

**ACT 131**

**S.B. NO. 871**

**A Bill for an Act Relating to Highway Safety.**

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

**SECTION 1.** The legislature finds that as a gateway location between the Eastern and Western hemispheres, Hawaii is an international gathering place where peoples from all over the world migrate to live, work, and attend school.

Hawaii residents also migrate to other countries for the same purposes. The ability to drive is critical to the quality of life in Hawaii and in many other countries. This measure facilitates the ability to drive by providing driver licensing reciprocity with other countries under specified conditions.

The legislature further finds that existing law establishing the driver's license reciprocity committee is cumbersome, costly, and complicated to administer, which explains the fact that it has never been used since its enactment by Act 314, Session Laws of Hawaii 2012, in spite of much public interest in driver's license reciprocity.

The purpose of this Act is to:

- (1) Authorize the director of transportation to grant reciprocal licensing privileges to holders of valid licenses from other jurisdictions not currently subject to a treaty for reciprocity, under certain conditions; and
- (2) Repeal section 286-11, Hawaii Revised Statutes, which established the driver's license reciprocity committee.

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

**“§286- Reciprocal licensing privileges.** (a) The director may grant reciprocal licensing privileges to any person eighteen years of age or older who holds a license from another country or state, thereby allowing the examiner of drivers to waive examination requirements under section 286-108(c)(3), if:

- (1) That jurisdiction has procedures in place to verify the validity of the driver's licenses it issues;
- (2) That jurisdiction has granted a waiver of all or any part of the driver's license examination requirements for Hawaii licensed drivers applying for a driver's license in that jurisdiction; and
- (3) The director determines that the standards of that jurisdiction for licensing operators of motor vehicles correspond substantially to those of this State.

(b) The director shall publish on the department of transportation's public internet site a list of the countries for which reciprocal operating privileges have been extended and those that have been withdrawn. The most recent list shall be transmitted to the courts, county prosecuting attorneys, and county police chiefs.

(c) The director may require an applicant for reciprocal licensing privileges to provide translation of the license and documents from the other jurisdiction if the license and documents are in languages other than Hawaiian or English.

(d) The director may adopt rules pursuant to chapter 91 necessary for the purposes of this section.”

SECTION 3. Section 286-102, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Before issuing a driver's license, the examiner of drivers shall complete a check of the applicant's driving record to determine whether the applicant is subject to any disqualification under section 286-240, or any license suspension, revocation, or cancellation [~~under state law~~], and whether the applicant has a driver's license from more than one state or jurisdiction. The record check shall include but is not limited to the following:

- (1) A check of the applicant's driving record as maintained by the applicant's state or jurisdiction of licensure;

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- (2) A check with the commercial driver license information system;
- (3) A check with the National Driver Register; and
- (4) If the driver is renewing a commercial driver's license for the first time after September 30, 2002, a request for the applicant's complete driving record from all states where the applicant was previously licensed to drive any motor vehicle over the last ten years; provided that a notation is made on the driving record confirming the check has been made and the date it was done."

SECTION 4. Section 286-108, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The examiner of drivers may waive the actual demonstration of ability to operate a motor vehicle for any person who:

- (1) 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; [ø]
- (2) Has completed the same requirements as set forth in section 286-102.6(f) in another state and possesses a valid provisional license from that state[-]; or
- (3) Is at least eighteen year of age and who possesses a valid driver's license issued to the applicant in any jurisdiction for which the director has granted reciprocal licensing privileges in accordance with section 286- for the operation of vehicles in category (3) of section 286-102(b)."

SECTION 5. Section 286-11, Hawaii Revised Statutes, is repealed.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 7. This Act shall take effect on July 1, 2015.

(Approved June 19, 2015.)

### Note

1. Edited pursuant to HRS §23G-16.5.