necessary to determine the applicant’s fitness to operate a motor vehicle safely upon the highways;
- (2) The applicant’s ability to understand highway signs regulating, warning, and directing traffic;
- (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 intends to operate a motor vehicle; and

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- (4) The 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 director.

The examiner of drivers shall require every applicant to comply with section 286-

The examiner of drivers may waive the actual demonstration of ability to operate a motorcycle or motor scooter for any person who furnishes evidence, to the satisfaction of the examiner of drivers, that the person has completed the motorcycle education course approved by the director in accordance with section 431:10G-104.

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 286-107.5(a)."

SECTION 6. Section 286-110, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person aged fifteen years and six months or more 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[-]; provided that the applicant complies with section 286- ."

SECTION 7. The county's motor vehicle driver license program pursuant to section 286- shall be implemented to collect and transmit the necessary personal information of qualified applicants in an electronic format to the United States Selective Service System to register the qualified applicants when funds to implement this Act are made available to the State and its political subdivisions by the United States Selective Service System.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 9. This Act shall take effect on January 1, 2002.

(Approved May 2, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.