
HOUSE CONCURRENT RESOLUTION

REQUESTING THE EXAMINER OF DRIVERS TO MAKE FINDINGS OF
REASONABLE CAUSE OF INCOMPETENCE BASED UPON REPORTS OF
VARIOUS PROFESSIONALS OR PEOPLE.

1 WHEREAS, driving is an activity that requires a driver's
2 full attention and abilities to drive safely; and
3

4 WHEREAS, a driver who is mentally or physically impaired
5 could be a danger to himself, other motorists, and those in the
6 communities in which he is driving in; and
7

8 WHEREAS, the examiner of drivers has the authority to
9 suspend any driver's license without hearing when the examiner
10 has reasonable cause to believe that the licensee is incompetent
11 to operate the type of motor vehicle for which the licensee
12 holds a license or is afflicted with mental or physical
13 infirmities or disabilities which would make it unsafe for the
14 licensee to operate a motor vehicle of the type for which the
15 licensee is licensed; and
16

17 WHEREAS, the current law, §286-119, Hawaii Revised
18 Statutes, does not give clear guidance as to what constitutes
19 the reasonable cause to suspend a license; now, therefore,
20

21 BE IT RESOLVED by the House of Representatives of the
22 Twenty-fourth Legislature of the State of Hawaii, Regular
23 Session of 2007, the Senate concurring, that when suspending a
24 license, the examiner of drivers, while making a finding of
25 reasonable cause of incompetence, is requested to consider
26 reports of various professionals or people in making that
27 finding; and
28

29 BE IT FURTHER RESOLVED that reports by any law enforcement
30 officers, licensed chiropractor under chapter 442, licensed
31 medical professional under chapter 453, licensed mental health



1 counselors under chapter 453D, licensed physical therapists
2 under chapter 461J, licensed psychologists under chapter 465,
3 and licensed social workers under chapter 467E, or any member of
4 the operator's family within three degrees of consanguinity, or
5 the operator's spouse, who has reached the age of eighteen, be
6 considered in making a determination of incompetence; and

7
8 BE IT FURTHER RESOLVED that certified copies of this
9 Concurrent Resolution be transmitted to examiner of drivers of
10 the City and County of Honolulu, Hawaii County, Kauai County,
11 and Maui County.
12
13
14

OFFERED BY:

Callen Mufson
/ Ken Ward
for
Barbara Mamm
Therese J. Muzzey
Jim Smith
Maui B. Lee
OK

MAR 14 2007

