

JAN 19 2006

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 of an offense
14 relating to the operation of a motor vehicle other than the
15 requirements of subsection (b) or (c):

16 (1) For a first conviction, the provisional license shall
17 be suspended or revoked by a district court or family
18 court judge, in addition to any other penalties that
19 may be prescribed by law. If the person's provisional
20 license is suspended or revoked, the person shall not
21 be eligible for reissuance of the provisional license
22 or issuance of a driver's license until:



1 (A) The person is eighteen years of age; or
2 (B) Six months have elapsed since the date of
3 suspension or revocation,
4 whichever is sooner, and the person has otherwise
5 satisfied the requirements of this chapter; and
6 (2) For a second or any subsequent conviction, the
7 provisional license shall be revoked for one year by a
8 district court or family court judge, in addition to
9 any other penalties that may be prescribed by law. If
10 the person's provisional license is revoked, the
11 person shall not be eligible for reissuance of the
12 provisional license or issuance of a driver's license
13 until:
14 (A) The person is eighteen years of age; or
15 (B) One year has elapsed since the date of
16 revocation,
17 whichever is later, and the person has otherwise
18 satisfied the requirements of this chapter.
19 (f) A provisional licensee may be issued a driver's
20 license in accordance with this chapter if the provisional
21 licensee:

1 (1) Has satisfactorily held a provisional license for at
2 least six months;

3 (2) Has no pending proceeding that might result in the
4 suspension or revocation of the license;

5 (3) Is at least seventeen years of age; and

6 (4) Has satisfactorily complied with all requirements of
7 this chapter.

8 (g) If not suspended or revoked, the provisional license
9 shall expire on the date of the provisional licensee's
10 nineteenth birthday.

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

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

14 (1) An emancipated minor; and

15 (2) Motorcycle or motor scooter drivers.

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


18 (k) The requirement to provide proof of financial
19 responsibility pursuant to section 287-20 shall not be based
20 upon a conviction or a license suspension or revocation under
21 subsection (d), unless ordered by a court."



S.B. NO. 2052

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

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

4 INTRODUCED BY:  **By Request**

SB2052

Report Title:

Provisional Driver's License; Financial Responsibility

Description:

Provides that conviction or license suspension or revocation for violation of provisional driver licensing law shall not give rise to requirement that person provide proof of financial responsibility.

