
HOUSE 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, that when suspending a license, the examiner of
25 drivers, while making a finding of reasonable cause of
26 incompetence, is requested to consider reports of various
27 professionals or other people in making that finding; and
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29 BE IT FURTHER RESOLVED that reports by any law enforcement
30 officer, licensed chiropractor under Chapter 442, HRS, licensed
31 doctor of medicine under Chapter 453, HRS, licensed mental
32 health counselor under Chapter 453D, HRS, licensed physical
33 therapist under Chapter 461J, HRS, licensed psychologist under
34 Chapter 465, HRS, and licensed social worker under Chapter 467E,



1 HRS, or any member of the licensed driver's family within three
2 degrees of consanguinity, or the licensed driver's spouse, who
3 has reached the age of 18, be considered in making a
4 determination of incompetence; and
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6 BE IT FURTHER RESOLVED that the Director of Transportation,
7 in coordination with the medical advisory board and county
8 examiner of drivers, adopt appropriate rules or submit to the
9 Legislature any necessary legislation with recommended statutory
10 amendments to implement the intent of this Resolution no later
11 than 20 days prior to the convening of the Regular Session of
12 2008; and
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14 BE IT FURTHER RESOLVED that certified copies of this
15 Resolution be transmitted to the Director of Transportation and
16 to the examiner of drivers of the City and County of Honolulu,
17 and of Hawaii County, Kauai County, and Maui County.

