

SB 2329

Provides that minors who apply for a provisional license or driver's license will have requirements waived if a substantially similar requirement has been met in another state.



Testimony of
GLENN M. OKIMOTO
DIRECTOR

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IN REPLY REFER TO:

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097**

February 11, 2014
1:20 p.m.
State Capitol, Room 224

**S.B. 2329
RELATING TO PROVISIONAL LICENSES**

Senate Committee(s) on Transportation and International Affairs
& Public Safety, Intergovernmental and Military Affairs

The Hawaii Department of Transportation (DOT) supports the intent of this bill, but is providing comments on this measure that would allow minors who apply for a provisional driver's license or "full" driver's license to have the requirements waived if a substantially similar requirement has been met in another state.

Although we support the intent of the bill, we recommend the following amendments:

- Revise Section 286-108 (c) Hawaii Revised Statutes (HRS) to read as follows:

"(c) The examiner of drivers may waive the actual demonstration of ability to operate a motor vehicle for: (1) any person who is at least eighteen years of age and who possesses a valid driver's license issued to the applicant in any other state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for the operation of vehicles in categories 1 through 3 of section 286-102; or (2) any person who has completed the same requirements of section 286-102.6(f) in another state and possess a comparable valid provisional license from that state."

- Not to amend Section 286-102.6 HRS.

In addition, for those minors who do not possess a valid provisional license from the state they are relocating from, but have completed a driver education course; the DOT will amend the Hawaii Administrative Rules to recognize those states with equal or higher standards when compared with Hawaii's driver education program requirements so that those minors will not be required to take the Hawaii's driver education course.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P.O. BOX 30300
HONOLULU, HAWAII 96820-0300

KIRK CALDWELL
MAYOR



SHERI T. KAJIWARA
DIRECTOR

PRESTON P. H. K. KO
ACTING LICENSING ADMINISTRATOR

TESTIMONY OF PRESTON KO, ACTING LICENSING ADMINISTRATOR
CITY AND COUNTY OF HONOLULU, DEPARTMENT OF CUSTOMER SERVICES
Tuesday, February 11, 2014, 1:20p.m., Conference Room 224

SENATE Bill 2329, "RELATING TO Provisional Licenses"

Position: Comments

TO: The Honorable J. Kalani English, Chair
and Members of the Committee on Transportation and International Affairs

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety, Intergovernmental and
Military Affairs

The City and County of Honolulu has concerns regarding S.B. No. 2329 which will allow the issuance of Hawaii's provisional licenses to minors who have been issued provisional licenses by another state.

Hawaii has followed the American Association of Motor Vehicle Administrator's model regarding the issuance of provisional licenses to minors. Not all jurisdictions have followed this model. As such, we recommend that the three requirements for issuance of a provisional license in Section 286-102.6(a) not be amended. ?

Similar to the acceptance of driver's licenses issued by other jurisdictions, we recommend that Section 286-108(c), Hawaii Revised Statutes, be amended to allow the examiner of drivers to waive the road test for these eligible provisional license applicants.]

Sincerely,

A handwritten signature in black ink, appearing to read "Preston P. H. K. Ko", is written over a circular stamp.

Preston P. H. K. Ko
Acting Licensing Administrator



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004

February 11, 2014

To: Senator J. Kalani English, Chair –Senate Committee on Transportation and International Affairs; Senator Donovan M. Dela Cruz, Vice Chair; and members of the committee
Senator Will Espero, Chair – Senate Committee on Public Safety, Intergovernmental and Military Affairs; Senator Rosalyn Baker, Vice Chair; and members of the committee

From: Carol McNamee/Arkie Koehl — Co-chairmen, Public Policy Committee - MADD Hawaii

Re: Senate Bill 2329 – Relating to Provisional Licenses

I am Carol McNamee, testifying on behalf of the Hawaii organization of Mothers Against Drunk Driving in opposition to SB 2329, relating to Provisional Licenses. This bill would allow minors to have provisional license requirements waived if they have met “substantially similar requirements” in another state.

MADD was part of a coalition which worked to pass a high quality comprehensive Graduated Licensing bill in 2005. (Act 72) The effectiveness of the Hawaii GDL program was reviewed in 2010 when the legislature was required to make a decision whether to repeal or extend the law. This evaluation showed that in a five year period, teen crashes had been reduced by 27% for 16 year olds and 17% for 17 year olds. Fatal crashes also declined among 16 and 17 year olds during this period.

In the coalition’s research efforts to construct a strong GDL law for Hawaii, we learned that there are definite differences in the quality of laws from state to state. Criteria had been recommended by groups such as NTSB (*National Transportation Safety Board*) and the *Insurance Institute for Highway Safety*. The coalition believes that the strength of Hawaii’s GDL provisions, resulting from adopting the major recommendations of these agencies, was the primary factor in our law’s proven effectiveness.

MADD believes that all teens in Hawaii should be protected by the provisions of our comprehensive law. Our law allows those who have followed its provisions to obtain a full license at age 17. We do not believe it would be in the best interest of highway safety to allow minors from other states to be able to obtain a full license at a younger age because their previous state of residence allowed it.

In addition, SB2329 states that a provisional licensee may be issued a driver’s license if he or she “has completed substantially the same requirements of this section in another state and possesses a comparable valid provisional license from that state.” The bill does not state who would be tasked with making the decision about what is a substantially same requirement and a comparable provisional license. It will take someone versed in the provisions of the Hawaii law and reason for those provisions to be able to adequately make these determinations. We have similar concerns for the other section of the bill concerning minors with instruction permits.

Thank you for the opportunity to testify.

Committee on Transportation and International Affairs
Senator Kalani English, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Committee on Public Safety, Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Roslyn H. Baker, Vice Chair

February 11, 2013, 1:20 p.m.

