
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 section to be appropriately designated
3 and to read as follows:
- 4 "§291E- Eligibility for relicensing after lifetime
5 revocation. (a) A respondent whose license has been
6 administratively revoked for life pursuant to section 291E
7 41(b) (5) may apply in writing to the director for restoration of
8 the respondent's eligibility for relicensing.
- 9 (b) The application shall:
- 10 (1) Be made not sooner than ten years after the lifetime
11 revocation was imposed; and
- 12 (2) Be accompanied by written proof that the respondent,
13 within the ninety days immediately preceding the
14 application, has been assessed by a certified
15 substance abuse counselor and determined not to be in
16 need of substance abuse treatment due to dependency or
17 abuse under the applicable Diagnostic and Statistical
18 Manual and Addiction Severity Index or its successor.



1 (c) The application may be summarily denied if it does not
2 meet the requirements of subsection (b) or if the respondent has
3 been arrested or convicted while the license was revoked for the
4 offense of driving while license revoked pursuant to section
5 291E-62, or under a substantially similar statute in another
6 jurisdiction. If the application is not summarily denied, the
7 application shall be set for hearing in a manner consistent with
8 section 291E-38.

9 (d) At the hearing, it shall be the respondent's burden to
10 prove by clear and convincing evidence that the respondent's
11 eligibility for relicensing may be restored without creating an
12 undue risk of harm to the public. If the director grants the
13 application, the respondent may reapply for a license after
14 complying with the requirements of section 291E-45.

15 (e) If the director denies the application, the respondent
16 may seek judicial review consistent with section 291E-40."

17 SECTION 2. Section 291E-41, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Unless an administrative revocation is reversed or
20 the temporary permit, and temporary motor vehicle registration
21 and temporary number plates, if applicable, are extended by the
22 director, administrative revocation shall become effective on



1 the day specified in the notice of administrative revocation.
2 Except as provided in section 291E-44 [7] or 291E- no license
3 and privilege to operate a vehicle, nor motor vehicle
4 registration and number plates if applicable, shall be restored
5 under any circumstances, and no conditional license permit shall
6 be issued during the administrative revocation period. Upon
7 completion of the administrative revocation period, the
8 respondent may reapply and be reissued a license pursuant to
9 section 291E-45."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2010;
13 provided that the amendments made to section 291E-41(a), Hawaii
14 Revised Statutes, by section 2 of this Act shall not be repealed
15 on January 1, 2011, when the amendments to section 291E-41,
16 Hawaii Revised Statutes, are made by Act 171, Session Laws of
17 Hawaii 2008, section 6, as amended by Act 88, Session Laws of
18 Hawaii 2009, sections 5, 13 and 17(2), take effect.

19

INTRODUCED BY:

JAN 26 2010



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 lifetime revocation. Requires driver to have had no arrests or convictions for driving while license revoked and be free from dependency or abuse of alcohol and drugs.

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