

JAN 20 2012

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 recognizes that there is a need
2 to expand the availability of remedies for nonpayment of
3 judgments in chapter 287, Hawaii Revised Statutes, to state and
4 county agencies.

5 The purpose of this Act is to allow a state or county
6 governmental agency to send a certified copy of a judgment
7 issued by a court, or an administrative order issued pursuant to
8 a hearing held under chapter 91, Hawaii Revised Statutes, in
9 which a person was determined to owe a debt to a governmental
10 agency, to the administrator of chapter 287. Upon receipt of
11 the judgment or order, the administrator shall suspend the
12 driver's license of, or deny the issuance of a driver's license
13 to, any person who has failed to pay a debt owed to a
14 governmental agency.

15 SECTION 2. Section 287-1, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By adding two new definitions to be appropriately
18 inserted and to read:



1 "Governmental agency" means any state or county board,
2 commission, department, or officer authorized by law to
3 adjudicate contested cases or any state or county board,
4 commission, department, or officer charged with collecting a
5 debt owed to a state or county board, commission, department, or
6 officer.

7 "Order" means an order issued pursuant to a hearing held in
8 accordance with chapter 91."

9 2. By amending the definition of "judgment" to read:

10 "Judgment" means any judgment, order, or decree which has
11 become final by expiration without appeal of the time within
12 which an appeal might have been perfected, or by final
13 affirmation on appeal, rendered by a court of competent
14 jurisdiction of the United States or any territory or state
15 thereof upon a cause of action arising out of the ownership,
16 maintenance, or use of any motor vehicle for damages, including
17 damages for care and loss of services, because of bodily injury
18 to or death of any person, or for damages because of injury to
19 or destruction of property, including the loss of use thereof,
20 or upon a cause of action on an agreement of settlement for such
21 damages[+], or upon a cause of action arising out of a debt owed
22 to a governmental agency;"



1 SECTION 3. Section 287-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§287-15 Report of nonpayment of judgments.** (a) Whenever
4 any person fails within sixty days to satisfy any judgment upon
5 the written request of the judgment creditor or the judgment
6 creditor's attorney, the clerk of the court or the judge of a
7 court which has no clerk in which any such judgment is rendered
8 shall forward to the administrator immediately after the
9 expiration of the sixty days a certified copy of the judgment.

10 (b) Whenever any person fails, within sixty days, to
11 satisfy a judgment or order to pay a debt owed to a governmental
12 agency, the governmental agency may forward a certified copy of
13 the judgment or order to the administrator.

14 (c) If the defendant named in any certified copy of a
15 judgment or order reported to the administrator is a
16 nonresident, the administrator shall transmit a certified copy
17 of the judgment or order to the official in charge of the
18 issuance of licenses and registration certificates of the state
19 of which the defendant is a resident."

20 SECTION 4. Section 287-16, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§287-16 Suspension for nonpayment of judgment;**
2 **exceptions.** The administrator, upon the receipt of a certified
3 copy of the judgment or order shall forthwith suspend the
4 license of, or deny the issuance of a driver's license to, any
5 person against whom such judgment or order was rendered, except
6 as hereinafter otherwise provided in this section and in section
7 287-19.

8 If the judgment creditor or governmental agency consents in
9 writing, in such form as the administrator may prescribe, that
10 the judgment debtor or person against whom an order was rendered
11 be allowed a license, the same may be allowed by the
12 administrator, in the administrator's discretion, for six months
13 from the date of the consent and thereafter until the consent is
14 revoked in writing, notwithstanding default in the payment of
15 the judgment[~~7~~] or order, or of any installments thereof
16 prescribed in section 287-19, provided the judgment debtor or
17 person against whom an order was rendered furnished proof of
18 financial responsibility."

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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S.B. NO. 2223

1 SECTION 6. This Act shall take effect on July 1, 2012.

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INTRODUCED BY: *Chris Ibe*



S.B. NO. 2223

Report Title:

Drivers' Licenses; Nonpayment of Judgments

Description:

Authorizes state and county governmental agencies to use chapter 287, Hawaii Revised Statutes, to suspend the driver's license of an individual who has refused to pay a debt owed to a governmental agency, following judgment or order.

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

