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# 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 a disability  
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  
4 286-102.5.

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  
8 an 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 has completed a medical review  
15 with this State, and as a condition to licensure is required to  
16 pass a road test, but has failed the road test on the  
17 applicant's first attempt. The instruction permit issued under  
18 this subsection may be renewed no more than thirty days prior to  
19 or ninety days after the expiration date of the instruction  
20 permit upon receiving an updated medical report. Subsections  
21 (b) (2) and (3) shall not apply to the issuance or renewal of an  
22 instruction permit issued under this subsection.



1        For the purposes of this subsection, "applicant with a  
2 disability" 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 medically  
6 evaluated by the medical advisory board established pursuant to  
7 section 286-4.1."

8        SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10       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. Effective on approval.

(SD1)

