
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE DRIVER LICENSING.

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

1 SECTION 1. Section 286-104, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§286-104 What persons shall not be licensed.** The
4 examiner of drivers shall not issue any license [~~hereunder:~~] to
5 any person:

6 (1) [~~To any person whose~~] Whose license has been suspended
7 by a court of competent jurisdiction during the
8 suspension period, nor to any person whose license has
9 been revoked until the expiration of one year after
10 the date of the revocation, or until the expiration of
11 the period of revocation specified by law, whichever
12 is greater, except as provided under sections
13 286-102.6(d) and 286-102.6(e) for suspensions and
14 revocations of a provisional license; nor to any
15 person who, while unlicensed, has within two years
16 been convicted of operating a vehicle under the
17 influence of an intoxicant or, prior to



1 January 1, 2002, of driving under the influence of
2 alcohol or drugs;

3 (2) [~~To any person who~~] Who is required by this part to
4 take an examination, unless the person has
5 successfully passed the examination;

6 (3) [~~To any person who~~] Who is required under the motor
7 vehicle financial responsibility laws of this State to
8 deposit proof of financial responsibility and who has
9 not deposited the proof;

10 (4) [~~To any person who~~] Who the examiner of drivers has
11 good cause to believe would not be able to operate a
12 motor vehicle with safety upon the highways by reason
13 of physical or mental disability;

14 (5) [~~To any person who~~] Who is under eighteen years of
15 age; provided that[+] a person:

16 (A) [~~A person who~~] Who is fifteen years and six
17 months of age may be granted an instruction
18 permit;

19 (B) [~~A person who~~] Who is at least sixteen and less
20 than eighteen years of age may be granted a
21 provisional license upon satisfying the
22 requirements of section 286-102.6;



1 (C) [~~A person who~~] Who is at least seventeen and less
 2 than eighteen years of age may be granted a
 3 license upon satisfying the requirements of
 4 section 286-102.6, which license may be suspended
 5 or revoked by a judge having jurisdiction over
 6 the holder of the license. Upon revocation of
 7 the license, the person shall not be eligible to
 8 operate a motor vehicle on the highway until the
 9 person is eighteen years of age and has again
 10 satisfied the requirements of sections 286-108
 11 and 286-109; or

12 (D) [~~A person who~~] Who is an emancipated minor may be
 13 granted a license upon satisfaction of all
 14 requirements of this chapter applicable to
 15 persons eighteen years of age or older; [~~or~~]

16 (6) [~~To any person who~~] Who is not in compliance with
 17 section 286-102.5[~~-~~]; or

18 (7) Who does not submit proof, satisfactory to the
 19 director, that the applicant's presence in the United
 20 States is authorized by federal law. The director may
 21 adopt rules in accordance with chapter 91 that provide
 22 for an exemption from this requirement.



1 Any person denied a license under this or any other section
2 of this part shall have a right of appeal as provided in section
3 286-129."

4 SECTION 2. Section 286-106, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§286-106 Expiration of licenses.** Every driver's license
7 issued under this part, except for a provisional license issued
8 under section 286-102.6 which shall expire on the date of the
9 provisional licensee's nineteenth birthday, whether an original
10 issuance or a renewal, shall expire on the first birthday of the
11 licensee occurring not less than eight years after the date of
12 the issuance of the license, unless sooner revoked or suspended;
13 provided that ~~[the]~~:

14 (1) The license shall expire on the first birthday of the
15 licensee occurring not less than four years after the
16 date of the issuance if, at the time, the licensee is
17 twenty-four years of age or younger; ~~[provided further~~
18 ~~that the]~~

19 (2) The license shall expire on the first birthday of the
20 licensee occurring not less than two years after the
21 date of the issuance of the license if, at that time,



1 the licensee is seventy-two years of age or older[~~-~~];
2 and
3 (3) If the licensee is a legal immigrant, the license
4 shall expire no later than the licensee's authorized
5 period of stay in the United States.

6 The examiner of drivers may issue a license for a shorter
7 period if the licensee has a physical condition or conditions
8 that the examiner of drivers reasonably believes may impair the
9 driver's ability to drive."

