
A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSE REVOCATION.

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

1 SECTION 1. Section 291E-37, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) If the director administratively revokes the
4 respondent's license and privilege to operate a vehicle, and
5 motor vehicle registration, if applicable, the director shall
6 mail a written review decision to the respondent, or to the
7 parent or guardian of the respondent if the respondent is under
8 the age of eighteen. The written review decision shall:

9 (1) State the reasons for the administrative revocation;

10 (2) Indicate that the respondent has six days from the
11 date the decision is mailed to request an
12 administrative hearing to review the director's
13 decision;

14 (3) Explain the procedure by which to request an
15 administrative hearing;

16 (4) Be accompanied by a form[~~, postage prepaid,~~] that the
17 respondent may fill out and mail in order to request
18 an administrative hearing;



- 1 (5) Inform the respondent of the right to review and copy
2 all documents considered at the review, including the
3 arrest report and the sworn statements of law
4 enforcement officers or other persons, prior to the
5 hearing; and
- 6 (6) State that the respondent may be represented by
7 counsel at the hearing, submit evidence, give
8 testimony, and present and cross-examine witnesses,
9 including the arresting law enforcement officer."

10 SECTION 2. Section 291E-38, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) The hearing shall be held at a place designated by
13 the director, as close to the location where the notice of
14 administrative revocation was issued [~~as practical.~~] as
15 practicable; provided that the director may authorize a hearing
16 to be held:

- 17 (1) With the consent of the respondent, in a county other
18 than the county in which the notice of administrative
19 revocation was issued; or
- 20 (2) By telephonic, video, or other electronic means."

21 SECTION 3. Section 291E-39, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "**§291E-39 Fees and costs.** The director may assess and
2 collect a [~~\$30~~] \$40 fee from the respondent to cover the costs
3 of processing the respondent's request for an administrative
4 hearing. These costs include but shall not be limited to: the
5 cost of photocopying documents; conditional license permits,
6 temporary permits, temporary motor vehicle registrations,
7 temporary number plates, and relicensing forms; interpreter
8 services; and other similar costs; provided that the costs of
9 issuing subpoenas for witnesses, including mileage fees, shall
10 be borne by the party requesting the subpoena. The director may
11 waive the fee in the case of an indigent respondent, upon an
12 appropriate inquiry into the financial circumstances of the
13 respondent seeking the waiver and an affidavit or a certificate
14 signed by the respondent demonstrating the respondent's
15 financial inability to pay the fee."

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.
19



Report Title:

ADLRO Hearing; Costs; Venue; Remote Conferencing

Description:

Shifts costs of mailing administrative hearing request from the driver's license revocation office to the person requesting the hearing. Authorizes administrative director of the courts to permit administrative driver's license hearings to be held in a county other than the county of arrest and to permit hearings by electronic means. Increases the administrative hearing fee from \$30 to \$40. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

