

## ACT 105

H.B. NO. 2302

A Bill for an Act Relating to Motor Vehicle Drivers' Licenses.

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

SECTION 1. The purpose of this Act is to provide judges with the discretion, in cases where good cause is shown, to permit individuals to obtain conditional drivers' licenses, when these individuals either have outstanding traffic or motor vehicle insurance violations, or are satisfying sentences for violation of the traffic or motor vehicle insurance laws and are complying with fine payment and community service work schedules imposed by the courts for such violations.

SECTION 2. Section 286-109, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Statutes of limitations and other provisions of this chapter notwithstanding, no driver’s license or instruction permit shall be issued or renewed under this section, where the examiner of drivers is notified by the district judge, traffic violations bureaus of the district courts, or the judge of the circuit court that the applicant has failed to respond to a traffic citation or summons, or failed to appear in court after an arrest for the violation of any traffic laws of a county, this chapter or chapter 286G, 287, 290, 291, or 291C, or of any motor vehicle insurance laws under article 10C of chapter 431, or of any motorcycle or motor scooter insurance laws under article 10G of chapter 431, and the same remains delinquent and outstanding, or the applicant, [~~having-timely-responded-initially,~~] has as of the time of the application, failed to comply in full with all orders of the court[-]; provided that the district court with whose order an applicant has failed to comply in full, may approve the issuance or renewal of a driver’s license or instruction permit other than a commercial driver’s license upon conditions imposed by the court for the satisfac-

tion of the outstanding court order and any other conditions as may be imposed by the court, if one or more of the following conditions are met:

- (1) The applicant is gainfully employed in a position that requires driving and will be discharged if the applicant is unable to drive; or
- (2) The applicant has no access to alternative transportation and therefore must drive to work;

provided further that if the applicant has failed to comply in full with orders of the district court of more than one circuit, the applicant shall obtain the approval of the district court of each circuit in which the applicant has an outstanding court order before a driver's license or instruction permit may be issued or renewed under this subsection.

A driver's license or instruction permit issued or renewed under this subsection shall be subject to immediate suspension by the court upon the applicant's failure to remain in full compliance with all conditions imposed by the court for the issuance or renewal of the driver's license or instruction permit. The examiner of drivers may place an indication of restriction upon a driver's license or instruction permit issued or renewed under this subsection. Proof of financial responsibility under section 287-20 shall not apply to the issuance or renewal of driver's licenses or instruction permits under this subsection."

SECTION 3. Section 291D-12, Hawaii Revised Statutes, is amended to read as follows:

**"§291D-12 Powers of the district court judge sitting in the traffic division.** A district court judge sitting in the traffic division and hearing cases pursuant to this chapter shall have all the powers of a district court judge under chapter 604, including the following powers:

- (1) To conduct traffic infraction hearings and to impose monetary assessments;
- (2) To permit deferral of monetary assessment or impose community service in lieu thereof;
- (3) To dismiss a notice of traffic infraction or to set aside a judgment for the State;
- (4) To order temporary driver's license suspension or license reinstatement;
- (5) To order the director of finance not to issue or renew the driver's license or to register, renew the registration of, or issue title to a motor vehicle of any person who has not paid a monetary assessment or performed community service in lieu thereof;
- (6) To approve the issuance or renewal of a driver's license or instruction permit pursuant to section 286-109(c);
- ~~(7)~~ (7) To issue penal summonses and bench warrants and initiate contempt of court proceedings in proceedings conducted pursuant to section 291D-13; and
- ~~(7)~~ (8) To exercise other powers the court finds necessary and appropriate to carry out the purposes of this chapter."

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

SECTION 5. This Act shall take effect on July 1, 2003.

(Approved May 31, 2002.)