10 SECTION 3. Section 286-110, Hawaii Revised Statutes, is
11 amended by amending subsection (c) to read as follows:

12 "(c) If the examiner of drivers is satisfied that the
13 applicant is qualified to receive an instruction permit, the
14 examiner of drivers shall issue the permit entitling the
15 applicant, while having the permit in the applicant's immediate
16 possession, to drive a motor vehicle upon the highways for a
17 period of one year; provided that [~~an~~]:

18 (1) An applicant who is registered in a driver training
19 course shall be issued a temporary instruction permit
20 for the duration of the course and the termination
21 date of the course shall be entered on the permit[~~-~~];
22 and



1 (2) If the person is a legal immigrant, the permit shall
2 expire no later than the licensee's authorized period
3 of stay in the United States.

4 A person who is not licensed to operate the category of
5 motor vehicles to which the driving training course applies
6 shall not operate a motor vehicle in connection with the driving
7 training course without a valid temporary instruction permit."

8 SECTION 4. Section 286-111, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§286-111 Application for license, provisional license, or**
11 **instruction permit; fees.** (a) Every application for an
12 instruction permit, provisional license, or driver's license
13 shall be made upon a form furnished by the examiner of drivers
14 and shall be verified by the applicant before a person
15 authorized to administer oaths. The examiner of drivers and
16 officers serving under the examiner may administer the oaths
17 without charge. Each application for an instruction permit for
18 a category (1), (2), (3), or (4) license shall be accompanied by
19 a fee to be determined by the council of each county and each
20 application for a provisional license or driver's license shall
21 be accompanied by the fee, unless the applicant has already paid
22 the fee upon application for an instruction permit in the same



1 county, in which event no fee shall be charged. An additional
2 fee to be determined by the council of each county shall be
3 charged and collected upon the issuance of a provisional license
4 or driver's license. All of the foregoing fees shall become
5 county realizations.

6 (b) The director shall establish a fee for all driver
7 license applicants who require verification through the federal
8 system that their presence in the United States is authorized by
9 federal law. The fees collected shall become state realizations
10 and deposited into the state highway fund. The state shall
11 reimburse the counties all costs for administering the program.
12 The amount of reimbursement shall be determined by the director
13 of transportation.

14 [~~b~~](c) The director of transportation shall establish a
15 fee schedule for all commercial driver's licensing examinations.
16 The fees collected for a commercial driver's license shall
17 become state realizations and deposited in the state highway
18 fund. The State shall reimburse the counties all costs for
19 administering the commercial driver's licensing program. The
20 amount of reimbursement shall be determined by the director of
21 transportation.



1 ~~[(e)]~~ (d) Every application shall state the full name, date
2 of birth, sex, occupation, social security number if the
3 applicant is eligible for a social security number, the
4 residence address and business address, if any, of the
5 applicant, and shall briefly describe the applicant, and shall
6 state whether the applicant has theretofore been licensed as a
7 driver, and, if so, when and in what state or country, and
8 whether any such license has ever been suspended or revoked, or
9 whether an application has ever been refused, and if so, the
10 date of and reason for the suspension, revocation, or refusal.

11 ~~[(d)]~~ (e) If the applicant is not eligible to receive a
12 social security number, the applicant shall submit, in lieu of
13 providing proof of social security number pursuant to subsection
14 ~~[(e)+]~~ (d):

15 (1) A United States Social Security Administration letter
16 stating that the applicant is ineligible to obtain a
17 social security number; and

18 (2) Either:

19 (A) A government-issued photo identification
20 document; or

21 (B) Other identification documents as deemed
22 acceptable by the director."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on January 11, 2010.



Report Title:

Motor Vehicle Driver Licensing

Description:

Requires applicants for driver licenses and instruction permits to submit proof that the applicant is legally in the United States. Further requires driver licenses or instruction permits of legal nonimmigrants to expire no later than the date of the legal nonimmigrant's authorized period of stay in the United States. Allows Director to adopt rules. Effective 01/11/2010.
(HB134 HD1)

