

JAN 21 2011

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 drivers who continue
2 to drive after a change in medical condition may need to be
3 retested and evaluated to ensure the public safety.

4 The purpose of this Act is to implement a fair method of
5 ensuring that drivers with physical or mental disabilities that
6 impair safe driving are evaluated for driving ability when
7 necessary.

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

11 "§286- Physical or mental disability, reporting;
12 physician immunity; driver evaluation. (a) Notwithstanding any
13 other state law concerning confidentiality to the contrary, any
14 physician or osteopathic physician licensed pursuant to chapter
15 453 who has reason to believe a patient is affected by a
16 physical or mental disability that may interfere with the
17 patient's driving ability shall report the matter to the
18 examiner of drivers in writing. No physician shall be subject



1 to civil liability, or be deemed to have engaged in
2 unprofessional conduct, for carrying out in good faith the
3 reporting requirements of this subsection.

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

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

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

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

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



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

3 (c) A person shall respond to a request for additional
4 examinations made pursuant to subsection (b)(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 (d) 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

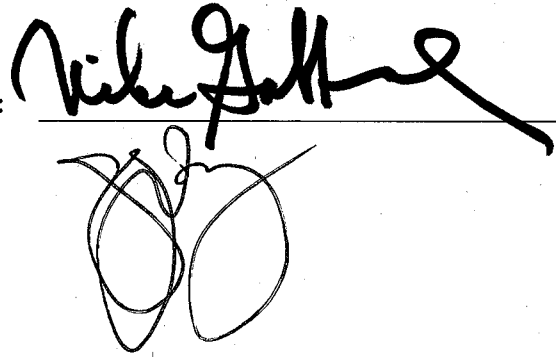
3 (2) The furnishing of advice to the examiners of drivers
4 respecting medical criteria and vision standards for
5 motor vehicle drivers."

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.

9

INTRODUCED BY:



A handwritten signature in black ink, appearing to read "Mike Gallardo", is written over a horizontal line. Below the signature is a large, stylized circular scribble or stamp.



Report Title:

Drivers License; Disability; Reporting

Description:

Establishes a system of mandatory reporting by physicians to examiners of drivers regarding drivers with impaired driving ability.

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

