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## A BILL FOR AN ACT

RELATING TO DRIVING WITHOUT A LICENSE.

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

1           SECTION 1. Chapter 286, Hawaii Revised Statutes, is  
2 amended by adding a new section to part VI to be appropriately  
3 designated and to read as follows:  
4           "§286-       Driving without a license or permit; prima facie  
5 evidence. In a prosecution for driving without a license, it  
6 shall be prima facie evidence of a violation if a person, upon  
7 the request of a law enforcement officer, cannot produce a valid  
8 driver's license, instruction permit, provisional license,  
9 commercial driver's license, or commercial learner's permit for  
10 the proper category of vehicle being operated. It is an  
11 affirmative defense that at the time the defendant operated the  
12 vehicle, the defendant held a valid driver's license,  
13 instruction permit, provisional license, commercial driver's  
14 license, or commercial learner's permit for the proper category  
15 of vehicle being operated."

16           SECTION 2. Section 286-102, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:



1           "(a) No person, except one:  
2           (1) Exempted under section 286-105;  
3           (2) Who holds an instruction permit under section 286-110;  
4           (3) Who holds a limited purpose driver's license, limited  
5           purpose provisional driver's license, or limited  
6           purpose instruction permit under section 286-104.5;  
7           (4) Who holds a provisional license under section  
8           286-102.6;  
9           (5) Who holds a commercial driver's license issued under  
10          section 286-239; or  
11          (6) Who holds a commercial [~~driver's license instruction~~  
12          learner's permit issued under section 286-236,  
13 shall operate any category of motor vehicles listed in this  
14 section without first being appropriately examined and duly  
15 licensed as a qualified driver of that category of motor  
16 vehicles."

17           SECTION 3. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20           SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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

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INTRODUCED BY: \_\_\_\_\_



**By Request**

JAN 22 2016



# H.B. NO. 1835

**Report Title:**

Driver Licensing; Violations; Evidence; Defense

**Description:**

Provides that a driver's inability to produce an appropriate driver's license or permit upon request by a law enforcement officer shall be prima facie evidence of a violation. Provides that holding an appropriate license or permit shall be an affirmative defense.

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