Dear Chair English, Chair Espero, members of the Senate Committee on Transportation and International Affairs, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs,

Subject: **Opposes SB 2329**

Since the enactment of Act 72 (Graduated Driver's Licensing Law) in 2005, there has been a reduction of fatal and major crashes among 16 and 17 year-old drivers in Hawaii. This bill provides reciprocity on the requirements for minors who apply for a provisional license or driver's license.

The language in SB 2329 states:

Or: (4) Has completed "substantially the same requirements" of this section in another state and possesses a comparable valid instruction permit from that state."

Or: (5) Has completed "substantially the same requirements" of this section in another state and possesses a comparable valid provisional license from that state."

The problem with the aforementioned language is that Graduated Drivers Licensing program requirements have objective differences from state to state. If the language "substantially the same requirements" becomes law, it could weaken our current GDL program based on subjective interpretation of our program compared to out of state programs.

Should this bill move forward, it is recommended that the term "substantially similar requirement" be defined to "the same" requirements as HRS 19-139-101 to prevent confusion over what qualifies as "substantially similar," and to maintain the integrity of the current law.

According to DOT crash data 2006-2008, Hawaii's GDL program is associated with a 27% decrease in 16 year- old drivers and a 14% decrease in 17 year- old drivers involved in major traffic crashes. Hawaii's GDL program includes provisions to reduce teen driving at night and transporting multiple minor-aged passengers, unless accompanied by a parent or guardian. There were significant reductions in both types of crashes involving 16 year-old drivers, resulting in an estimated 19 fewer nighttime crashes and 17 fewer crashes involving multiple minor-aged passengers each year. In addition, the number of 16 and 17 year-old drivers who were involved in fatal traffic crashes decreased from 15 over the pre-GDL period (2003-2005) to only 6 during the post-GDL period of (2006-2008).

The State Highway Safety Council (SHSC) advises the DOT on matters relating to the programs and activities of the State in the field of highway safety. SHSC members include representatives from public, private, and all four counties.

Thank you for allowing us to testify.

Sincerely,

Kari Benes
State Highway Safety Council Co-Chair

10 Feb 2014

Testimony submitted in respect to S.B. 2329/H.B. 1773 by Liz Gocong, Military Spouse

Support

This testimony is from the context of military families, but has applicability to all transitional individuals that DOT Statute 286-102.6 applies;

Issue:

1. Currently the state of Hawaii does not accept nor consider reciprocity for out-of-state driving licenses, the initial permit, the provisional or full license for drivers <18. Hawaii does not have a reciprocity process for out-of-state teens that have satisfactorily completed requirements set forth in the nationally accepted **Graduated Driver Licensing (GDL) Program**.

Issue Facts:

2. **All 50 states** and the District of Columbia have a three-stage GDL system.
 - a. The three stages are: a supervised (parents and professionals) learner's period, intermediate license (only acquired after completion of course work, training hours and a State road/eye test) **that limits driving in high-risk situations** (nighttime, teen passengers and cell phones), but still with supervision, and a license with full privileges after a state determined timeline of driving with an intermediate license.
 - b. **All states impose the core elements** of graduated licensing, but the strength of the requirement parameters will vary state to state. Although not explicitly part of graduated licensing, **minimum permit and license ages are fundamental to all licensing systems**. Lowest age is AK/14 and 19 states are set at 18 yrs. old.
 - c. The first state to adopt GDL's was Florida in 1996. Hawaii adopted GDL's in 2006.
 - d. Hawaii's GDL's are similar to over 50% of the top 10 highly military impacted states, AK, CA, CO, DC, FL, IL, TX, VA, WA, and HI.
 - e. Of these ten states, all but CO have reciprocity for teen's licensing who have met the incoming states GDL's.
 - f. **Over 56% of the nation has identical or more stringent teen driving requirements than Hawaii.**

Discussion on the Issue:

3. The requirement to completely redo similar or highly similar requirements for teens and parents is a setback that affects the entire family on multiple levels; financially, logistically and academically.
 - a. This need to duplicate training and reinvest hours and abide by the mandatory time parameters between licenses, creates a situation in which many families knowingly disregard state requirements and let their teen drive using their out-of-state license.
 - b. **Fact:** A seventeen year old could arrive in Hawaii with a full privilege license, if that state offered full licensing privileges at 17 (19 states including Hawaii), but as they are under 18 years of age would have to start at the learner permit stage in order to drive as Hawaii's rule for out of state reciprocity is 18 years of age.
 - c. **Fact:** The tour length for military families is 3 years (JHU) so for a teen the timeline needed to repeat and complete drivers training in respect of time parameters, is logically not until they are 18.
 - d. Hawaii also does not have free public school or private school transportation, and for many families the need is for the student to self-transport to and from school and school events.
 - e. **Fact:** Hawaii ranked 12th in teen deaths for 2007-2011, 40% higher than the top ten military impacted states. The lowest teen death rate was the District of Columbia which has a GDL program with less stringent requirements than Hawaii and in 2010, based on positive statistics, was rank the safest state for teen drivers. (Source: Governors Highway Safety Association).
 - f. **Fact:** Foreign Nationals (>18) with a valid foreign license are allowed to drive in Honolulu, Hawaii for one year upon entry and the only requirement is a valid passport to show admission date, yet these teens, unlike foreigners given reciprocity in Hawaii, have familiarity and training with **all** signage and language used on Hawaii roadways.

Emphasis on Logic

- a. Understanding that parental priorities have their children's safety and competencies #1 on their list on the issue of this right of passage for their teen, and that they have already invested time and money to have their teen professionally trained, this requested reciprocity is not one that will place these teens or the drivers on Hawaii roadways at undue risk due.
- b. The out of state teens have also been trained under the same program, GDL, as Hawaii teens.