
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 the ability to drive safely; and
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4 WHEREAS, a person who is mentally or physically impaired
5 could endanger their own self, other motorists, and individuals
6 in the communities in which the person is driving; and
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8 WHEREAS, under section 286-119, Hawaii Revised Statutes
9 (HRS), the examiner of drivers has the authority to suspend any
10 driver's license without hearing when the examiner has
11 reasonable cause to believe that the licensee is incompetent to
12 operate the type of motor vehicle for which the licensee holds a
13 license or is afflicted with mental or physical infirmities or
14 disabilities which would make it unsafe for the licensee to
15 operate a motor vehicle of the type for which the licensee is
16 licensed; and
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18 WHEREAS, Section 286-119, HRS, does not give clear guidance
19 as to what constitutes reasonable cause to suspend a license;
20 now, therefore,
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22 BE IT RESOLVED by the House of Representatives of the
23 Twenty-fourth Legislature of the State of Hawaii, Regular
24 Session of 2007, the Senate concurring, that when suspending a
25 license, the examiner of drivers, while making a finding of
26 reasonable cause of incompetence, is requested to consider
27 reports of various professionals or other people in making that
28 finding; and



1 BE IT FURTHER RESOLVED that reports by any law enforcement
2 officer, licensed chiropractor under Chapter 442, HRS, licensed
3 doctor of medicine under Chapter 453, HRS, licensed mental
4 health counselor under Chapter 453D, HRS, licensed physical
5 therapist under Chapter 461J, HRS, licensed psychologist under
6 Chapter 465, HRS, and licensed social worker under Chapter 467E,
7 HRS, or any member of the licensed driver's family within three
8 degrees of consanguinity, or the licensed driver's spouse, who
9 has reached the age of 18, be considered in making a
10 determination of incompetence; and
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12 BE IT FURTHER RESOLVED that the Director of Transportation,
13 in coordination with the medical advisory board and county
14 examiner of drivers, adopt appropriate rules or submit to the
15 Legislature any necessary legislation with recommended statutory
16 amendments to implement the intent of this Concurrent Resolution
17 no later than 20 days prior to the convening of the Regular
18 Session of 2008; and
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20 BE IT FURTHER RESOLVED that certified copies of this
21 Concurrent Resolution be transmitted to the Director of
22 Transportation and to the examiner of drivers of the City and
23 County of Honolulu, and of Hawaii County, Kauai County, and Maui
24 County.

