

JAN 25 2006

S.B. NO. 2802

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 possesses a valid driver's license from another state and
11 who fails to pass a road test required to obtain a license under
12 this state. Allowing these applicants to receive an instruction
13 permit will assist them in practicing and preparing for
14 subsequent attempts to pass the road test.

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

17 "**§286-110 Instruction permits.** (a) Any person aged
18 fifteen years and six months or more who, except for the



1 person's lack of instruction in operating a motor vehicle, would
2 be qualified to obtain a driver's license issued under this part
3 may apply for a temporary instruction permit at the office of
4 the examiner of drivers in the county in which the applicant
5 resides; provided that the applicant complies with section 286-
6 102.5.

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

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

13 (2) Understanding of highway signs regulating, warning,
14 and directing traffic; and

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

19 (c) If the examiner of drivers is satisfied that the
20 applicant is qualified to receive an instruction permit, the
21 examiner of drivers shall issue the permit entitling the
22 applicant, while having the permit in the applicant's immediate

1 possession, to drive a motor vehicle upon the highways for a
2 period of one year; provided that an applicant who is registered
3 in a driver training course shall be issued a temporary
4 instruction permit for the duration of the course and the
5 termination date of the course shall be entered on the permit.
6 A person who is not licensed to operate the category of motor
7 vehicles to which the driving training course applies shall not
8 operate a motor vehicle in connection with the driving training
9 course without a valid temporary instruction permit.

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

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



1 (2) The licensed driver shall be licensed to operate the
2 same category of motor vehicles as the motor vehicle
3 being operated by the holder of the instruction
4 permit; and

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

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

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

1 and privilege of any holder of a category 1 or 2 temporary
2 instruction permit to obtain a temporary instruction permit or
3 driver's license for the operation of any other type of motor
4 vehicle.

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

14 (h) Notwithstanding any other law to the contrary, the
15 examiner of drivers may issue an instruction permit to an
16 applicant with disabilities who possesses a valid driver's
17 license from another state and who fails to pass a road test
18 required to obtain a license in this state. Such instruction
19 permit may be renewed no more than thirty days prior to or
20 ninety days after the expiration date of the instruction permit
21 upon receiving an updated medical report. Subsection (b)(2) and



1 (b) (3) shall not apply to the issuance or renewal of this
2 instruction permit.

3 For purposes of this subsection, "applicant with
4 disabilities" means an applicant who has been medically
5 evaluated by a system developed pursuant to section 286-4.1 and
6 the examiner of drivers is satisfied that the applicant will not
7 endanger the safety and welfare of the traveling public."

8 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: Maene G. Anaya
G.S.T.W.



SB. NO. 2902

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 and who fails to pass a road test to obtain a license under this state.

