

JAN 27 2010

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 be appropriately
3 designated and to read as follows:

4 "B. Eligibility for License Following
5 Lifetime Revocation

6 **§291E-A Eligibility to apply for new driver's license**
7 **after lifetime revocation.** A respondent whose license has been
8 administratively revoked for life pursuant to section 291E-41 or
9 under provisions of sections 286-251 to 286-266 of part XIV of
10 chapter 286 that were repealed by Act 189, Session Laws of
11 Hawaii 2000, may apply in writing to the director for consent to
12 apply for a new driver's license as provided under this part. A
13 respondent whose driver's license has been revoked for a
14 lifetime more than once shall not be eligible to apply for new
15 driver's license under this part.

16 **§291E-B Application procedures.** The application for
17 consent from the director to apply for a new driver's license
18 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 Fee.** There shall be assessed a fee to process the
17 application for reinstatement of license in the amount of \$50.

18 **§291E-E Final administrative decision.** The decision of
19 the director pursuant to this part shall be final; provided that
20 the respondent may seek judicial review of a denial by the
21 director by the same procedures applicable to judicial review of
22 an administrative revocation under section 291E-40. If the



1 court reverses the decision of the director, the respondent
2 shall be deemed eligible to apply for a new license; provided
3 that the court order of reversal shall state that the respondent
4 is eligible to apply for a new driver's license."

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

7 "(a) Unless an administrative revocation is reversed or
8 the temporary permit is extended by the director, administrative
9 revocation shall become effective on the day specified in the
10 notice of administrative revocation. Except as provided in
11 section 291E-44 [7] or 291E-A, no license and privilege to
12 operate a vehicle shall be restored under any circumstances
13 during the administrative revocation period. Upon completion of
14 the administrative revocation period, the respondent may reapply
15 and be reissued a license pursuant to section 291E-45."

16 SECTION 3. Chapter 291E, Hawaii Revised Statutes, is
17 amended by designating sections 291E-31 to 291E-50 as subpart A,
18 and inserting a title before section 291E-31 to 291E-31 to read
19 as follows:

20 "A. General Provisions"

21 SECTION 4. In codifying the provisions of section 1 of
22 this Act, the revisor of statutes shall substitute appropriate



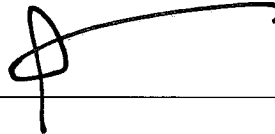
1 section numbers for the letter designations used in that
2 section.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2011.

6

INTRODUCED BY: _____



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. Effective 7/1/11.

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

