
A BILL FOR AN ACT

RELATING TO DRIVER LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the examiner of
2 drivers requires a road test for most driver's license
3 applicants that measures an applicant's functional ability to
4 safely operate a motor vehicle. Applicants with disabilities
5 whose driving privilege is under review may not have a valid
6 license or instruction permit after failing this road test on
7 their first attempt.

8 The purpose of this Act is to allow the examiner of drivers
9 to issue an instruction permit to an applicant with disabilities
10 who completed a medical review with this State, and as a
11 condition to licensure, must pass a road test, but has failed on
12 the applicant's first attempt.

13 SECTION 2. Section 286-110, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§286-110 Instruction permits.** (a) Any person aged
16 fifteen years and six months or more who, except for the
17 person's lack of instruction in operating a motor vehicle, would
18 be qualified to obtain a driver's license issued under this part



1 may apply for a temporary instruction permit at the office of
2 the examiner of drivers in the county in which the applicant
3 resides; provided that the applicant complies with section 286-
4 102.5.

5 (b) The examiner of drivers shall examine every applicant
6 for an instruction permit. The examination shall include tests
7 of the applicant's:

8 (1) Eyesight and other physical or mental capabilities to
9 determine if the applicant is capable of operating a
10 motor vehicle;

11 (2) Understanding of highway signs regulating, warning,
12 and directing traffic; and

13 (3) Knowledge of the traffic laws, ordinances, or
14 regulations of the State and the county where the
15 applicant resides or intends to operate a motor
16 vehicle.

17 (c) If the examiner of drivers is satisfied that the
18 applicant is qualified to receive an instruction permit, the
19 examiner of drivers shall issue the permit entitling the
20 applicant, while having the permit in the applicant's immediate
21 possession, to drive a motor vehicle upon the highways for a
22 period of one year; provided that an applicant who is registered



1 in a driver training course shall be issued a temporary
2 instruction permit for the duration of the course and the
3 termination date of the course shall be entered on the permit.
4 A person who is not licensed to operate the category of motor
5 vehicles to which the driving training course applies shall not
6 operate a motor vehicle in connection with the driving training
7 course without a valid temporary instruction permit.

8 (d) Except when operating a motor scooter or motorcycle,
9 the holder of an instruction permit shall be accompanied by a
10 person who is twenty-one years of age or older and licensed to
11 operate the category of motor vehicles in which the motor
12 vehicle that is being operated belongs. The licensed person
13 shall occupy a passenger seat beside the permit holder while the
14 motor vehicle is being operated; provided that if the holder of
15 the instruction permit is under the age of eighteen years and is
16 driving between the hours of 11:00 p.m. and 5:00 a.m.:

17 (1) A licensed driver who is the permit holder's parent or
18 guardian shall occupy a passenger seat beside the
19 driver while the motor vehicle is operated, unless the
20 permit holder is an emancipated minor;

21 (2) The licensed driver shall be licensed to operate the
22 same category of motor vehicles as the motor vehicle



1 being operated by the holder of the instruction
2 permit; and

3 (3) All occupants of the motor vehicle shall be restrained
4 by a seat belt assembly or a child passenger safety
5 restraint system as required under sections 291-11.5
6 and 291-11.6, notwithstanding any other law to the
7 contrary.

8 (e) No holder of a temporary instruction permit shall
9 operate a motorcycle or a motor scooter during hours of darkness
10 or carry any passengers.

11 (f) No holder of a category 1 or 2 temporary instruction
12 permit shall have the permit renewed, nor shall the holder be
13 issued another temporary instruction permit for the same
14 purpose, unless the holder has taken the examination for a
15 category 1 or 2 license at least once prior to the expiration of
16 the temporary instruction permit. If the holder of a temporary
17 instruction permit fails to meet the requirements of this
18 section, the holder shall not be permitted to apply for another
19 category 1 or 2 temporary instruction permit for a period of
20 three months. Nothing in this subsection shall affect the right
21 and privilege of any holder of a category 1 or 2 temporary
22 instruction permit to obtain a temporary instruction permit or



1 driver's license for the operation of any other type of motor
2 vehicle.

3 (g) The examiner of drivers may accept an application for
4 renewal of an instruction permit no more than thirty days prior
5 to or ninety days after the expiration date of the instruction
6 permit, whereupon the applicant for renewal of an instruction
7 permit shall be exempt from subsection (b) (2) and (b) (3). If an
8 application for renewal of an instruction permit is not made
9 within ninety days after the expiration date of the permit, the
10 applicant shall be treated as applying for a new instruction
11 permit and examined in accordance with subsection (b).

12 (h) Notwithstanding any other law to the contrary, the
13 examiner of drivers may issue an instruction permit to an
14 applicant with a disability who completed a medical review with
15 the State, and as a condition to licensure, must pass a road
16 test but has failed a road test on the applicant's first
17 attempt. Such instruction permit may be renewed no more than
18 thirty days prior to or ninety days after the expiration date of
19 the instruction permit upon receiving an updated medical
20 evaluation. Subsection (b) (2) and (b) (3) shall not apply to the
21 issuance or renewal of this instruction permit.



1 For purposes of this subsection, "applicant with
2 disabilities" means an applicant who the examiner of drivers has
3 reasonable cause to believe may have a mental or physical
4 infirmity or disability that would make it unsafe to operate a
5 motor vehicle pursuant to section 286-119 and has been reviewed
6 by the state medical advisory board pursuant to section 286-
7 4.1."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Driver Licensing

Description:

Allows the examiner of drivers to issue an instruction permit to an applicant with disabilities who possesses a valid driver's license from another state but who fails to pass a road test to obtain a license under this state. (HB2747 HD1)

