

JAN 23 2009

A BILL FOR AN ACT

RELATING TO DRIVERS LICENSES.

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

1 SECTION 1. The legislature finds that elderly drivers and
2 drivers who continue to drive after a change in medical
3 condition may need to be retested and evaluated to ensure the
4 public safety. Statistics from the Insurance Institute for
5 Highway Safety showed drivers over seventy-five years of age had
6 the highest rate of fatal accidents in the nation during 2001
7 and 2002. Half the states have passed some form of elderly
8 driver restrictions, usually laws that require older motorists
9 to renew licenses more often and have their vision checked. In
10 Pennsylvania, a program of voluntary and mandatory reporting of
11 persons who are suspected of having diminished driving ability
12 has resulted in over forty thousand reports a year. These
13 reports come from police officers, physicians, and concerned
14 neighbors and family.

15 The purpose of this Act is to implement a fair method of
16 ensuring that elderly drivers and drivers with physical or



1 mental disabilities that impair safe driving are evaluated for
2 driving ability when necessary.

3 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 **"§286- Physical or mental disability, reporting; driver**
7 **evaluation.** (a) Any physician having a client affected by or
8 suspected of being affected by a physical or mental disability
9 that may interfere with the client's driving ability shall
10 report the incidence or suspected incidence of the physical or
11 mental disability to the examiner of drivers in writing.

12 (b) Any police officer in writing a report of an accident
13 where a driver is affected by or suspected of being affected by
14 physical or mental disability that may interfere with the
15 driver's driving ability shall report the incidence or suspected
16 incidence of the disability to the examiner of drivers in
17 writing; provided that the specific physical or mental
18 disability has not already been addressed under section 286-103.

19 (c) Any person who has information regarding another
20 person who is affected by or is suspected of being affected by a
21 physical or mental disability that may interfere with that



1 person's driving ability may report the information to the
2 examiner of drivers in writing.

3 (d) The examiner of drivers shall evaluate reports
4 received pursuant to subsection (a), (b), or (c) on a case-by-
5 case basis and conduct an investigation to determine whether the
6 reports are valid and whether the reports reflect a legitimate
7 concern regarding a physical or mental disability that impairs a
8 driver's ability to drive safely.

9 After investigation and careful evaluation of a report, the
10 examiner of drivers may:

11 (1) Recall the person's driver's license, if the examiner
12 of drivers has good cause to believe that the person
13 would not be able to operate a motor vehicle with
14 safety upon the highways by reason of physical or
15 mental disability;

16 (2) Allow the person to retain the person's driver's
17 license, if the examiner of drivers determines that
18 the person does meet the requirements for safe driving
19 under state laws and rules;

20 (3) Add or delete restrictions to the driver's license
21 pursuant to section 286-103; or

1 (4) Request additional examinations, as necessary, such as
2 a medical examination or a driver's examination.

3 (e) A person shall respond to a request for additional
4 examinations made pursuant to subsection (d)(4) within thirty
5 days. A person's failure to timely respond to the request for
6 additional examinations shall result in suspension of the
7 person's driver's license for an indefinite period of time until
8 the person complies with the request; provided that the person
9 is duly notified of the suspension, in writing, by the examiner
10 of drivers. The suspension may be avoided or restored upon
11 receipt of the requested information.

12 (f) All reports made and all medical records reviewed and
13 maintained by the examiner of drivers shall be kept confidential
14 except upon order of a court of competent jurisdiction or in an
15 appeal of the examiners' action under section 286-129."

16 SECTION 3. Section 286-4.1, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) The duties of the board shall include:

19 (1) The development of a system for medically evaluating
20 persons who an examiner of drivers has reason to
21 believe have mental or physical conditions that might
22 impair their driving ability[+], including evaluating



1 reports received by the examiners of drivers pursuant
2 to section 286- ; and

3 (2) The furnishing of advice to the examiners of drivers
4 respecting medical criteria and vision standards for
5 motor vehicle drivers."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Drivers License; Elderly; Physical Disability; Mental Disability; Reporting

Description:

Establishes a system of mandatory and voluntary reporting to examiners of drivers regarding drivers with impaired driving ability.

