

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 286-104, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) ~~[To any person whose]~~ **Who** 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been suspended by a court of competent jurisdiction during the suspension period, nor to any person whose license has been revoked until the expiration of one year after the date of the revocation, or until the expiration of the period of revocation specified by law, whichever is greater, except as provided under sections 286-102.6(d) and 286-102.6(e) for suspensions and revocations of a provisional license; nor to any person who, while unlicensed, has within two years been convicted of operating a vehicle under the influence of an intoxicant or, prior to January 1, 2002, of driving under the influence of alcohol or drugs;
- (2) ~~[To any person who]~~ **Who** is required by this part to take an examination, unless the person has successfully passed the examination;
- (3) ~~[To any person who]~~ **Who** is required under the motor vehicle financial responsibility laws of this State to deposit proof of financial responsibility and who has not deposited the proof;
- (4) ~~[To any person who]~~ **Who** the examiner of drivers has good cause to believe would not be able to operate a motor vehicle with safety upon the highways by reason of physical or mental disability;
- (5) ~~[To any person who]~~ **Who** is under eighteen years of age; provided that~~[-]~~ a person:
  - (A) ~~[A person who]~~ **Who** is fifteen years and six months of age may be granted an instruction permit;
  - (B) ~~[A person who]~~ **Who** is at least sixteen and less than eighteen years of age may be granted a provisional license upon satisfying the requirements of section 286-102.6;
  - (C) ~~[A person who]~~ **Who** is at least seventeen and less than eighteen years of age may be granted a license upon satisfying the requirements of section 286-102.6, which license 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

- (D) ~~[A person who]~~ Who is an emancipated minor may be granted a license upon satisfaction of all requirements of this chapter applicable to persons eighteen years of age or older; ~~or~~
- (6) ~~[To any person who]~~ Who is not in compliance with section 286-102.5[-]; ~~or~~
- (7) Who does not submit proof, satisfactory to the director, that the applicant's presence in the United States is authorized by federal law. The director shall adopt rules in accordance with chapter 91 that provide for standards of proof and for exemptions from this requirement.

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 2. 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, except for a provisional license issued under section 286-102.6 which shall expire on the date of the provisional licensee's nineteenth birthday, whether an original issuance or a renewal, shall expire on the first birthday of the licensee occurring not less than eight years after the date of the issuance of the license, unless sooner revoked or suspended; provided that ~~the~~:

- (1) The license shall expire on the first birthday of the licensee occurring not less than four years after the date of the issuance if, at the time, the licensee is twenty-four years of age or younger; ~~provided further that the~~
- (2) The license shall expire on the first birthday of the licensee occurring not less than two years after the date of the issuance of the license if, at that time, the licensee is seventy-two years of age or older[-]; and
- (3) If the licensee is a legal immigrant, the license shall expire no later than the licensee's authorized period of stay in the United States.

The examiner of drivers may issue a license for a shorter period if the licensee has a physical condition or conditions that the examiner of drivers reasonably believes may impair the driver's ability to drive."

SECTION 3. Section 286-110, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

(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 year; provided that ~~an~~:

- (1) 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[-]; and
- (2) If the applicant is a legal immigrant, the permit shall expire no later than the applicant's authorized period of stay in the United States.

A person who is not licensed to operate the category of motor vehicles to which the driving training course applies shall not operate a motor vehicle in connection with the driving training course without a valid temporary instruction permit.”

SECTION 4. Section 286-111, Hawaii Revised Statutes, is amended to read as follows:

**“§286-111 Application for license, provisional license, or instruction permit; fees.** (a) Every application for an instruction permit, provisional license, or 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 may administer the 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 provisional license or 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 charged. An additional fee to be determined by the council of each county shall be charged and collected upon the issuance of a provisional license or driver’s license. All of the foregoing fees shall become county realizations.

(b) The director shall establish by rule a standard fee for all driver’s license applicants who require verification through the federal system that their presence in the United States is authorized by federal law. The fees collected shall become state realizations and be deposited into the state highway fund. The state shall reimburse the counties all costs of verification through the federal system. The amount of reimbursement shall be determined by the director of transportation.

~~[(b)]~~ (c) 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 shall be 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.

~~[(e)]~~ (d) Every application shall state the full name, date of birth, sex, occupation, social security number if the applicant is eligible for a social security number, 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, and if so, the date of and reason for the suspension, revocation, or refusal.

~~[(d)]~~ (e) If the applicant is not eligible to receive a social security number, the applicant shall submit, in lieu of providing proof of social security number pursuant to subsection ~~[(e)]~~ (d):

- (1) A United States Social Security Administration letter stating that the applicant is ineligible to obtain a social security number; and
- (2) Either:
  - (A) A government-issued photo identification document; or
  - (B) Other identification documents as deemed acceptable by the director.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2010; provided that the amendments made to section 286-106, Hawaii Revised Statutes, under section 2 of this Act, shall not be repealed when that section is reenacted on January 9, 2011, pursuant to section 15 of Act 72, Session Laws of Hawaii 2005.

(Approved April 20, 2010.)