A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSE REVOCATION.

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

1   SECTION 1. Chapter 291E, Hawaii Revised Statutes, is

2   amended by adding a new subpart to part III to read as follows:

3   **"B. Eligibility for Driving Privileges Following**

4   **Lifetime Revocation**

5   **§291E-A Eligibility to apply for new driver's license**

6   **after lifetime revocation.** A respondent whose license has been

7   administratively revoked for life pursuant to section 291E-41 or

8   under provisions of sections 286-251 to 286-266 of part XIV of

9   chapter 286 that were repealed on January 1, 2002, may apply in

10   writing to the director for consent to apply for a new driver's

11   license as provided under this part. A respondent whose

12   driver's license has been revoked for a lifetime more than once

13   shall not be eligible to apply for new driver's license under

14   this part.

15   **§291E-B Application procedures.** The application for

16   consent from the director to apply for a new driver's license

17   shall:

1   (1) Be made not sooner than ten years from the date of

2   issuance of the lifetime revocation by the

3   administrative driver's license revocation office;

4   (2) Be accompanied by written proof that the respondent,

5   within the ninety days immediately preceding the date

6   the application is received by the administrative

7   driver's license revocation office, has been assessed

8   by a certified substance abuse counselor who has

9   determined that the respondent is not in need of

10   substance abuse treatment due to dependency or abuse

11   under the applicable Diagnostic and Statistical Manual

12   and Addiction Severity Index or its successor;

13   provided that the assessment shall be submitted with

14   the application; and provided further that the costs

15   of the assessment shall be borne by the respondent;

16   and

17   (3) The application shall be in a form of a sworn

18   statement approved by the director; provided that the

19   sworn statement shall contain information that

20   demonstrates that the respondent no longer poses a

21   real and serious danger to the safety and welfare of

22   the people of this State.

1   **§291E-C Denial of application.** The application shall be

2 summarily denied if:

3   (1)   The application does not meet all of the requirements

4   of section 291E-B; and

5   (2)   After the issuance of the lifetime revocation, the

6   respondent has been arrested, convicted, or

7   adjudicated for any traffic infraction or a similar

8   infraction in another jurisdiction; provided that the

9   administrative driver's license revocation office may

10   retrieve and consider information available from any

11   judiciary computer system, problem driver pointer

12   system or its successor system, national database

13   record or its successor, or similar federal, state, or

14   county database retrieval system that allows access by

15   authorized agencies.

16   **§291E-D Reissuance of lifetime revocation.** If the

17 respondent is arrested for driving while operating a vehicle

18 under the influence of an intoxicant within five years of the

19 issuance of the director's decision to allow a respondent to

20 apply for a new driver's license, the lifetime revocation shall

21 be immediately reissued by the director. The respondent shall

22 not be eligible for any further proceedings under this part.

1   **§291E-E Fee.** There shall be a fee to process the

2   application for reinstatement of license in the amount of

3    $, to cover administrative costs.

4   **§291E-F Final administrative decision.** The decision of

5   the director pursuant to this part shall be final; provided that

6   the respondent may seek judicial review of a denial by the

7   director under section 291E-40. If the court reverses the

8   decision of the director, the respondent shall be deemed

9   eligible to apply for a new license; provided that the court

10   order of reversal shall state that the respondent is eligible to

11   apply for a new driver's license."

12   SECTION 2. Section 291E-41, Hawaii Revised Statutes, is

13   amended by amending subsection (a) to read as follows:

14   "(a) Unless an administrative revocation is reversed or

15   the temporary permit, and temporary motor vehicle registration

16   and temporary number plates if applicable, are extended by the

17   director, administrative revocation shall become effective on

18   the day specified in the notice of administrative revocation.

19   Except as provided in section 291E-44[ᴛ] or 291E-A, no license

20   and privilege to operate a vehicle, nor motor vehicle

21   registration and number plates if applicable, shall be restored

22   under any circumstances, and no conditional license permit shall

1 be issued during the administrative revocation period. Upon

2 completion of the administrative revocation period, the

3 respondent may reapply and be reissued a license pursuant to

4 section 291E-45."

5 SECTION 3. Chapter 291E, Hawaii Revised Statutes, is

6 amended by designating sections 291E-31 to 291E-50 as subpart A,

7 entitled:

8 "A. General Provisions"

9 SECTION 4. In codifying the provisions of section 1 of

10 this Act, the revisor of statutes shall substitute appropriate

11 section numbers for the letter designations used in that

12 section.

13 SECTION 5. Statutory material to be repealed is bracketed

14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on January 1, 2009.

Report Title:
DUI; Administrative License Revocation

Description:
Permits driver whose license has been administratively revoked for life to seek reinstatement of the license after 10 years have passed since the occurrence of the lifetime revocation. Requires driver to have had no arrests or convictions for driving while license revoked and to be free from dependency or abuse of alcohol and drugs. (SD1)

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