
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. The legislature finds that, as age increases,
2 sensory and motor capabilities decline, perception and attention
3 impairments become more common, and driving becomes more
4 difficult. While the aging process differs with individuals,
5 the common aging process will eventually result in a uniform
6 slowdown in reflexes, a reduction in attentiveness and
7 alertness, and vision and hearing impairments.

8 The purpose of this Act is to protect our senior drivers
9 and all other drivers and users of our highways and roads. It
10 is expressly not the purpose of this Act to limit or restrict
11 the driving abilities of our senior drivers, but simply to
12 promote awareness of the effects of aging on drivers.

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

16 "§286- Senior driver education program. (a) The
17 director of transportation is directed to establish and certify
18 a statewide senior driver education program, to include the



1 number of course hours, curriculum, and certification of
2 teachers. The director of transportation is also directed to
3 set a cost for the program to enable the program to be self-
4 sufficient.

5 (b) The senior driver education curriculum shall include
6 but not be limited to subjects relating to defensive driving,
7 road rage, cellular telephone and other accessories use, traffic
8 laws, and how to adjust to age-related changes, including poor
9 vision, loss of hearing, and slower reaction time.

10 (c) The director of transportation shall adopt rules
11 pursuant to chapter 91 necessary for the purposes of this
12 section."

13 SECTION 3. Section 286-107, Hawaii Revised Statutes, is
14 amended by amending subsections (b) and (c) to read as follows:

15 "(b) Except as otherwise provided in subsection (c), an
16 applicant for a renewal of a driver's license under this
17 section, or the reactivation of an expired license under section
18 286-107.5(a), shall appear in person before the examiner of
19 drivers and the examiner of drivers shall administer such
20 physical examinations as the state director of transportation
21 deems necessary to determine the applicant's fitness to continue
22 to operate a motor vehicle[-]; provided that for an applicant



1 who is sixty-five years of age or older at the time of renewal
2 or reactivation, the examiner of drivers shall require proof
3 that the applicant has completed a senior driver education
4 program certified by the director of transportation.

5 (c) Any person who holds a category (1), (2) or (3)
6 license issued under this part who is unable to appear in person
7 before the examiner of drivers to apply for a renewal of the
8 driver's license, may~~[, if the person is not disqualified from~~
9 ~~renewing the license under subsection (a), apply for a renewal~~
10 ~~by mail.]~~ apply for renewal by mail; provided that the person is
11 not disqualified from renewing the license under subsection (a);
12 provided further that the person is not sixty-five years of age
13 or older at the time of renewal. The applicant's request to
14 have the license renewed by mail must be received by the
15 examiner of drivers within ninety days after the expiration of
16 the license or be treated as an applicant for reactivation of an
17 expired license under section 286-107.5. The examiner of
18 drivers [~~shall~~], upon receipt of the request, shall furnish the
19 applicant with all necessary forms and instructions. An
20 application for renewal made pursuant to this subsection shall
21 be accompanied by a statement from a licensed physician
22 certifying that the applicant was examined by the licensed



1 physician not more than six months prior to the expiration date
2 of the applicant's license and that the applicant was found by
3 such examination to have met the physical requirements
4 established by the state director of transportation for the
5 renewal of licenses. The application for renewal shall also be
6 accompanied by:

- 7 (1) A notarized statement of the applicant certifying that
8 the applicant does not possess any valid license to
9 operate the same or similar category or categories of
10 motor vehicles, issued by another licensing authority
11 (unless such license is concurrently surrendered); and
12 (2) Such other information as may be required by the
13 examiner of drivers that is reasonably necessary to
14 confirm the identity of the applicant and the
15 applicant's fitness to continue to operate a motor
16 vehicle."

17 SECTION 4. Section 286-108, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§286-108 Examination of applicants.** (a) Except as
20 provided in section 286-107.5(a), the examiner of drivers shall
21 examine every applicant for a driver's license, except as



1 otherwise provided in this part. The examination shall include
2 a test of:

3 (1) The applicant's eyesight and any further physical
4 examination that the examiner of drivers finds
5 necessary to determine the applicant's fitness to
6 operate a motor vehicle safely upon the highways;

7 (2) The applicant's ability to understand highway signs
8 regulating, warning, and directing traffic;

9 (3) The applicant's knowledge of the rules of the road
10 based on the traffic laws of the State and the traffic
11 ordinances of the county where the applicant resides
12 or intends to operate a motor vehicle; and

13 (4) The actual demonstration of ability to exercise
14 ordinary and reasonable control in the operation of a
15 motor vehicle.

16 The examinations shall be appropriate to the operation of the
17 category of motor vehicle for which the applicant seeks to be
18 licensed and shall be conducted as required by the director.

19 The examiner of drivers shall require every applicant to
20 comply with section 286-102.5.

21 The examiner of drivers may waive the actual demonstration
22 of ability to operate a motorcycle or motor scooter for any



1 person who furnishes evidence, to the satisfaction of the
2 examiner of drivers, that the person has completed the
3 motorcycle education course approved by the director in
4 accordance with section 431:10G-104.

5 At the time of examination, an application for voter
6 registration by mail shall be made available to every applicant
7 for a driver's license.

8 For the purposes of this section, the term "applicant" does
9 not include any person reactivating a license under section
10 286-107.5(a).

11 (b) The examiner of drivers shall require proof from every
12 applicant under the age of eighteen that the applicant has
13 completed a driver education program and a behind-the-wheel
14 driver training course certified by the director of
15 transportation. The examiner of drivers shall not examine any
16 applicant for a provisional license who is sixteen through
17 seventeen years of age unless the applicant holds and has held a
18 valid instruction permit under section 286-110, for a period of
19 no fewer than one hundred eighty days. If the applicant's
20 instruction permit has expired and a new instruction permit was
21 issued within thirty days of its expiration, the examiner of



1 drivers may examine the applicant without requiring an
2 additional one hundred eighty-day period.

3 (c) The examiner of drivers may waive the actual
4 demonstration of ability to operate a motor vehicle for any
5 person who is at least eighteen years of age and who possesses a
6 valid driver's license issued to the applicant in any other
7 state of the United States, the District of Columbia, the
8 Commonwealth of Puerto Rico, American Samoa, Guam, a province of
9 the Dominion of Canada, or the Commonwealth of the Northern
10 Mariana Islands for the operation of vehicles in categories 1
11 through 3 of section 286-102.

12 (d) As part of the examination required by this section,
13 the applicant for a driver's license shall produce and display a
14 valid motor vehicle or liability insurance identification card
15 for the motor vehicle required by sections 431:10C-107 and
16 431:10G-106, when the applicant demonstrates the ability to
17 operate a motor vehicle to the satisfaction of the examiner of
18 drivers. If no valid motor vehicle or liability insurance
19 identification card is displayed, the examiner of drivers shall
20 not issue a driver's license to the applicant.

21 (e) The examiner of drivers shall require proof from every
22 applicant sixty-five years of age or older that the applicant



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1 has completed a senior driver education program certified by the
2 director of transportation."

3 SECTION 5. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect upon its approval.

9

INTRODUCED BY:

Cindy Evans

JAN 19 2006



Report Title:

Motor Vehicle; Driver Licensing

Description:

Requires applicant for motor vehicle driver's license or renewal of license who is sixty-five or older to a complete senior driver education program.

