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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. Section 286-102.6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~+~~§286-102.6~~+~~ **Provisional license for persons under**  
4 **the age of eighteen.** (a) A person may be granted a provisional  
5 license to drive passenger cars of any gross vehicle weight  
6 rating, buses designed to transport fifteen or fewer occupants,  
7 and trucks and vans having a gross vehicle weight rating of  
8 fifteen thousand pounds or less if the person:

9           (1) Is at least sixteen years of age but under the age of  
10           eighteen;

11           (2) Holds an instruction permit and has held the permit  
12           for a period of at least one hundred eighty days and  
13           there is no pending proceeding that might result in  
14           the suspension or revocation of the instruction  
15           permit; and

16           (3) Satisfactorily completes all requirements of sections  
17           286-108 and 286-109.



1 (b) The provisional license shall entitle the provisional  
2 licensee to drive the class of motor vehicles specified in  
3 subsection (a) upon the roadways of the State; provided that:

4 (1) The provisional licensee shall have the provisional  
5 license in the provisional licensee's immediate  
6 possession while driving;

7 (2) All occupants of the motor vehicle shall be restrained  
8 by safety belts or a child passenger restraint system  
9 as required under sections 291-11.5 and 291-11.6;

10 (3) The provisional licensee shall not transport more than  
11 one person under the age of eighteen, unless the  
12 person is, with respect to the provisional licensee:

13 (A) A household member; or

14 (B) A household member's foster or hanai child,  
15 without being accompanied and supervised by a licensed  
16 driver who is the provisional licensee's parent or  
17 guardian; and

18 (4) Except as provided in subsection (c), whenever the  
19 provisional licensee is driving between the hours of  
20 11:00 p.m. and 5:00 a.m., a licensed driver who is the  
21 provisional licensee's parent or guardian and is  
22 licensed to operate the same category of motor vehicle

1 as the licensee, shall be in the motor vehicle and  
2 shall occupy the passenger seat beside the licensee.

3 (c) A provisional licensee may drive between the hours of  
4 11:00 p.m. and 5:00 a.m. without a licensed parent or guardian  
5 in the motor vehicle under the following conditions:

6 (1) The provisional licensee is traveling to or from the  
7 provisional licensee's place of employment, operation  
8 of the motor vehicle is necessary for this purpose,  
9 and the provisional licensee keeps in the provisional  
10 licensee's possession a signed statement from the  
11 employer containing the employer's name, address,  
12 telephone number, and verification of employment and  
13 work hours; or

14 (2) The provisional licensee is traveling to or from a  
15 school-authorized activity of the provisional  
16 licensee, operation of a motor vehicle is necessary  
17 for this purpose, and the provisional licensee keeps  
18 in the provisional licensee's possession a signed  
19 statement from a parent or guardian containing the  
20 parent's or guardian's name, address, and telephone  
21 number, and verification that operation of the motor

1           vehicle by the provisional licensee is necessary to  
2           travel to or from the school-authorized activity;  
3 provided that the provisional licensee shall not transport more  
4 than one person under the age of eighteen between the hours of  
5 11:00 p.m. and 5:00 a.m. without being accompanied and  
6 supervised by a licensed driver who is the provisional  
7 licensee's parent or guardian.

8           (d) If the provisional licensee violates any of the  
9 requirements of subsection (b) or (c):

10          (1) For a first violation of any requirement, the  
11 provisional license shall be suspended for a period of  
12 three months by a district court or family court  
13 judge. If the person's provisional license is  
14 suspended, the person shall not be eligible for  
15 reissuance of the provisional license or issuance of a  
16 driver's license until:

17           (A) The person is eighteen years of age; or

18           (B) Three months have elapsed since the date of  
19 suspension,

20 whichever is sooner, and the person has otherwise  
21 satisfied the requirements of this chapter; and



- 1           (2) For a second or any subsequent violation of any  
2           requirement, the provisional license shall be revoked  
3           for six months by a district court or family court  
4           judge. If the person's provisional license is  
5           revoked, the person shall not be eligible for  
6           reissuance of the provisional license or issuance of a  
7           driver's license until:
- 8           (A) The person is eighteen years of age; or  
9           (B) Six months have elapsed since the date of  
10          revocation,  
11          whichever is sooner, and the person has otherwise  
12          satisfied the requirements of this chapter.
- 13          (e) If the provisional licensee is [~~convicted~~] adjudicated  
14 of an offense relating to the operation of a motor vehicle other  
15 than the requirements of subsection (b) or (c):
- 16          (1) For a first [~~conviction,~~] adjudication, the  
17          provisional license shall be suspended or revoked by a  
18          district court or family court judge, in addition to  
19          any other penalties that may be prescribed by law. If  
20          the person's provisional license is suspended or  
21          revoked, the person shall not be eligible for



1 reissuance of the provisional license or issuance of a  
2 driver's license until:

3 (A) The person is eighteen years of age; or

4 (B) Six months have elapsed since the date of  
5 suspension or revocation,

6 whichever is sooner, and the person has otherwise  
7 satisfied the requirements of this chapter; and

8 (2) For a second or any subsequent [~~conviction,~~  
9 adjudication, the provisional license shall be revoked  
10 for one year by a district court or family court  
11 judge, in addition to any other penalties that may be  
12 prescribed by law. If the person's provisional  
13 license is revoked, the person shall not be eligible  
14 for reissuance of the provisional license or issuance  
15 of a driver's license until:

16 (A) The person is eighteen years of age; or

17 (B) One year has elapsed since the date of  
18 revocation,

19 whichever is later, and the person has otherwise  
20 satisfied the requirements of this chapter.



1 (f) A provisional licensee may be issued a driver's  
2 license in accordance with this chapter if the provisional  
3 licensee:

- 4 (1) Has satisfactorily held a provisional license for at  
5 least six months;
- 6 (2) Has no pending proceeding that might result in the  
7 suspension or revocation of the license;
- 8 (3) Is at least seventeen years of age; and
- 9 (4) Has satisfactorily complied with all requirements of  
10 this chapter.

11 (g) If not suspended or revoked, the provisional license  
12 shall expire on the date of the provisional licensee's  
13 nineteenth birthday.

14 (h) The fee for a provisional license shall be set in  
15 accordance with section 286-111.

16 (i) This section shall not apply to the licensing of:

- 17 (1) An emancipated minor; and
- 18 (2) Motorcycle or motor scooter drivers.

19 (j) For the purposes of this section, "household member"  
20 shall have the same meaning as defined in section 291E-1.

21 (k) Notwithstanding any other provisions, for the purposes  
22 of this section, the district court and family court shall

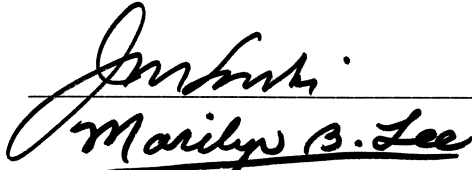
1 notify the driver's license examiner of all persons under the  
2 age of eighteen who have pending violations or proceedings that  
3 might result in the suspension or revocation of the provisional  
4 license, and any pending adjudication of an offense relating to  
5 the operation of a motor vehicle."

6 SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
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JAN 25 2005





**Report Title:**

Driver's License; Record Of Offenses

**Description:**

Provides that information be made available to a driver's license examiner which pertains to persons under the age of eighteen who have pending violations or proceedings that could result in the suspension or revocation of a driver's license or any pending adjudication for offenses relating to the operation of a motor vehicle.

