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## A BILL FOR AN ACT

RELATING TO CONDITIONAL LICENSE PERMITS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 291E-44, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) (1) During the administrative hearing, the director,  
4                   at the request of a respondent who is subject to  
5                   administrative revocation for a period as provided in  
6                   section 291E-41(b)(1), may issue a conditional license  
7                   permit that will allow the respondent, after a minimum  
8                   period of absolute license revocation of thirty days,  
9                   to drive for the remainder of the revocation period;  
10                  provided that one or more of the following conditions  
11                  are met:

12                  (A) The respondent is gainfully employed in a  
13                   position that requires driving and will be  
14                   discharged if the respondent's driving privileges  
15                   are administratively revoked; or

16                  (B) The respondent has no access to alternative  
17                   transportation and therefore must drive to work,  
18                   school, vocational training, or to a substance



1 abuse treatment facility or counselor for  
2 treatment ordered by the director under section  
3 291E-41; [~~or~~]

4 (C) The respondent must drive for personal medical or  
5 dental care or treatment; or

6 (D) The respondent needs to drive to assist in the  
7 care of another person who is unable to drive due  
8 to the other person's age, disability, or medical  
9 condition; or

10 (2) Notwithstanding any other law to the contrary, the  
11 director shall not issue a conditional license permit  
12 to:

13 (A) A respondent whose license, during the  
14 conditional license permit period, is expired,  
15 suspended, or revoked as a result of action other  
16 than the instant revocation for which the  
17 respondent is requesting a conditional license  
18 permit under this section;

19 (B) A respondent who has refused breath, blood, or  
20 urine tests for purposes of determining alcohol  
21 concentration or drug content of the person's  
22 breath, blood, or urine, as applicable;



1 (C) A respondent who is a highly intoxicated driver;  
 2 and  
 3 (D) A respondent who holds either a category 4  
 4 license under section 286-102(b) or a commercial  
 5 driver's license under section 286-239(b) [~~unless~~  
 6 the], except that a respondent who holds a  
 7 commercial driver's license under section  
 8 286-239(b) shall be permitted to obtain a  
 9 category 3 conditional license permit [is  
 10 restricted to a category 1, 2, or 3 license]  
 11 under section 286-102(b) [-]; provided that the  
 12 respondent qualifies for a conditional license  
 13 permit under paragraph (1)(B), (C), or (D)."

14 SECTION 2. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun, before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2008.

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INTRODUCED BY: Tony Weth

JAN 21 2008

**Report Title:**

Conditional License Permits; DUI

**Description:**

Allows conditional license permit for a person's medical needs and caregiving. Clarifies when a conditional license permit is permissible for certain commercial drivers.

